



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 AM
December 10, 2020

STAFF REPORT

TO: Planning Commission

FROM: Scott DeLeon, Interim Community Development Director
Tocarra Thomas, Deputy Director
Mark Roberts, Principal Planner
Sateur Ham, Assistant Planner I

DATE: October 22, 2020

RE: **Tegtmeier Parcel Map, PM 18-02, Major Use Permit, UP 19-57, Initial Study, IS 18-68 and Deviation, DV 18-01**

Supervisor District Four (4), Tina Scott

ATTACHMENTS:

1. Vicinity Map
2. Proposed Tentative Parcel Map
3. Proposed Tentative Parcel Map Conditions of Approval
4. Site Visit Photos
5. Initial Study and Mitigated Negative Declaration, IS 18-68
6. Agency Comments

I. EXECUTIVE SUMMARY

The applicant is requesting approval of a Tentative Parcel Map with deviation on the proposed parcel not meeting the length to width ratio per County's Zoning Ordinance development standards. The applicant is also requesting approval of a Major Use Permit to allow the division of one parcel approximately 26.12 in acreage size into four (4) lots sizes within a wetlands area. According to the Tentative Parcel Map, the applicant is proposing the following:

- Lot One (1) would be approximately 3.58 acres in size and would consist of an existing movie theatre.
- Lot Two (2) would be approximately 8.23 acres in size and would consist of an existing drive-in movie theatre.
- Lot Three (3) would be approximately 6.20 acres in size and would remain undeveloped.
- Lot Four (4) would be approximately 8.20 acres in size and it would be donated to the Lake County Land Trust as a non-buildable lot containing wetlands.

No development is proposed at this time.

Staff is recommending conditional approval of the Parcel Map, PM 18-02. Proposed Conditions of Approval are included as Attachment 3 and findings for approval are included in Section VI of this Staff Report.

II. PROJECT DESCRIPTION

Applicant/Owner: Tegtmeier Associates, Inc. (John Tegtmeier).

Location: 52 Soda Bay Road, Lakeport, CA 95453.

APN's: 008-001-25.

Parcel Size: Approximately +/- 26.12 acres.

General Plan Designation: Resource Conservation-Service Commercial.

Zoning Designation: "C3-DR-FF-WW" Service Commercial-Design Review-Floodway Fringe-Waterway Combining District.

Flood Zone: "X" – areas of minimal flooding; AO areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; 0.2 PCT annual chance of flood hazard; and AE areas of 100-year flooding.

Fire Zone: Local Responsibility Area.

Earthquake Failure Zones: Not within a mapped fault zone.

