



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

Telephone 707/263-2221 FAX 707/263-2225

ITEM #1

9:05 A.M.

November 12, 2020

STAFF REPORT

TO: Planning Commission

FROM: Scott De Leon, Community Development Director
Tocarra Nicole Thomas, Deputy Community Development Director
Mark Roberts, Principal Planner

Prepared by Eric Porter, Associate Planner

DATE: October 15, 2020

SUBJECT: **PMX 20-01**, Extension to approved Parcel Map. Originally known as 'Van Eck Estates' (SD 05-13); modified from 16 lots to 4 lots through Minor Modification to Map, MMM 17-01, PM 18-01 and IS 18-01.

Supervisory District 4

ATTACHMENTS:

1. Vicinity Map
2. Agency Comments
3. Original Subdivision Conditions for SD 05-13
4. Modification Conditions
5. Tentative Parcel Map
6. Extension Conditions
7. Initial Study IS 05-70

I. EXECUTIVE SUMMARY

On May 28, 2020, the applicant John Van Eck submitted an application for a three (3) year extension of time to an approved Parcel Map, PM 18-01 (formerly Subdivision, SD 05-13) and Minor Modification of Map, MMM 17-01. The applicant is not proposing any changes or modification at this time.

Historical Summary

On June 27, 2006, the Board of Supervisors approved a Tentative Subdivision Map (SD 05-13) for the division of approximately 7.11 acres to create 16 residential lots, a Rezone (RZ 05-14) from Unclassified to R1 Single Family Residential; a Deviation (DV 06-03) and an Initial Study (IS 05-70).

The lots were originally approved to be connected to a public water system, Soda Bay CSA #20, and to individual septic systems on each lot. In 2011, the State imposed a

moratorium for any new connections into this water system based on available water quantity and quality; this moratorium remains in effect today.

On June 28, 2018, the Planning Commission approved a Minor Modification to Map MMM 17-01, Parcel Map PM 18-01 and Initial Study IS 18-01 which reduced the total number of lots from 16 to 4, and allowed a connection to a private on-site well due to the water moratorium.

The parcel map was due to expire on June 28, 2020. On May 28, 2020, the applicant (John Van Eck) submitted an extension request to the Community Development Department for processing.

II. PROJECT DESCRIPTION

<u>Applicant / Owner:</u>	John Van Eck
<u>Location:</u>	3640 Lakeview Estates Drive, Kelseyville
<u>APN:</u>	009-008-10
<u>General Plan:</u>	Low Density Residential
<u>Zoning:</u>	"R1" Single Family Residential
<u>Flood Zone:</u>	The project parcel is not located within a mapped flood zone.
<u>Submittal Date:</u>	May 28, 2020

III. PROJECT SETTING

Existing uses and improvements: The subject site is undeveloped and contains a Walnut orchard. The Project parcel is within the Kelseyville Community Growth Boundary.

Surrounding Zoning and Land Uses:

North: "RL" Rural Lands. Parcel sizes range from approximately 22.43 acres to 41.11 acres in size.

South: "RR" Agriculture, "RL" Rural Lands, and "SR" Suburban Reserve. Parcel sizes range from approximately 20.76 acres to greater than 71.01 acres in size.

West: "RR" Agriculture and "RL" Rural Lands. Parcel sizes range from approximately 19.83 acres to greater than 22.56 acres in size.

East: "RL" Rural Lands and "RR" Rural Residential. Parcel sizes range from approximately 20.05 acres to greater than 71.01 acres in size.

<u>Parcel Size:</u>	7.11 acres in gross area.
<u>Topography:</u>	The site has slopes ranging from 0% to 20%.
<u>Vegetation:</u>	Walnut trees and native grass.
<u>Water Supply:</u>	Private On-Site Well
<u>Sewage Disposal:</u>	On Site Septic
<u>Fire Protection:</u>	Kelseyville Fire District
<u>Vegetation:</u>	Walnut Trees, Oak Trees and low line vegetation (grass, shrubs, etc.)

IV. PROJECT ANALYSIS

The Lake County Subdivision Ordinance allows the granting of extensions for a period or periods not exceeding a total of three years. This is the applicant's first extension request and the applicant is not proposing any changes or modifications at this time. This project is consistent with the Lake County General Plan, Zoning Ordinance, Subdivision Ordinance (Chapter 17, 'Subdivisions'), and the Kelseyville Area Plan for the following reasons:

General Plan. Chapter 3 of the Lake County General Plan lists intended densities for all categories of residential development, which is expressed as the number of dwelling units per acre in each category of residential land. This 7.11 acre property is categorized as Low Density Residential, which allows a range of 1 to 5 dwelling units per acre. This applicant is proposing 1 dwelling for each 1.77 acres, which is below the target density range for this General Plan designation, however the Modification allowed this density, and no changes to this density are proposed within this request for an extension of time.

