



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 #4

9:20 A.M.

January 14, 2021

STAFF REPORT

TO: Planning Commission

FROM: Scott De Leon, Community Development Director
Tocarra Nicole Thomas, Community Development Deputy Director

Prepared by Eric Porter, Associate Planner

DATE: January 14, 2021

SUBJECT: Clark Parcel Map, PM 19-03 and Initial Study, IS 19-45

Supervisory District 5

ATTACHMENTS:

1. Vicinity Map
2. Tentative Parcel Map
3. Proposed Conditions of Approval
4. Agency Comments
5. Initial Study IS 19-45

I. EXECUTIVE SUMMARY

On August 21, 2019, the applicant William Clark submitted an application for a two (2) parcel land division. The 16.17 acre property would be divided into two parcels. Parcel A would be 10.17 acres; Parcel B would be 6.00 acres in gross area. The property currently contains two single family dwellings, several small sheds, a well for potable water, and two internal driveways. No plans for development are being contemplated by the applicant. No public or internal road improvements are being proposed, however a shared driveway would be needed that travels through Parcel A.

- Describe what is on-site now.
- Is development proposed? Say either way.

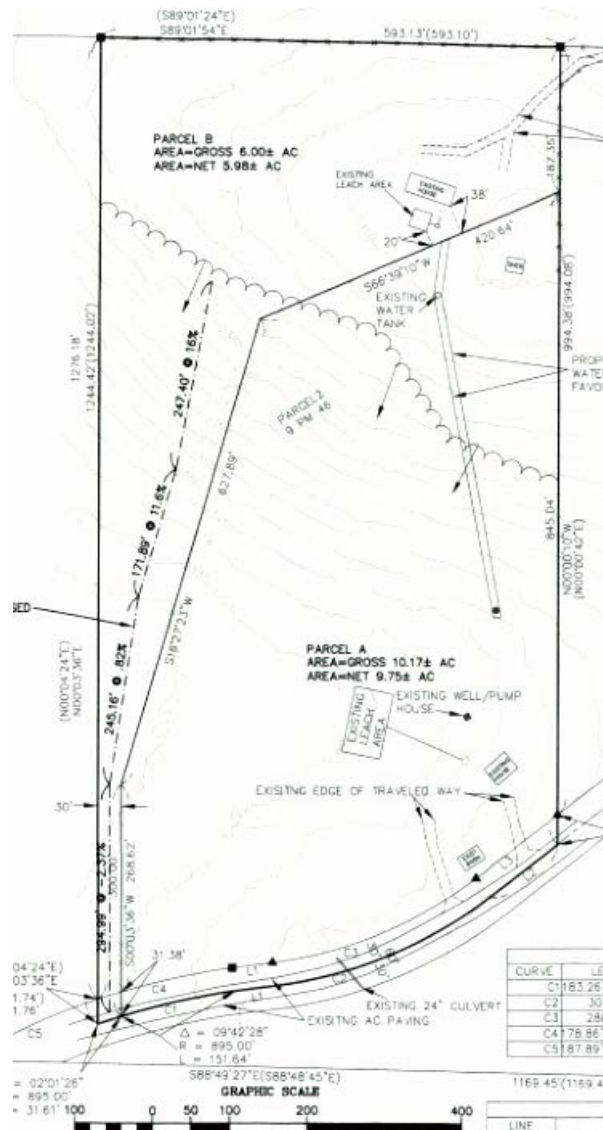
Add access info-How is the site accessed? Are road improvements proposed?

II. PROJECT DESCRIPTION

<u>Applicant / Owner:</u>	William Clark
<u>Location:</u>	8845 Red Hills Road, Kelseyville
<u>APN:</u>	011-015-16
<u>General Plan:</u>	Rural Residential
<u>Zoning:</u>	"RR" - Rural Residential

Flood Zone:

The project parcel is not located within a mapped flood zone.



III. PROJECT SETTING

Existing uses and improvements: The subject site is developed with two single family dwellings and several out buildings.

Surrounding Zoning and Land Uses:

North: "A" Agriculture. Parcel size is 40 acres and contains a vineyard and single family dwelling.

