



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
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Item 6
9:25 AM
April 8, 2021

STAFF REPORT

TO: Planning Commission

FROM: Scott DeLeon, Community Development Director
Tocarra Nicole Thomas, Community Development Deputy Director

Prepared by: Eric Porter, Associate Planner

DATE: April 8, 2021

RE: **Hidden Valley Lake HOA / Hartmann Complex Improvements; Major Use Permit (UP 14-09) and Initial Study (IS 14-33). APN: 141-371-01**

Supervisor District 1

ATTACHMENTS:

1. Vicinity Map
2. Agency Comments
3. Conditions of Approval
4. Site Plan
5. Initial Study IS 14-33
6. Correspondence with Applicant
7. Public Comments
8. Grading and Drainage Study

I. EXECUTIVE SUMMARY

The proposed Hartmann Complex at Hidden Valley Lake Project (proposed project) consists of the construction of a new 12,483 sq. ft. building, referred to as the Hartmann Complex, which will be located approximately 255 feet northwest of the existing facility; and the subsequent demolition of the existing 7,200 square foot (sq. ft.) building that houses the Greenview Restaurant and pro shop. The new building would house the same facilities that currently operate at the existing Hidden Valley Lake building, including the Greenview Restaurant & Café and golf Pro Shop, plus the addition of expanded banquet facilities. A new 3,180 sq. ft. covered patio would be attached to the Hartmann Complex building. Golf amenities surrounding the Hartmann Complex would be modified to include additional driving range tees with netting, relocated practice greens, and repositioning of the 1st hole golf tees. The project would also include additional parking and a dedicated drop-off area.

Implementation of the proposed project requires approvals from the County including grading, building, and demolition permits. The existing Hidden Valley Lake Association facility would be relocated from a County zoning designation of Community Commercial (C2) to Open Space (O), which is the reason for this Major Use Permit. As required by the County's Department of Public Works, a sidewalk, curb, and gutter within six inches of the parcel boundary's right of way would be constructed, necessitating an Encroachment Permit. The County's issuance of the required permits triggers the need for compliance with the California Environmental Quality Act (CEQA).

Project activities would consist of development within previously disturbed, paved, and regularly maintained areas of the golf course and do not include expansion of the existing golf course boundaries. Utility providers such as the Hidden Valley Lake Community Services District, South Lake County Fire Department, Pacific Gas & Electricity, and South Lake Refuse and Recycling are expected to remain the same. No improvements will be made within 20 feet of Coyote Creek.

II. PROJECT DESCRIPTION

<u>Applicant/Owner:</u>	Hidden Valley Lake Homeowner's Association
<u>Project Location:</u>	19210 Hartmann Road, Hidden Valley Lake, CA
<u>A.P.N.:</u>	141-371-01
<u>Parcel Size:</u>	36.55 acres
<u>General Plan:</u>	Public Facilities – Resource Conservation – Community Commercial – Service Commercial
<u>Zoning:</u>	“O-FF-FW-WW” – Open Space District – Floodway Fringe Combining District – Floodway Combining District – Waterway Combining District
<u>Flood Zone:</u>	“AO” – Area within the 1% Annual Chance Flood Hazard Zone.
<u>Fire Hazard:</u>	None mapped
<u>Earthquake Fault:</u>	None mapped
<u>Slope:</u>	Flat, less than 10%
<u>Fire Protection:</u>	South Lake Fire Protection District (CalFire)
<u>Vegetation:</u>	Introduced trees and shrubs, grass
<u>Submittal Date:</u>	December 19, 2014

III. PROJECT SETTING

Existing and Proposed Access:

The Project Site is accessible from Hartmann Road. The existing parking lot has three separate entrance/exit points off of Hartmann Road.

Existing Development:

The parcel is currently developed with amenities associated with the Hidden Valley Lake Golf Course, including the Greenview Restaurant & Café, Pro Shop, tennis courts, parking lot, and greens.

