

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA
ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING REGULATIONS AND DEVELOPMENT STANDARDS FOR THE
GUENOC VALLEY ZONING DISTRICT OR GVD DISTRICT"**

WHEREAS, the County of Lake desires to create a Guenoc Valley Zoning District or "GVD District and to establish regulations and development standards for said district.

NOW THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF LAKE ORDAINS AS FOLLOWS:

Section One. Regulations and Development Standards for the Guenoc Valley Zoning District or "GVD" District.

Section 1.1. Purpose: The intent and purposes of the "GVD" are as follows:

- (a) Implement the goals, objectives, and policies of the 2008 Lake County General Plan as furthered by the 2010 Middletown Area Plan Special Study Area designation for this site;
- (b) Provide development standards to facilitate economical, efficient, and coordinated development for 1) Agricultural, 2) Resort, 3) Residential, 4) Commercial, and 5) managed rural lands;
- (c) Allow for the creation of a mixed land use designation to further the goals of the Middletown Area Plan. Include cluster development standards, lot coverage, setbacks, density, and site layouts to encourage smart growth and creative building design and site planning;
- (d) Create a mixed use planned development with a low density, agricultural focused luxury destination resort with accessory commercial serving uses including wineries and restaurants, and residences;
- (e) Encourage a mix of land uses that supports the resort, compliments the heritage of existing agricultural land uses, and protects natural resources and scenic landscapes;

- (f) Encourage innovative land management techniques, ranchland, and grazing practices to protect against wildfire, preserve open space, provide agritourism opportunities, and promote diversified agricultural practices, in conjunction with planned luxury resort and accessory uses; and
- (g) Protect agricultural uses, sensitive wetland and riparian habitat areas within the GVD and surrounding open space.

The GVD principal district will include phased development consistent with these development standards.

Section 1.2: Applicability: Applications for “GVD” zoning shall be for a parcel or contiguous parcels of land within the areas designated as “Special Study Area Number 3” in the Middleton Area Plan as adopted in 2010 (and modified on July 7, 2020) and the application process shall be consistent with the rezoning process (Section 21, Article 47).

- (a) Amendments to this chapter may be approved by resolution of the Board of Supervisors.

Section 1.3: Conflicts with other County Regulations: If any provision of this Chapter conflicts with any provision of any regulation contained in any previously adopted Ordinance of the County, the provisions of this Chapter shall be controlling. Where not addressed, general zoning requirements apply.

Section 1.4: Definitions: For purposes of this chapter, these specific definitions apply:

- (a) Guenoc Valley Resort District: referred to herein as “GVD”, refers to the district comprising of 16,000 acres within the Guenoc Valley Planned Development Area.
- (b) Market Driven Development: development, in terms of the construction timeline, that is driven by the market, sales of property, product, or amenities. After construction of utilities and essential roadway infrastructure, any future development will be dictated by the market and the rate of unit sales.

Section 1.5: Plans Required:

- (a) A rezoning application shall be accompanied by a general plan of development for the entire parcel(s) unless the rezoning is publicly initiated and implements language included in an approved general or community plan.

- (b) A use permit for Specific Plan of Development shall be required for the portion of the parcel(s) to be developed.
- (c) General plans and use permits for Specific Plan of Development shall be approved prior to any development.
- (d) Ministerial permits such as Building and Health Department permits shall not be issued prior to approval of a use permit or Specific Plan of Development where such conditional approval is required.

Section 1.6: Application Procedure for the Use Permit for a Specific Plan of Development:

Shall follow the process as outlined in the “PDR” regulations, specifically Section 13.7 of the Lake County Zoning Ordinance.