Kelseyville Area Plan. Chapter 5, Community Development. This Chapter contains some density policies that apply to this action. The applicable policies are within subsection 5.1e-2, and are as follows:

5.1e-2: Proposals to amend the Kelseyville Area land use map that increase the acreage of land designated suburban residential, medium density residential and urban residential shall be evaluated by the following criteria:

1) Public water and sewer must be available to serve the property.

Response: Chapter 17 of the Lake County Code has a similar provision, however it allows the use of a private water system if public water is not available to serve a particular site. During the public hearing for the Modification to the original subdivision, the Planning Commission determined that due to the water moratorium imposed by the State in 2011, public water was not available to this site, and allowed a shared / private well.

2) The proposal should not reduce the capacity of the public water or sewer systems to accommodate land already designated for development.

Response: *The overall area relies on a public water system that draws and treats water from Clear Lake. In 2011, the State placed a moratorium on new connections to this water supply due to quality and quantity reasons. The private on-site well allowed by the Planning Commission has not yet been drilled, however it would not rely on the same water source that is already serving this area. There are no known sewer capacity issues for this area.*

3) Adequate access must be available or proposed to safely handle the potential increase in traffic.

Response: *The project area is accessible from Lakeview Estates Drive, a paved County-maintained road. This road is adequate to safely handle the projected 38 additional vehicular trips per day (9.55 per dwelling unit*) that would occur following the development of the parcels. *Source: International Transportation Engineers manual, 9th Edition.*

4) The proposal must not adversely affect agricultural operations.

Response: *The subject site contains a walnut orchard. There is another orchard located immediately south of this subject site, however no impact to this orchard would occur if these four lots were developed with dwellings.*

5) The proposal must not impact any important or unique natural resource.

Response: *There are no mapped important or unique natural resources on or immediately adjacent to this site.*

6) The supply of existing vacant land with the same designation as that proposed should be insufficient to accommodate projected growth within the community area of Kelseyville.

Response: *The majority of the surrounding parcels are developed with single family dwellings. Lake County has a shortage of housing opportunities due to the natural disasters our County has endured since 2015 (Valley Fire, Clayton Fire, Pawnee Fire and the Mendocino Complex Fire). In total, approximately 3,000 single family dwellings and accessory structures has been destroyed.*

7) The area should be adjacent to existing land designated with the same designation as proposed and should not result in a "spot" designation or be incompatible with existing residential densities in the vicinity.

Response: *The properties to the immediate north are also zoned R1 –Single family Residential with a General Plan Designation of, Low Density Residential.*

County Code Chapter 17 – Subdivisions. This Chapter identifies the regulations necessary to divide land in Lake County. This Chapter was applied to the original subdivision, and to the modification that occurred in 2017 to reduce the number of lots from 16 to 4 (parcels). The 2017 Modification was sent to the Planning Commission on February 28, 2018; the main issue pertained to water availability – the State had imposed a water moratorium in 2011 for this area, and the applicant was unable to connect to the public water supply even though it was available adjacent to his property. The Planning Commission made a finding that the public water system was not available to the applicant, and allowed a private on-site shared well as the water source for this land division. All other regulations were met with the original subdivision and subsequent Modification that occurred.

County Code Chapter 21, Zoning Ordinance, Article 10, ‘R1 Low Density Residential Development Standards.’ Article 10 lists the minimum parcel sizes and uses for land within this zoning district. Lots that are served by public sewer and private wells can be no less than 15,000 square feet in size. The applicant is proposing four parcels that are each about 1.77 acres in size, thereby meeting the size requirements for parcels within Article 10. All other development standards are applicable at the time these lots develop.

V. ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use actions. In this case, the applicant is applying for an extension of time for Subdivision, SD 05-13 and for Minor Modification of Map, MMM 17-01 with no changes, modification or expansion of the approved use. Therefore no further environmental analysis (CEQA) is necessary as all the potential environmental impacts have been considered and reduced to less than significant with the incorporated Mitigation Measures from Initial Studies, IS 05-70 and IS 18-01.. This is consistent with CEQA Section 15162(a), which allows exemptions from CEQA analysis when no physical changes are occurring on site.

The specific analysis in each of the categories that are required to be evaluated during a CEQA review, and the County’s response to each, are as follows:

1. Aesthetics. No changes are proposed that would adversely impact aesthetic-related characteristics on the site or in the vicinity.
2. Agriculture. Although the property contains a walnut orchard, it is zoned R1, which does not allow agricultural uses as a primary permitted use. In this case, the walnut orchard pre-dates the 1971 establishment of zoning in Lake County, and is an existing non-conforming use on this site. The other agricultural use in the vicinity is on the lot to the immediate south, which would not be adversely impacted by this extension of time.
3. Air Quality. No immediate development would occur as the result of this extension until such time as the final map is recorded, and the individual lots would be developed. Each lot could contain up to two (2) dwellings (one primary and one ‘granny unit’). The maximum average daily trips (ADT) that might be generated with

this scenario is just over 19 ADT. Some ground disturbance would occur with the development of each lot during construction.