Project Information - Construction

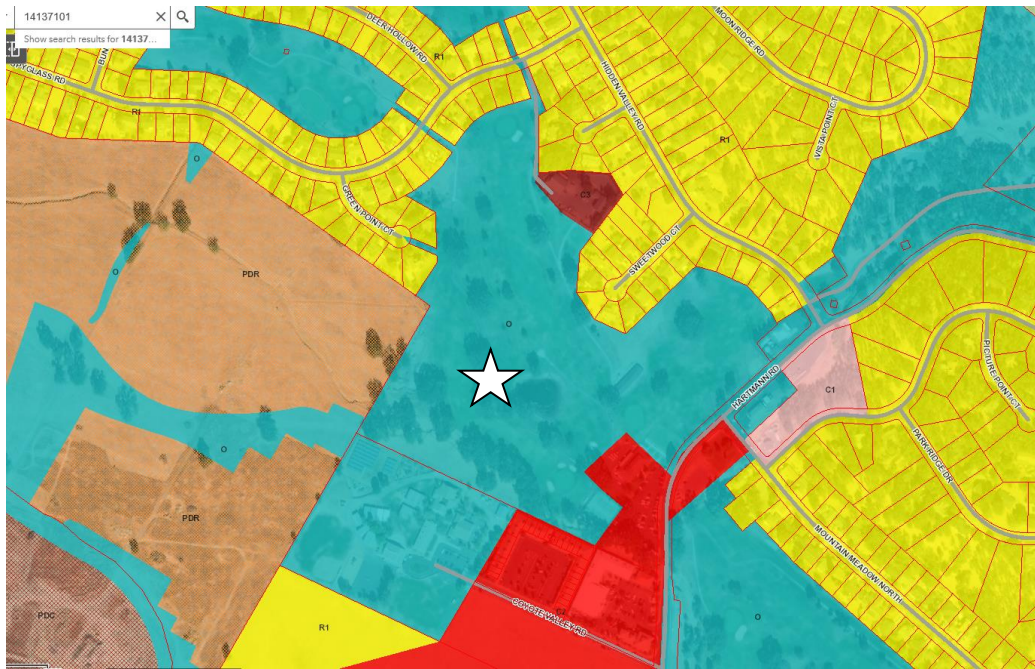
Construction of the new 12,483 sq. ft. restaurant, pro shop and 3,200+ sq. ft. covered patio is anticipated to take between three and five months to complete once building permits are issued for these structures.

Project Information – Demolition

Demolition of the existing 7,200 sq. ft. HOA building is anticipated to take two to four weeks and will occur after completion of the new 12,483 sq. ft. 'Hartmann' building.

Surrounding Uses and Zoning

- North: Parcels to the North are zoned “R1” Single-Family Residential. These parcels contain single family homes, many of which abut the Hidden Valley Lake Golf Course.
- South: Parcels to the south are zoned “C2” Community Commercial, “R1” Single-Family Residential, and “O” Open Space District. These parcels contain single family homes, a commercial shopping center, as well as greens for the Hidden Valley Lake Golf Course.
- West: Parcels to the west are zoned “PDR” Planned Development Residential and “O” Open Space District. The majority of this area is undeveloped grassland.
- East: Parcels to the east are zoned “C1” Local Commercial District and “R1” Single-Family Residential. These parcels contain dispersed single-family homes.



Zoning of Site and Surrounding Lots

IV. PROJECT ANALYSIS

General Plan Conformance

The General Plan designations for the subject site are Public Facilities, Resource Conservation, Community Commercial and Service Commercial. The General Plan descriptions of each of these four designations are as follow.

General Plan Chapter 3 – Land Uses

Public Facilities. This land use category establishes areas for services and facilities which are necessary to maintain the welfare of the community and the natural environment. Typical uses include parks, public marinas, schools, civic centers, hospitals, liquid and solid waste disposal and recycling sites, cemeteries, and public utility facilities including water and wastewater treatment facilities. This designation does not preclude future facilities from being located outside noted locations. This designation is located both inside and outside of Community Growth Boundaries.