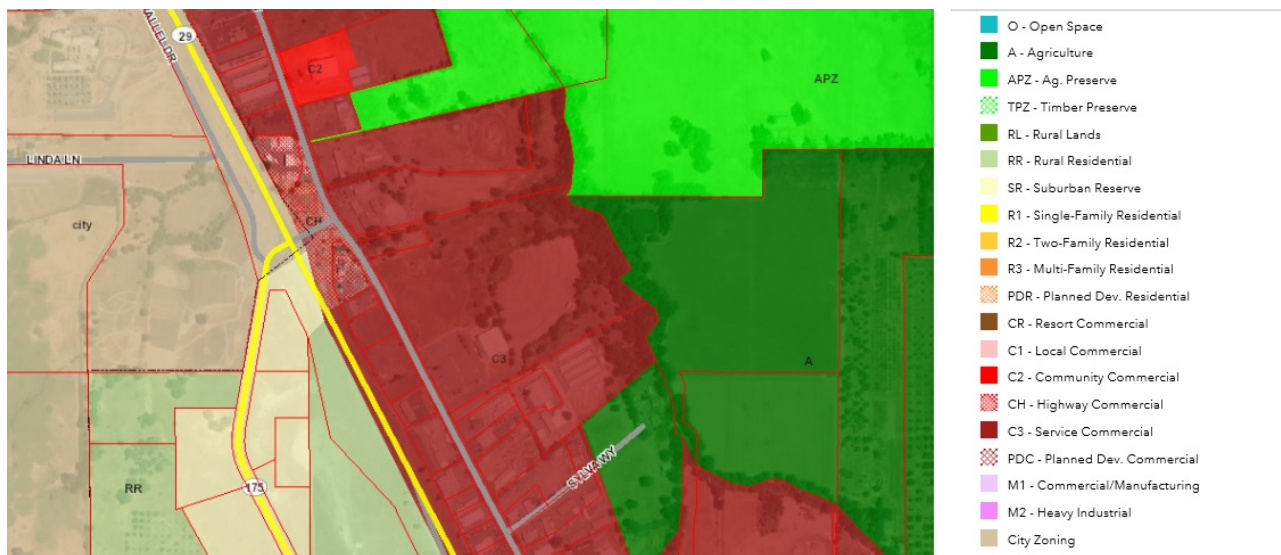


Figure 1. Zoning and Vicinity Map of Subject Site

III. PROJECT SETTING

Existing Uses and Improvements: The project parcel is located in Lakeport, California. Elevations range from approximately 1330 to 1345 feet NGVD. The area is bounded by residential, commercial, and light industrial development to the north, west and south; ruderal fields to the north and south, and Manning Creek with dense valley oak-Oregon ash riparian canopy to the east. A vineyard resides approximately 50 feet beyond

Manning Creek to the east. The project site contains approximately 8.61 acres of developed lands primarily composed of paved and unpaved parking areas (drive-in theatre), and buildings (indoor movie theatre and projection booth).

Surrounding Zoning and Land Uses:

- Parcels to the “**North**” are zoned Service Commercial - Design Review - Floodway Fringe - Waterway Combining District. The parcels range from eight (8) to 150 acres in size and consist of commercial uses and vacant land.
- Parcels to the “**South**” are zoned Service Commercial-Design Review-Floodway Fringe-Waterway combining. The parcels range from approximately 0.80 to 7 acres in size and consist of commercial buildings and vacant lands.
- Parcels to the “**West**” are zoned Service Commercial-Design Review-Highway Commercial. The parcels are adjacent to the Highway 29 and vary in size of approximately 0.50 acres to 1.6 acres.
- Parcels to the “**East**” are zoned Agriculture-Design Review-Scenic Combining-Floodway Fringe-Waterway combining district with a split including Commercial Service-Design Review-Floodway Fringe-Waterway combining district. The parcels are approximately 30-45 acres developed with agricultural uses and an adjoining waterway.

Topography: Relatively flat with less than 4.68% slopes.

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

- Cole Variant clay loam, calcareous substratum (125). The Cole Variant consists of very deep, moderately well drained soils typically occurring on flood plains of 0 to 2 percent slopes. These soils formed in alluvium from mixed rock. Permeability and runoff are slow.
- Henneke-Montara complex (141). The Henneke-Montara complex consists of a mixture of Henneke gravelly loam and Montara clay loam. This complex is typically found on hills and mountains of 8 to 15 percent slopes. Henneke soils are shallow and somewhat excessively well drained, while Montara soils are shallow and well drained. Both soils were formed in material weathered from serpentinitic rock. Permeability is moderately slow and runoff is medium for both soils.
- Still loam, stratified substratum (233). Still loams consist of very deep, well drained soils typically occurring on alluvial plains of 0 to 2 percent slopes. These soils formed in alluvium from mixed rock. Permeability is moderately slow and runoff is very slow.

Water Supply: Onsite Well(s).

Sewage Disposal: Lake County Special Districts.

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 Resource Conservation and Service Commercial:

The proposed parcels will be sectioned based on the current uses: The existing movie theatre (approximately 3.58-acres), existing drive-in movie theatre (approximately 8.23-acres), and an undeveloped piece of land (approximately 6.20-acres).

Resource Conservation: This land use category is to assure the maintenance or sustained generation of natural resources within the County. The highest priority for these lands is to provide for the management of the County's natural infrastructure. This management should include, but is not limited to, functioning as watershed lands which collect precipitation and provide for the important filtering of water to improve water quality. In addition, these lands provide important ground water recharge capability which is critical to the maintenance of the natural ecosystem and to providing a sustainable ground water supply for the County.

The project parcel is located in Southern Lakeport on a parcel that is approximately 26.21 acres in size. The parcels consist of a mixture of disturbed and undisturbed land and are sectioned based on their land use. The proposed parcel four, approximately 8.20-acres, will be donated to the Lake County Land Trust as an unbuildable land. Majority of the proposed parcel four is located within the Resource Conservation and is consistent with the Resource Conservation land use designation. This section of the parcel consists of natural resources and is intended to be preserved in its natural state. Mitigation Measures have been incorporated for the protection of the surrounding resources and have reduced any potential impacts to less than significant. See attachment 2.