1.6.1: Submittal Requirements for Development:

- (a) An application for development in “GVD” must be accompanied by a Specific Plan of Development for the entire parcel(s) within that phase of development, and in addition include a Fire and Emergency Response Management Plan endorsed by the local fire management authority. The Specific Plan of Development shall be approved by Use Permit pursuant to Section 21 Article 51 by the Planning Commission.
- (b) Uses which are minor additions or alterations to existing uses or structures permitted by the Specific Plan of Development, limited to an increase of twenty (20) percent of the use area or gross floor area shall be subject to first obtaining a minor use permit. Uses which are additions or alterations to existing uses or structures permitted by the Specific Plan of Development greater than twenty (20) percent of the use area or gross floor area shall be subject to first obtaining a major use permit.
- (c) Ministerial permits such as Building and Health Department permits shall not be issued prior to approval of use permit for the Specific Plan of Development.

1.6.2 Uses Permitted: The following uses are uses permitted within the “GVD” provided that such uses are not inconsistent with an approved General and Specific Plan of Development. Please see the Permitted Use Table.

- (d) One (1) single family dwelling which shall be constructed according to the residential construction standards and of Section 10.20 residential accessory uses.
- (e) Crop and tree farming and animal husbandry subject to the requirements of Section 9.16.
- (f) Agricultural uses including accessory uses and structures, such as barns and stables.
- (g) One (1) foster or small family home, family care home, supportive housing, transitional housing or small family care home not to exceed six (6) persons in addition to the resident family. (Ord. No. 3021, 12/16/2014)
- (h) Rural recreation including but not limited to camping, hiking, biking horseback riding, all-wheel drive courses, fishing, and hunting for private commercial use.
- (i) Temporary events meeting the standards outlined in Article 27.

1.6.3 Uses Permitted with Approval of a Zoning Permit: Those uses permitted in the “CR”, “PDC”, and “PDR” district with a zoning permit as per Table A, Article 27.

1.6.4 Uses Permitted with Approval of a General and Specific Plan of Development:

- (a) All those uses permitted in the “SR”, “R1”, R2”, “R3”, “CR”, “PDR”, and “PDC”.
- (b) For projects with a minimum of one hundred (100) dwelling units, all those uses permitted in the “C1” and “C2” district’.
- (c) For projects with a minimum of fifty (50) acres and two hundred (200) dwelling units, all those resort commercial uses permitted in the “CR” district.
- (d) Recreation facilities, including but not limited to tennis courts, golf course, swimming centers, equestrian games and trails, fitness trails, indoor bowling alleys, all-wheel drive course, boat docks, marinas, playgrounds, and parks.

- (e) Community facilities, defined as indoor or outdoor facilities, privately owned but open for public use, in which the chief function is the gathering of persons for entertainment or recreation, including art and culture, group assemblies, outdoor or indoor amplified music, wellness, fitness, social interaction, educational purposes, and may also include within such a community facility with compatible accessory uses such as wineries, restaurants, cafes, sports rental equipment and similar uses.
- (f) In addition to the above uses refer to the Primary Uses Table below.

PRIMARY USES WITHIN THE GVD

USES	CHARACTERISTICS
Hotels Units**	Hotel units are attached or detached hotel rooms without kitchens and include normal uses and structures related to the operation of a hotel. The combination of hotel units are spread out between five Tentative Subdivision Maps. The hotel units are spread out between the following clusters: Maha Farm & Sales Center, Bohn Ridge, Trout Flat, Red Hill, Equestrian Center, the tented camping area, and the Entourage Hotel for staff. The total number of units, not to exceed 380 units.
Resort Residential Units**	Attached or detached units with kitchens; fractional or whole ownership intended for sale and subject to GVD Design/Development standards.* The total number of units not to exceed 404 units.
Residential Estate Villas*	Whole ownership units intended for sale and subject to GVD Design/Development standards*. The total number of units not to exceed 1,400 units.
Workforce Housing	Mixed unit types to accommodate essential employees for the various resorts and commercial uses. Work force housing units are defined as a minimum 400 square foot bedroom and bathroom unit with shared or independent cooking and resting areas, referenced as co- housing unit. Total number not to exceed 500 units.
Outdoor Entertainment	Includes but not limited to outdoor events such as sports events, conference centers, amphitheater, amplified music, etc.
Spa and Wellness Area	Offering wide range of health and beauty services and accompanying amenities such as gym & yoga rooms, restrooms/showers, food services, and treatment rooms.