Resource Conservation 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 not limited to, functioning as watershed lands which collect precipitation and provide for the important filtering of water to improve water quality. These lands provide important ground water recharge capability which is critical to the maintenance of the ecosystem.

Community Commercial. The purpose of this land use category is to provide a full range commercial retail and service commercial establishments serving multiple

neighborhoods or the entire community. These districts should include or enable a variety of convenience and shopping opportunities. Typical uses that would be permitted include gasoline service stations, hardware stores, eating and drinking establishments, food and beverage sales, public buildings, general merchandise stores, professional offices, and finance offices. Multi-family residential uses are permitted as secondary uses on upper floors of multi-story buildings. This designation is located primarily within Community Growth Boundaries, and may be allowed outside of the boundaries for purposes of expanding existing commercial developments that are already located outside of said boundaries.

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. This designation is located both inside and outside of Community Growth Boundaries.

The following General Plan goals and policies relate to site development in the context of this proposal:

Land Use

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

- Policy LU 6.1: “The County shall actively promote the development of a diversified economic base by continuing to promote agriculture, recreation services and commerce and by expanding its efforts to encourage industrial and non-industrial corporate developments, and the developments of geothermal resources”.

Response: The proposed project would create diversity within the local economy by providing construction-related and post-construction-related long term employment opportunities.

Middletown Area Plan Conformance

The subject site is within the Middletown Area Plan’s boundary. The Plan contains several policies that are subject to consistency review as follows:

Objective 5.1.1 Encourage comprehensive economic development that includes a high level of community participation to the long range benefit of the Planning Area with a balanced and diverse mix of commercial, manufacturing, residential, tourism and agriculture.

- **Policy 5.1.1.a** Economic development proposals should involve a high level of community participation.

Response: This proposed project received a great deal of public comment, and notices were sent to all residents within 725 feet of the subject site boundaries per the zoning Article 57 which governs public notices, as well as to residents who requested notice. Given the prior responses received by the County, it is probable that significant public participation in the hearing process will occur.

- **Policy 5.1.4b** Make agriculture more economically viable by encouraging the development of value-added agricultural industries that support tourism and maintaining sites in agricultural production, as long as the agricultural tourism uses do not negatively impact on-going agricultural operations on adjacent lands.

Response: The project site is in an area that already has outdoor amenities associated with the development. The improvements proposed will enhance amenities for the HOA and for those visiting the development and using the amenities.

Objective 5.1.5 Encourage comprehensive economic development efforts for the long-term benefit of the Planning Area aimed at increasing local employment opportunities

- **Policy 5.1.5b** Priority should be given to providing service and employment opportunities locally.