South: "PDR" Planned Development Residential. Parcels vary in size from just over 5 acres to over 100 acres. The PDR lots are undeveloped.

East and West: "RR" Rural Residentially-zoned land. Parcel sizes range from approximately two to eight acres in size and are developed with dwellings.

<u>Parcel Size:</u>	16.17 acres in gross area.
<u>Topography:</u>	The site has slopes ranging from 0% to 10%.
<u>Vegetation:</u>	Oak trees, brush 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>	Oak Trees and low line vegetation (grass, shrubs, etc.)

IV. PROJECT ANALYSIS

The Lake County Subdivision Ordinance (Chapter 17 of the County Code) allows the division of land if certain regulations are met. 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 15.65 acre property is categorized as Rural Residential, which allows one dwelling unit per five acres, excluding granny units and/or guest houses.

Rural Residential

This land use category is designed to provide single-family residential development in a semi-rural setting. Large lot residential development with small-scale agricultural activities is appropriate. These areas are intended to act as a buffer area between the urban residential development and the agricultural areas of the County. Building intensity should be greater where public services such as major roads, community water systems, or public sewerage are available. However, most of the lands designated for this land use category would have wells and septic systems. These lands provide important ground water recharge functions. As watershed lands these lands function to collect precipitation and provide for important filtering of water to improve water quality. They are generally supportive to the management of the natural infrastructure of the watersheds.

Typical uses permitted by right include single family residences; crop production; raising of poultry, rabbits, and other small animals for domestic use; raising of bovine animals, horses, sheep, and goats for domestic use; and sale of crops produced on the premises. Typical uses permitted conditionally include agricultural-related services and

recreational facilities. This designation is primarily located outside of Community Growth Boundaries, but some areas will be appropriate inside these boundaries as well.

Density/Intensity: 1- DU/5 Acres if average cross slope is less than 30%
1- DU/10 Acres if average cross slope is 30% or greater

General Plan, Chapter 3.6, Residential Development

Goal LU-3: To provide adequate land in a range of residential densities to accommodate the housing needs of all income groups expected to reside in the County, and ensure a high quality of development.

- *Policy LU-3.2 Rural Development*

The County shall consider rural development intensity in rural areas located outside of Community Growth Boundaries according to its ability to support water and waste disposal needs, access, slope characteristics, protection of sensitive natural resources and the site's susceptibility to natural hazards.

Response: *The allowable densities within the Rural Residential district allow for lots as small as five acres when certain variables such as slope, fuel load, distance from a fire station and access are met. The subject site takes access from Red Hills Road, a paved, County-maintained road. The slope of the site is under 10 percent. The fuel load on the property is low to moderate. The site is served by existing wells, and is already developed with two single family dwellings. This applicant is proposing 1 dwelling (existing) for each parcel, which meets the General Plan density allowed in the Rural Residentially-designated property within the General Plan.*

Kelseyville Area Plan. The Kelseyville Area Plan has several goals and policies that relate to this proposal. These goals and policies, and the responses to each, are as follows:

Chapter 4 – Public Safety

Chapter 5 - Land Use

Objective

5.1a: To encourage orderly growth and development within the Kelseyville Planning Area by focusing higher intensity development within the community of Kelseyville. Lower intensity land use patterns are encouraged in areas without public water and sewer systems in the remainder of the planning area.

Policies

5.1a-1: Existing development patterns consistent with the Lake County General Plan should be recognized to logically provide for future development in the area.

Response: *The two parcels that will be created are each over five acres in size which is allowed by the General Plan and Zoning Ordinance for Rural Residentially-designated and zoned land. The project is consistent with the General Plan and Zoning Ordinance in terms of density and lot sizes proposed.*

Lake County Code - Chapter 17 - Subdivision Regulations. *The following regulations must be met in order to divide land within Lake County:*

Sec. 17-6. - Tentative Map

The applicant has met these submittal requirements by providing a Tentative Map that was prepared by Conser Surveying, a professional licensed Survey firm located in Lake County..

Sec. 17-7. - Statements

The applicant has met these submittal requirements graphically and with support text. The statements being referred to within this section of the County Code refers to statements that accompany maps that are specifically intended to divide land.