Service Commercial: The purpose of this land use category is to provide areas suitable for heavier commercial uses within developed areas. Typical uses that would be permitted with appropriate buffer distances include automotive-related or heavy equipment sales and services, building maintenance services, construction sales and services, and warehousing.

Each parcels are consistent with the "Cs" Service Commercial District the land use designation, as existing commercial development currently exists on each parcel, with the exception of the undeveloped land.

County of Lake General Plan (2008)

GOAL LU-4: "To maintain economic vitality and promote the development of commercial uses that are compatible with surrounding land uses and meet the present and future needs of Lake County residents, the regional community, and visitors."

- Policy LU- 4.7 Commercial Service Locations. The County shall locate commercial service businesses such as warehouses, repair services, business support and contractor's construction support services, furniture sales, and building materials sales where they are away from schools and sensitive receptors, and will not

adversely affect surrounding properties, typically in areas serving occasional needs rather than day-to-day needs. Criteria to be used in siting commercial service areas are:

- Provide good access to highways or major collectors;
- buffer existing or planned residential areas;
- develop in depth rather than in a strip fashion along the access road to provide adequate room for parking, buffering, etc; and,
- Encourage development as integrated planned areas in conjunction with community commercial areas or with common architectural and site development features.

The existing commercial service structures will remain on-site for continued use and will remain consistent with the policy.

GOAL LU-7: “To preserve Lake County communities’ character and scale, including their design heritage and historic character.”

- Policy LU-7.9 Integrate Natural Features. The County shall emphasize each community’s natural features as the visual framework for new development and redevelopment.

The donation of the wetland area to the Lake County Land Trust would preserve and protect a valuable natural resource for its water quality, plant and animal habitat, and character. In addition to this, the proposed parcel (lot 4) will be mapped as ‘unbuildable land’ which will ideally impose a higher degree of protection for valuable natural resources from degradation.

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.

Policy 3.4.2.a Provide special protection through such tools as base zoning, special combining districts, public purchase, conservation or open space easements, or other applicable legal instruments for land designated for resource conservation purposes.

Policy 5.4.1.c Encourage new park facilities that complement the protection of riparian, wetland and other important wildlife habitat.

The parcel map would allow special protection through the donating and designating a valuable natural resource, a wetland, as “unbuildable” to the Lake County Land Trust.

ZONING ORDINANCE CONFORMANCE

The project site is zoned “C3-DR-FF-WW” Service Commercial-Design Review-Floodway Fringe-Waterway Combining District. The proposal must meet the applicable requirements found within Lake County Zoning Ordinance for the following Articles:

Article 20 – Service Commercial “C3” Zoning District:

The purpose of this Article is to provide areas suitable for heavy retail and service commercial uses which do not specialize in pedestrian traffic and are more appropriately located away from the central business district.

Article 27 - Use Permits

The purpose of Article 27 is for those uses possessing characteristics of unique and special form as to make their use acceptable in one or more districts upon issuance of a zoning permits, minor or major use permits in addition to any required building, grading and/or health permits. Article 27 contains development standards for specific uses and zoning districts, including parcel size when creating new parcels.

Article 53 – Design Review “DR” Combining District:

The purpose of this article is to insure aesthetic compatibility between uses, protect and enhance property values, protect scenic qualities, and promote community character through use of community design manuals.

Article 36 – Floodway Fringe “FF” Combining District:

The purpose of this article to provide land use regulations for properties and their improvements situated in the floodplain to ensure protection from hazards and damage which may result from flood waters.

Article 37 – Waterway “WW” Combining District:

The purpose of this article is to preserve, protect and restore significant riparian systems, streams and their riparian, aquatic and woodland habitats; protect water quality; control erosion, sedimentation and runoff; and protect the public health and safety by minimizing dangers due to floods and earth slides.

The proposed lot sizes range from 3.42-acres to 8.20-acres. Each parcel meets the developmental standards set forth in Article 27 with the exception of the requested deviation due to the panhandle on the northwestern end. The panhandle would not meet Article 20 Section 20.13 under the developmental standards for the length to width ratio of three to one therefore a deviation is needed. In addition, the lot with the panhandle will be marked as “unbuildable” lot used for wetland preservation as it will be donated to the Lake County Land trust. Typically, a Major Use Permit is not required for a minor subdivision. However, a Major Use Permit is required pursuant to Article 36, Section 36.5(e), and Floodway Fringe Combining District for subdivisions resulting in three (3) or more parcels or lots. The project proposal does not involve construction nor future developments at this time. All future development shall adhere to all federal, State and local agency requirements. In addition, the waterway combining district and a wetland allows mitigation measures to be implemented prior and during any future developments occurring on the parcel. Findings for approval of the Major Use Permit, Deviation and Parcel Map are included in Section VI below.