4. Biological Resources. According to the CNDDDB Database there are no specific mapped sensitive species within or adjacent to the project area. Cultural / Tribal / Geological Resources. No changes are proposed that may impact any of these three categories.
5. Energy Resources. No additional impacts to energy resources would result from this extension being approved.
6. Greenhouse Gas Emissions. No physical changes would occur as the result of this extension; no greenhouse gas increases would occur. There would be a slight increase in greenhouse gasses related to site development with single family dwellings, but development is not proposed with this application to extend the parcel map approval duration.
7. Hazards and Hazardous Materials. No hazards or hazardous chemicals are associated with this extension request.
8. Hydrology and Water Quality. The applicant has been approved for an on-site private / shared well. This well has not yet been drilled. It is unknown whether there is a stout water table at this location, however the greater Kelseyville area has an abundance high-producing wells, and are in near proximity to this site. No site disturbance would occur with this extension request, so no threat to water quality would occur with this extension.
9. Land Use / Planning. Approval of this extension would not divide a community, nor would it be in violation with the General Plan, Kelseyville Area Plan, Lake County Zoning Ordinance, or Chapter 17 (Subdivisions) of the Lake County Code.
10. Mineral Resources. There are no mapped mineral resources on this site.
11. Noise. There is no noise associated with the extension of this parcel map approval.
12. Population / Housing. There will be the opportunity for the developer to build four new houses on the property following the recordation of the final map. There are no immediate plans for site development however.
13. Public Services. All public services with the exception of connection to the public water system due to the State's moratorium on new connections are available to the site. Water will be supplied by a yet-to-be-drilled on-site well, which was approved by the Planning Commission in February 2018.
14. Recreation. The applicant will pay Quimby park fees prior to recording the final map; this will help the County pay for existing and future parks within Lake County.
15. Transportation. The subject site is adjacent to Lakeview Estates Drive, a paved County maintained road. Each lot will need to pay for an Encroachment Permit as the lot develops. There are no capacity issues associated with Lakeview Estates Drive. The project, once developed, will generate under 40 ADT if each lot is developed with a single family dwelling, and about double that amount if each lot is developed with a second dwelling unit.

16. Utilities / Service Systems. The project site has adequate utilities to support the proposed use. There is adequate emergency services through the Lake County Sheriff's Department, and the Kelseyville fire Protection District, including CalFire
17. Wildfire. Since each lot is greater than one acre in size, all development will have to maintain a minimum of a thirty (30) foot setback from all property as required in California Public Resource Code 4290/4291.

VI. RECOMMENDATION

Staff recommends approval of a three (3) year extension for Subdivision, SD 05-13 and for Minor Modification of Map, MMM 17-01.

Staff recommends that the Planning Commission make the following recommendations to the Board of Supervisors:

- A. **Find that the previously approved Initial Studies IS 05-70 and IS 18-01 meet the requirements of Section 15162(a) of the State CEQA Guidelines, and that no additional environmental review need be prepared, with the following findings:**
 1. There has been no change in the project which would create new significant environmental impacts.
 2. There has been no substantial change in circumstances resulting in new significant environmental impacts.
 3. No new information of substantial importance to the project has become available.
- B. **Approve a three-year extension of time for MMM 17-01 with the following findings:**
 1. This project is consistent with the Lake County General Plan, Lake County Zoning Ordinance, Chapter 17 (Subdivisions) of the Lake County Code, and the Kelseyville Area Plan.
 2. This time extension request is consistent with the Lake County Subdivision Ordinance and the State Subdivision Map Act.
 3. The parcel map is still compatible with neighboring land uses.
 4. There has been no substantial change in circumstances resulting in new significant environmental impacts.

Sample Motions:

Reconsideration of Previously Approved Mitigated Negative Declaration

I move that the Mitigated Negative Declaration, which was previously prepared for Subdivision, SD 05-13 and for Minor Modification of Map, MMU 17-01 does meet the requirements of Section 15162(a) of the CEQA Guidelines, and that an additional environmental review is not necessary with the findings listed in the staff report dated October 15, 2020.

Time Extension

I move that the Planning Commission recommend that the Board of Supervisors approve an extension of time for Subdivision, SD 05-13 and for Minor Modification of Map, MMM 17-01 for a period of three (3) years, with the findings listed in the staff report dated October 15, 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 fifteenth calendar day following the Commission's final determination.

Reviewed by: _____