Sec. 17-22. - Dedications.

The applicant is not proposing any dedications, nor does it appear that any are needed. The Lake County Surveyor and Public Works departments have reviewed this parcel map, and have not indicated that any right-of-way dedications are needed.

Sec. 17-23. - Lots.

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

Sec. 17-24. - Easements.

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

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

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

Sec. 17-28. - Improvements.

The surveyor has shown a 10' wide water easement that is shown on the Tentative Map submitted for this land division.

Lake County Code Chapter 21, Zoning Ordinance,

Article 8, 'Rural Residential Development Standards.' Article 8 lists the minimum parcel sizes and uses for land within this zoning district. Lots can be no less than five acres in size based on several factors, including slope, fuel load, distance from a fire station, etc.

The subject site is under 10% slope; has low to low-moderate fuel load; is less than five miles from the Kelseyville Fire Station on Soda Bay Road, and is served by Red Hills Road, a paved County-maintained road. The parcels meet the width-to-length ratio, and the uses intended are existing single family dwellings which are 'by right' uses in the RR zoning district in Lake County. The project meets all development standards and all aspects of Article 8 are met with this proposed project.

V. FINDINGS FOR APPROVAL

According to the 2016 update of the Subdivision Map Act, three findings must be made in order to approve a parcel map.

1. 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)."

A PRC 4290 and 4291 site inspection was conducted on November 10, 2020 by the Lake County Fire Marshal. No road improvements were determined to be needed.

2. 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.

The Kelseyville Fire Station is located approximately two miles away on Soda Bay Road near the Clear Lake Riviera. The site contains two wells that produce a combined 40+ gallons of water per minute. The site is served by Red Hills Road, a paved, County-maintained road. The land divider (applicant) shall enter into a Contract with the Department of Forestry and Fire Protection as a condition of approval.

3. Section 66474.02(a)(3) requires that "a finding that to the extent practicable, ingress and egress for the subdivision meets the regulations regarding road standards for the fire equipment access adopted pursuant to Section 4290 of the Public Resource Code and any applicable local ordinance.

CAL FIRE and the Lake County Department of Public Works has reviewed the site plan proposal for PM 19-03 and had no adverse comments. Public Works has requested clarification on the location(s) of the driveway(s) serving 'Parcel B'; if there is a shared access easement contemplated, it shall be shown on the final map. Conditions were added requiring any new shared access to be paved, or for a deviation to this requirement be permitted by the Planning Commission.

VI. ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use actions. In this case, the County prepared a Negative Declaration (file no. IS 19-45) and submitted it to the State Clearinghouse on October 7, 2020 (SCH number 2020100104). No development is proposed by this action; therefore no mitigation measures were proposed or required by Lake County.

VII. RECOMMENDATIONS

Staff recommends that the Planning Commission take the following actions:

A. Adopt a Negative Declaration based on Initial Study, IS 19-45 for Parcel Map, PM 19-03 with the following findings:

1. There is no new development proposed or contemplated by the developer.
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.
4. The project will not result in a substantial environmental impact.

B. Approve Parcel Map PM 19-03 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 land division is consistent with the Lake County Subdivision Ordinance and the State Subdivision Map Act.
3. The parcel map is compatible with neighboring land uses.
4. The project will not result in any environmental impacts since no development is proposed with this land division.

Sample Motions:

Negative Declaration

I move that the Planning Commission find on the basis of the **Initial Study No. 19-45** prepared by the Planning Division and no mitigation measures were added to the project, that the **Parcel Map, PM 19-03** as applied for **William Clark** on property located at **28845 Red Hill Road, Kelseyville, CA 95451; APN: 011-015-16** will not have a significant effect on the environment and thereof, recommend the Planning Commission approve the proposed Negative Declaration with the findings listed in the Staff Report dated **January 14, 2021**.

Parcel Map, PM 19-03

I move that the Planning Commission find that the **Tentative Parcel Map, PM 19-03** applied by **William Clark** on property located at **28845 Red Hill Road, Kelseyville, CA 95451; APN: 011-015-16** 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 **January 14, 2021**.

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: _____