USES	CHARACTERISTICS
Equestrian Area	Indoor and outdoor arena, stables, polo club, polo fields, clubhouse, spectator area.
Golf	Returning or non-returning course, clubhouses, storage and service areas, restrooms, café, and the potential to reconstruct the previous golf course.
Tented Camp	Includes semi-permanent tents for high end glamping opportunities and surrounding accessory uses such as outdoor recreational facilities such as but not limited to designated skeet shooting area, hunting, off road courses, fishing, etc.
Commercial & Retail	Includes but not limited to cafes, butcher shop, creamery, florist, fishmonger, art displays, bakery, newsagent or stand, post office, deli, wine store, restaurant(s), accessory retail stores, recording studio, car parking, public restrooms, open air markets, artisan workshops, gardens, pavilions, bowling, theater, educational facilities such as a culinary or farming school, etc.
Agricultural Production Facilities	Wineries, breweries, or distilleries to allow production supported by accessory facilities; two boutique wineries with tasting rooms and accessory uses including caves for barrel storage and commercial kitchens. Diversified agricultural production facilities included but not limited to herbal distillery, fruit dehydrations, jams and jellies production, creamery, aquaponics agriculture, tallow candles, flower arranging, and honey.
Accessory to Livestock and Farm Management	Includes but not limited to barns, equipment storage facilities, fencing, grazing corridors, showcasing areas for demonstrations, etc.
Support Facilities	Centralized shipping/receiving center, staff support services, centralized laundry facility, private entrance, staff parking, restrooms, maintenance and service areas, security, administrative support services and offices.
Fire Station and Emergency Response Center	Fire Station and First Responder center to serve as an Emergency Medical Professional (EMT) station, emergency command center, kitchen, restrooms, service rooms, on-site emergency response vehicle storage, and overnight staff and short term units.
Alternative Energy Production	Alternative energy production and distribution for solar, wind, and geothermal resources.
Float Plane Dock	Allowance for float plane landings, small welcome kiosk, and transportation/valet services.

USES	CHARACTERISTICS
Helipads	For medical emergencies there will be a heliport landing center to be located next to the emergency response center, additional locations for guest arrivals and departure will be located proximal to the float plane dock and dedicated welcome kiosk, or other designated locations.
<p>NOTES:</p> <p>*All short-term rentals under 30 days are subject to the payment of Transient Occupancy Tax (TOT).</p> <p>** Units (Hotel, Resort Residential Units, and Residential Estate Villas) are transferable as long as the total units do not exceed the total number of units proposed.</p>	

1.7: Performance Standards, Development Standards and Design Guidelines Required. All development and uses within the “GVD” shall be in accordance with approved development standards and design guidelines.

1.8 Performance Standards. All uses permitted by right within this district shall be subject to the performance standards set forth in Article 41.

- (a) All uses permitted by use permit within this district shall be subject to the standards set forth in the General and Specific Plan of Development as approved by use permit. Exceptions or alternative standards requested the results must meet the standards as outlined in “PDC” Section 15.27: Alternative performance and development standards (a) - (c).

1.9: Development Standards.

- (a) **Utilities & Infrastructure.** Ensure that adequate facilities, including water, sewer, and other facilities are or will be available to serve the proposed development, without effecting the existing public facilities serving surrounding developments.
- (b) **Site Design.** A new building or accessory building should be compatible with its surrounding uses. All new construction should relate to the natural attributes of the site including the existing slope and should be positioned to respect existing mature trees and vegetation. The size, mass and height of a structure should be in

proportion to the size of the property and should be similar to those nearby.