CHAPTER 17 (SUBDIVISION REGULATIONS) OF THE LAKE COUNTY CODE

Chapter 17 of the Lake County Code contains provisions for subdivisions, including Tentative Map and Final Map requirements and procedures, as well as subdivision development standards (lot size, access standards, etc.).

The proposed Tentative Parcel Map has been prepared by a licensed surveyor and meets all requirements outlined in Chapter 17, Section 17-6 of the Lake County Code. All necessary improvements are shown on the Tentative Map prepared by Steve Bellah/Conser Surveying, Lakeport CA, and received on March 3, 2020. The parcels proposed meet all development standards requirements in the service commercial 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) outlined in Section 17-23. However, a deviation is requested to meet the development standard requirements of the width-to-depth ratio of three to one for the panhandle of parcel 4.

17.31. DEVIATION FROM REQUIREMENTS OF CHAPTER 17 (Lake County Code):

31.1 *Deviation based on hardship.* It is realized that there are certain parcels of land of such dimension, subject to such title restrictions, so affected by physical conditions or devoted to such use that it is impossible for the subdivider to conform to all the foregoing requirements when subdividing property. The Planning Commission (or on appeal the Board of Supervisors) may grant deviations from the foregoing requirements, when all the following conditions are found to apply:

- That any deviation granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity.
- That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict literal application of this Chapter is found to deprive subject property of privileges enjoyed by other properties in the vicinity.
- That under the circumstances of this particular case the deviation, rather than the sections at issue in this Chapter, actually carries out the spirit and intent of this Chapter.

The deviation does not constitute a special privilege for the developer, the parcel conforms to all development standards of Article 20 of the Lake County Zoning Ordinance. However, due to the configuration and panhandle of the initial parcel (located on the proposed lot 4) it does not conform to the development standards. Thus, causing a disadvantage for any possible division or configuration. In addition, the non-conforming lot is proposed to be donated to the Lake County Land Trust for natural wetland preservation. The remaining three parcels conforms to all development standards and will be usable lots.

V. ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use actions. An Initial Study and Mitigated Negative

Declaration (IS 18-68; Attachment 5) was prepared and circulated for public review in compliance with CEQA from **07/08/2020 to 08/08/2020**. Comments were received and addressed accordingly such as no comments from agencies and revisions to the tentative parcel map from the county surveyor (see attachment 6).

The applicant submitted a Cultural Resource Assessment to the Community Development Department (CDD) dated August 10, 2017 which concluded that no cultural resources were within the project boundaries.

Additionally, the local tribes were notified of the project on January 1, 2020 and did not receive any comments regarding the project.

The Initial Study found that the project could cause potentially significant impacts to Air Quality, Biological Resources, Cultural Resources/Tribal Cultural Resources, Geology/Soils, Hydrology/Water Quality and Noise. However, with the incorporation of the mitigation measures below, all impacts can be reduced to a less than significant level.

Air Quality

- 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. The permit holder shall obtain all necessary for any diesel generators or diesel engines installed as operating, support, or emergency backup equipment for the Lake County Air Quality Management District.
- AQ-3: Vegetation that is removed for any development must be properly disposed. The permit holder shall chip vegetation and spread the material for erosion control.
- AQ-4: All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

Biological Resources

- BIO-1: Prior to construction, a special-status plant survey shall be conducted in April, May and July to determine presence or absence. If special-status plants are observed, their location and extent shall be mapped and information regarding their population shall be documented in the CNDDB report. The special-status shall be avoided. If avoidance is impossible, a restoration plan shall be drafted by a qualified biologist to describe activities to mitigate the impacts and a restoration plan shall be submitted to the County staff for approval.
- BIO-2: To avoid potential impacts to breeding bird species, as recommended by WRA that tree/vegetation removal and initial ground disturbance occur from August 16 to January 31, outside of the general bird nesting season. If

tree/vegetation removal during this time is not feasible, a pre-construction nesting bird survey shall be performed by a qualified biologist no more than 14 days prior to the initiation of tree removal or ground disturbances.