- (i) **Lot size.** Minimum lot size shall be 10,000 square feet, exceptions may be granted in the event architectural concepts incorporate cluster development and yield the allowable density.
 - (ii) **Lot Coverage.** Site coverage will be in accordance with the approved Design Guidelines, except as otherwise provided in an approved plan or permit.
 - (iii) **Setbacks.** The setbacks are determined by the Specific Plan of Development, in the event there are no setbacks determined, the setback shall be the minimum requirements allowed by the current Fire Code.
 - (iv) **Height.** The maximum height in the “GVD” shall be 40 feet vertical distance measured from the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the top most point of the roof. Exemptions to the height include architectural elements, mechanical equipment, mounted renewable energy generation equipment and other exemptions as are deemed reasonable, necessary, and appropriate pursuant to Section 42.10.
 - (v) **Density.** Densities in the “GVD” shall not exceed five (5) dwelling units per acre, except where a density bonus is obtained pursuant to Article 27. Staff or temporary construction housing and accessory residences, as defined, shall not be included in the calculation of total dwelling units. Open space, both existing and proposed, that is located within the parcel(s) under consideration shall be included as open space when calculating the project’s density. This allows for the adherence to low impact development principles with less disturbed natural resources.
- (c) **Circulation & Parking.** A comprehensive vehicular and non-vehicular plan and access shall ensure that internal circulation systems are properly designed to serve the different types of proposed land uses. The circulation plan along with the fire and emergency response management plan shall be required to be included with the use permit for the specific plan.

- **Internal Access.** All commercial planned development proposals shall ensure that internal circulation systems are properly designed to serve the different types of proposed land uses, accommodate expected traffic flows, provide adequate emergency access to all buildings and structures, and provide for safe and convenient pedestrian access, whether the project is partially or fully implemented.
- **External Access.** The Planning Commission shall review development applications to ensure that projected traffic increases resulting from the project, when partially and fully implemented, will not significantly impact connecting streets, roads and existing and proposed land uses outside the project perimeter. The applicant shall propose measures acceptable to the County to reduce significant impacts to existing road networks or land uses outside the development itself.
- **Alternative Methods & Means.** A Minor Use Permit for alternative methods and means shall be requested for an exception to the circulation and parking standards.
- **Parking requirements.** Refer to the table below.

GVD PARKING REQUIREMENTS

LAND USE	GVD PARKING RATIOS	NOTES
Residential		
Single-Family	2 spaces/ dwelling unit	Applies to Villa lots only.
Commercial		
Retail Store	<2,000 sf: 1 space / 400 sf >2,000 sf and <5,000 sf: 1 space / 500 sf >5,000 sf: 1 space / 650 sf	Assumes 50% of patrons are on site and 50% are from off site. Except when retail is exclusive use of the on-site patrons and / or accessory within another use.
Personal Service (barber, salon, etc.)	1 space / 2 treatment rooms	

Restaurant, Bar, Cocktail Lounge	1 space / 10 seats	
Hotel or similar use	1 space / 2.5 bedrooms, plus 2 for managers office	
Recreational		
Spectator Sport (theater, auditorium, sports arena, etc.)	1 space / 4 fixed seats	
Spa, Health Club, etc.	1 space / 1000 sf	
Public Swimming	1 space / 625 sf pool area	
Golf Course	1 space / hole	
Commercial Stable	1 space / 5 stalls	
Agricultural		
Agricultural Assembly	1 space / 3,000 sf	
Public Services		
General	1 space / 250 sf	
Support Services		
Back of House, Fire Station, Sales Center, General Support Facilities, or similar uses.	1 space / 500 sf	
<p>NOTES:</p> <p>*ADA parking spaces shall be at a ratio of 1/40 parking spaces</p> <p>*Bicycle parking spaces shall be provided at a ratio of 1/15 parking spaces</p> <p>*(or as superseded by California Building Code)</p> <p>All Parking Plans for the GVD shall be approved as part of the Specific Plan of Development (SPOD). When proposing alternative parking strategies, the applicant may submit a transportation/parking equivalency report to waive parking requirements as stated within this Zoning Ordinance. A parking waiver with a transportation demand management plan or alternative circulation plan, such as EV parking stalls that exceed the ratio, utilization of shuttle services, car shares, valet or concierge services, shall be accepted alternatives to these standards as long as accounted for within SPOD for the GVD.</p>		

- (d) **Covenants, Conditions and Restrictions Required Elements.** The resort shall be subject to covenants, conditions and restrictions (CC&Rs). The Draft CC&R's shall be included for approval by the Planning Commission as part of the Specific Plan of Development approval. The Final CC&Rs shall be subject to the review and approval to form by the Community development Director and the County Attorney, prior to the opening of any unit purchase escrow.
- (e) **Owners Association.** An owners association (OA) shall be established to govern the resort and to manage, maintain and operate the shared use areas and shared use facilities of the resort. The OA services shall include, but not be limited to, cleaning, repair and maintenance of all shared use areas and shared use facilities. The CC&Rs shall require that all exterior portions of the resort (including all primary and accessory units, with the exception of the winery, vineyards and pond), including, but not limited to, landscape areas, building exteriors, roadways, parking, recreational and other amenities and improvements shall be maintained and operated in accordance with luxury resort standards.
- (f) **Other land uses.** Allow combining districts for agricultural preservation (AP) and resource conservation (RC).

1.10: Agricultural Preserve Combining District.

1.10.1 Purpose: To provide zoning for lands in agriculture preserve and for the conservation and protection of land capable of producing agricultural products. The following regulations shall apply in all "GVD-AP" districts.

1.10.2 Performance standards: All uses permitted within this district shall be subject to the performance standards set forth in Article 41.

1.10.3 Uses permitted:

- (a) Agricultural uses, including crop and tree farming, livestock grazing, animal husbandry, apiaries, aviaries, except the uses indicated in Sections 4.4 and 4.5. (Ord. 1749, 7/7/1988)
- (b) One (1) single-family dwelling or mobile home subject to Section 4.18 which shall be constructed according to the residential construction standards of Section 10.20.
- (c) Agricultural and residential accessory uses and accessory structures.

1.10.4 Minimum lot size: Forty (40) acres.

1.11 Resource Conservation Combining District.

1.11.1 Purpose: To provide a zoning overlay district to preserve, protect, and enhance private lands for their resource production potential and environmentally sensitive animal and plant habitat, while reducing land use conflicts by limiting uses incompatible with the purposes of this district.

The following regulations shall apply in all “GVD-RC” districts.

1.11.2 Performance standards: All uses permitted in the “GVD-RC” district shall be subject to the performance standards of Article 41. 24.4

1.11.3 Uses permitted:

- (a) Agricultural uses, including native crop and tree farming and livestock grazing;
- (b) Management of lands and forests for fuel reduction to reduce the risk of wildland forest fires;
- (c) Passive recreation areas and game preserves.

1.12 Design Guidelines shall include the following and be approved along with the Specific Plan of Development.

- (a) **Landscape.** The design guidelines shall have a section that governs the landscaping of streets, parks, agricultural, grazing corridors and open spaces, architectural design, signage, lighting, habitat protection measures, and any other requirements necessary to ensure an aesthetically pleasing and livable community consistent with the Specific Plan of Development.
- (b) **Building.** The design guidelines shall have a section that governs the building materials, architectural styles, and massing.

1.13 Phasing of Development: Phasing of development may be phased if approved as part of the General and/or Specific Plan of Development.

1.14 Adoption of Plans.

- (a) Rezoning to “GVD” shall be noticed and heard simultaneously with the adoption of general plans of development. Decisions on the rezoning shall precede action on the general plan of development. Use permits for specific plans of development may be noticed and heard simultaneously with rezonings and general plans of development. Decisions on use permits for specific plans of development shall follow action on the general plan of development. (Ord. No. 1749, 7/7/1988).
- (b) General plans of development shall be presented to the Planning Commission for

approval and shall be noticed in the same manner as provided for rezonings. The Commission shall act upon the plans within ninety (90) days from the date that the project's environmental document is certified unless said time period is extended by mutual consent between the Planning Commission and developer. The Planning Commission may approve, conditionally approve or disapprove the general plan of development, and shall promptly report that recommendation to the Board of Supervisors and to the developer.