- BIO-3: Any tree removal, to avoid impacts to bat species, shall be performed from September through March, outside of the general bat maternity season.
- BIO-4: For Pallid bats (*Antrozous pallidus*), Townsend's western big-eared bats (*Corynorhinus townsendii townsendii*), Silver-haired bats (*Lasionycteris noctivagans*), construction activities shall be conducted outside of the bat maternity (April 1-August 31) or hibernation (November 1-March 31) periods. Should construction activities take place during these periods, bat surveys should be conducted. If maternity roosting bats are discovered during surveys, an exclusion-buffer would be required about the roost(s).
- BIO-5: For Pacific (western) pond turtle (*Actinemys marmorata*) (WPT), avoid construction within 300 feet of Manning Creek. If avoidance is not possible, a qualified biologist shall conduct surveys to determine if WPT is present or likely to nest in the area. If present, avoid WPT.
- BIO-6: Impacts to riparian vegetation and riparian corridors shall be protected and avoided and shall meet all required setbacks per zoning.
- BIO-7: For Tricolored blackbird (*Agelaius tricolor*), Purple Martin (*Progne subis*), White-tailed Kite (*Elanus leucurus*) and Grasshopper sparrow (*Ammodramus savannarum*), construction activities shall occur between September 1-January 31. If construction activities must take place outside this window. Pre-construction breeding surveys are required within 14 days of vegetation removal during breeding bird season (Feb 1-August 31). If breeding pair(s) are discovered, an avoidance-buffer would be required around the nest(s).

Cultural & Tribal Resources

- CUL-1: Prior to commencement of project activities, a qualified professional familiar with the architecture and history of Lake County conduct a formal CEQA evaluation.
- CUL-2: Should any archaeological, paleontological, or cultural materials be discovered during site activities, all activity shall be halted in the vicinity of the find(s), 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.
- CUL-3: If human remains of any type are encountered it is recommended that the project sponsor contact a qualified archaeologist to assess the situation and legal procedures shall be followed in case of accidental discovery of human remains during excavation or construction.

Geology & Soils

- GEO-1: Prior to any ground disturbance, the permit holder shall submit 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 development.

- GEO-2: Erosion control materials shall be available on site at all times in the form of straw, wattles, sand bags, or other erosion control materials adequate to cover areas of disturbed soils or incipient erosion events. This method will also be used in an event of a forecast storm to prevent any potential runoff to any natural drainages.
- GEO-3: 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.

Hydrology & Water Quality

- HYD-1: Prior to construction or any ground disturbance, the applicant shall obtain all necessary Federal, State and local agency permits and shall submit a copy of said permit(s) to the Community Development Department within 30 days of obtaining the permit(s).

Noise

- NOI-1: All construction activities including engine warm-up shall be limited Monday Through Friday, between the hours of 7:00am and 7:00pm to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels. This mitigation does not apply to night work.
- NOI -2: Maximum non-construction related sounds levels shall not exceed levels of 55 dBA between the hours of 7:00AM to 7:00PM and 45 dBA between the hours of 10:00PM to 7:00AM within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.1) at the property lines.

VI. FINDINGS FOR APPROVAL

PAREL MAP FINDINGS OF APPROVAL

CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION: Government Code Section 66474.02

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.

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.

17.31. DEVIATION FROM REQUIREMENTS OF CHAPTER 17 OF THE LAKE COUNTY CODE:

Deviation based on hardship. It is realized that there are certain parcels of land of such dimension, subject to such title restrictions, so affected by physical conditions or devoted to such use that it is impossible for the subdivider to conform to all the foregoing requirements when subdividing property. The Planning Commission (or on appeal the Board of Supervisors) may grant deviations from the foregoing requirements, when all the following conditions are found to apply:

- That any deviation granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity.
- That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict literal application of this Chapter is found to deprive subject property of privileges enjoyed by other properties in the vicinity.
- That under the circumstances of this particular case the deviation, rather than the sections at issue in this Chapter, actually carries out the spirit and intent of this Chapter.

Response: The deviation does not constitute a special privilege for the developer, the parcel conforms to all development standards of Article 20. However, due to the configuration and panhandle of the initial parcel (located on the proposed lot 4) it will not conform to the development standards. Thus, causing a disadvantage for any possible division or configuration. In addition, the non-conforming lot is proposed to be

donated to the Lake County Land Trust for natural wetland preservation. The remaining three parcels conforms to all development standards and will be usable lots.