- (c) The general plans of development shall be noticed before the Board of Supervisors in the same manner as provided for rezonings. The Board shall schedule the general plan of development within sixty (60) days of the date of the Planning Commission recommendation. The Board shall act upon the recommendation of the Planning Commission within a reasonable time and may approve, disapprove or modify the general plan of development in any way deemed to be in the best interest of the peace, comfort, health, convenience and general welfare of the County and of the persons residing and working in the area, except that if any modification is recommended which was not previously considered by the Planning Commission, the proposed plans shall be referred back to the Planning Commission for report and recommendation. Failure by the Planning Commission to respond within forty (40) days shall be presumed to indicate concurrence with the Board of Supervisors' recommendations.
- (d) Upon final approval by the Board of Supervisors of the general plan of development as presented or as modified, the plans shall be transmitted back to the Planning Commission together with a minute order stating the approval or any modifications finally determined by the Board of Supervisors.
- (e) Upon approval of the general plan of development by the Board of Supervisors, a use permit for a Specific Plan of Development in conformity with the general plan of development may be presented to the Planning Commission for approval; or a use permit for a Specific Plan of Development may be presented concurrently with a General Plan of Development, provided that any approval by the Planning Commission be conditioned so that the use permit for the Specific Plan of Development shall be of no force or effect until approval of the General Plan of Development by the Board of Supervisors, nor until the effective date of any applicable rezoning to "GVD". The use permit for the specific plan shall be noticed, presented, considered and approved in the manner prescribed in Article 51. The Planning Commission may then approve, conditionally approve, disapprove or modify the use permit for the Specific Plan of Development in any manner deemed to be in the best interest of the peace, general welfare of the County and of the persons living or working in the area. (Ord. No. 1749, 7/7/1988) General Plans and use permits for Specific Plans of Development may be amended or extended in the same manner as they are adopted, provided, however, that no use permit for Specific of Development may be amended which also requires an amendment to the sectional district map or General Plan of Development, until the sectional district

map or General Plan are amended.

- (f) All "GVD" rezoning, general plans of development, specific plans of development and use permits shall only be approved if found to be consistent with the Lake County General Plan.

1.15 Lapse of Approval: Approval deadline of the entitlements shall be dictated by either the Development Agreement of the Use Permit of the Specific Plan of Development.

Section Two: In regard to this Ordinance, the Board of Supervisors hereby finds, based on the information contained within the staff report, and the accompanying attachments and exhibits, the following:

- a. The proposed Ordinance is consistent with all of the applicable objectives, policies, general land uses, programs, and actions of all applicable elements in the Lake County General Plan and the Middletown Area Plan.
- b. This proposed Ordinance is not detrimental to the public convenience, health, safety, or general welfare of the County.
- c. The Board of Supervisors has adopted the Statement of Overriding Considerations and a Mitigation Monitoring Reporting Program and has certified the Final Environmental Impact report (EIR) pursuant to the California Environmental Quality Act (CEQA).
- d. The proposed Ordinance is in compliance with the provisions of the California Environmental Quality Act (CEQA).

Section Three: The Board of Supervisors hereby declares that should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Ordinance shall remain in full force and effect

Section Four: All ordinances or parts of ordinances or resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict and no further.

Section Five: This Ordinance shall take effect on the _____th day of _____, 2020, and before the expiration of fifteen days after its passage it shall be published at least once in a newspaper of general circulation in the County of Lake.

The foregoing ordinance was introduced before the Board of Supervisors on the _____th day of _____, 2020, and passed by the following vote on the ____th day of July, 2020.

AYES:

NOES:

ABSENT OR NOT VOTING:

COUNTY OF LAKE

ATTEST: JOHANNA PEELEN
Clerk of the Board of Supervisors

Chair Board of Supervisors

By: _____

APPROVED AS TO FORM:
ANITA L. GRANT

County Counsel

By: _____

APPROVED AS TO FORM:
Community Development Department
Scott DeLeon – Interim CDD Director

By: _____