MAJOR USE PERMIT FINDINGS OF APPROVAL

The Review Authority shall only approve or conditionally approve a Major Use Permit (LCZO Section 51.4, Major Use Permits) 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.

The proposed project consist of a subdivision of a commercial zoned parcel and the project is not proposed to be detrimental to the health, safety, morals, comfort and general welfare of the persons or property.

2. The site is adequate in size, shape, locations, and physical characteristics to accommodate the type of use and level of development proposed.

The proposed parcels meets the adequate size and shape as described in the county ordinance zoned service commercial development standards with the exception to the shape located on the proposed lot 4.

3. The streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the proposed use.

The parcel map have been reviewed and commented for adjustments by various agencies to provide reasonable adequate accommodations for easements, roadways, and other circulation means within the tentative parcel map.

4. There are adequate services to serve the project.

The parcel map would not adversely affect any public services provided by various agencies such as special districts, environmental health, PG&E, or the fire district.

5. This project is consistent with the Lake County General Plan, Lakeport Area Plan and Lake County Zoning Ordinance.

6. No violation of Chapter 5, 17, 21, 23 or 26 of the Lake County Code currently exists on this property.

There are known violations of the following chapters.

VII. RECOMMENDATIONS:

Staff recommends the Planning Commission the take the following actions:

- A. Adopt a Mitigated Negative Declaration based on Initial Study, IS 18-68 for Parcel Map, PM 18-02 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 Hydrology & Water Quality have been mitigated to insignificant levels with the incorporated Conditions of Approval.
6. Potential environmental impacts related to Noise have 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 18-02 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.

C. Approve Deviation DV 18-01 for Parcel Map, PM 18-02 with the following findings:

1. That any deviation granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity.
2. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict literal application of this Chapter is found to deprive subject property of privileges enjoyed by other properties in the vicinity.
3. That under the circumstances of this particular case the deviation, rather than the sections at issue in this Chapter, actually carries out the spirit and intent of this Chapter.

D. Approve UP 19-57 for Parcel Map, PM 18-02 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. The site is adequate in size, shape, locations, and physical characteristics to accommodate the type of use and level of development proposed.
3. The streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the proposed use.
4. There are adequate services to serve the project.
5. This project is consistent with the Lake County General Plan, Lakeport Area Plan and Lake County Zoning Ordinance.
6. No violation of Chapter 5, 17, 21, 23 or 26 of the Lake County Code currently exists on this property.

SAMPLE MOTIONS:

Mitigated Negative Declaration, IS 18-68

I move that the Planning Commission find on the basis of the **Initial Study, IS 18-68** prepared by the Planning Division and the mitigation measures which have been added to the project, that the **Parcel Map, PM 18-02** as applied for by **Tegtmeier Associates, Inc** on property located at **52 Soda Bay , Lakeport, CA 95453; APN: 008-001-25** will not have a significant effect on the environment and thereof, recommend the Planning Commission approve the proposed Mitigated Negative Declaration and Mitigation Monitoring Reporting Program with the findings listed in the **Staff Report dated October 22, 2020**.

Major Use Permit, UP 19-57

I move that the Planning Commission find on the basis of the **Major Use Permit, UP 19-57** prepared by the Planning Division that the **Parcel Map, PM 18-02** as applied for by **Tegtmeier Associates, Inc** on property located at **52 Soda Bay , Lakeport, CA 95453; APN: 008-001-25** does meet the requirements of Section 51.4 of the Lake County Zoning

Ordinance and the Major Use Permit be granted subject to the conditions and with the findings listed in the **Staff Report dated October 22, 2020.**

Parcel Map, PM 18-02

I move that the Planning Commission find that the **Tentative Parcel Map, PM 18-02** applied by **Tegtmeier Associates, Inc** on property located at **52 Soda Bay Road, Lakeport, CA 95453; APN: 008-001-25** 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 October 22, 2020.**

Deviation DV 18-01

I move that the deviation applied for by **Tegtmeier Associates, Inc** on property located at **52 Soda Bay Road, Lakeport, CA 95453** does meet the requirements of Section 17-31 of the Lake County Subdivision Code and grant the deviation to make an exception to the panhandle of proposed lot size to meet the development standards of the service commercial zone, and therefore the deviation is approved with the findings listed in the **Staff Report dated October 22, 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.