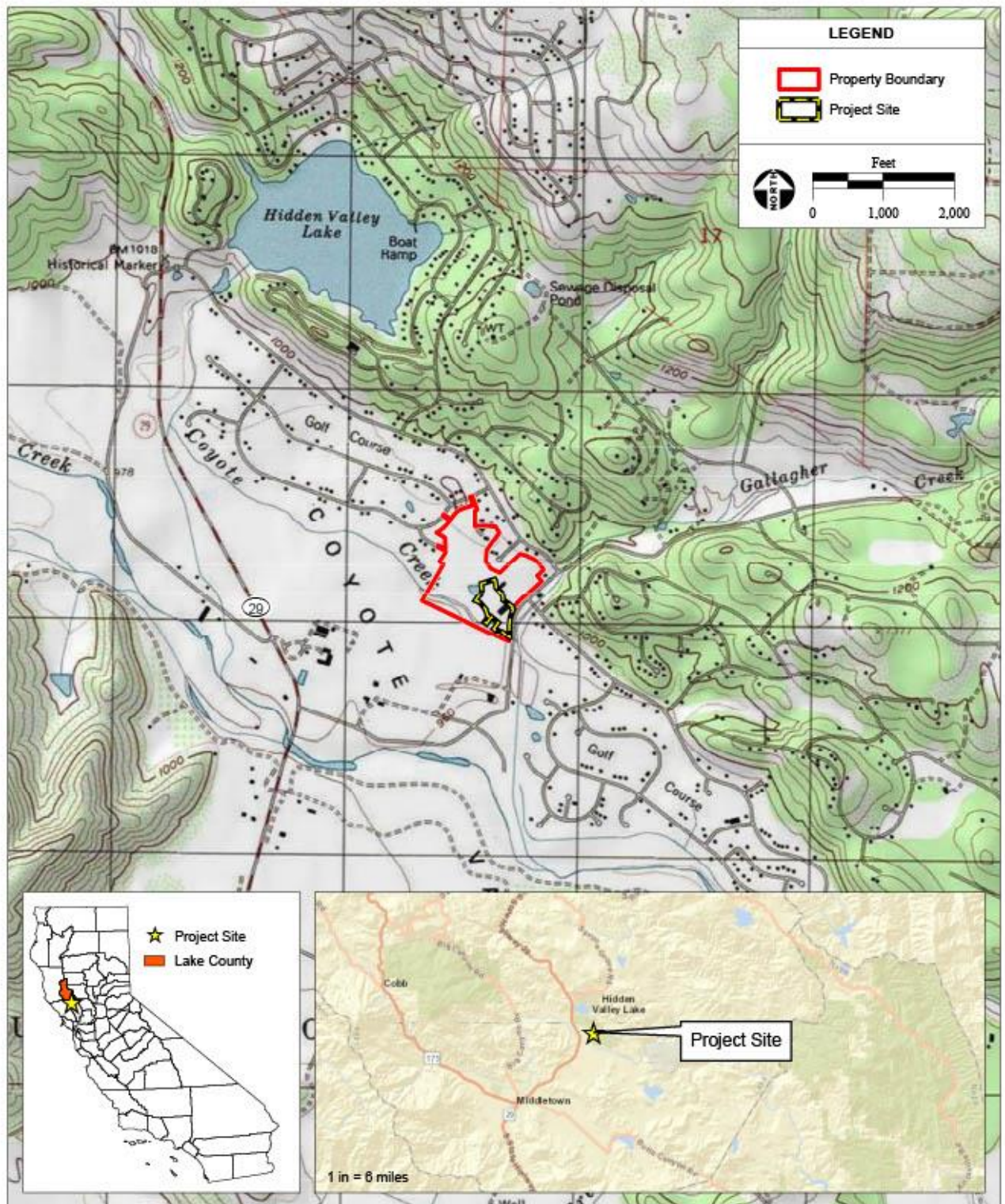
Response: This project will employ an estimated 10 to 20 persons during peak season (summer) months, and an estimated 10 persons during off-peak months. Those persons will spend money locally, and will likely be hired from local areas.

Zoning Ordinance Conformance

Article 24 – “O” Open Space Zoning District

Section 24.1 Purpose: To provide a zoning district to preserve, protect, and enhance public and private lands for their resource production potential and environmentally sensitive animal and plant habitat; while providing access to publicly owned lands and reducing land use conflicts by limiting uses incompatible with the purposes of this district.

Response: Restaurants, pro shops and golf courses are allowed as a permitted use in the ‘O’ zone subject to a major use permit.



SOURCE: "Middletown, CA" USGS 7.5 Minute Topographic Quadrangle, T11N R6W, Unsectioned Areas of Guenoc, Mt. Diablo Baseline & Meridian; ESRI World StreetMap. 2020; AES, 10/28/2020

Lake County Hartman Complex Initial Study / 220537 ■

Figure 1
Site and Vicinity

Section 24.3 Performance standards: All uses permitted in the “O” district shall be subject to the performance standards of Article 41.

Response: Compliance with Article 41 performance standards are stated below.

Article 41, Performance Standards

41.3 Exceptions:

(a) Uses which are not in compliance with all applicable performance standards at the time of zoning clearance shall require a use permit. A major use permit shall be required when the performance characteristics of the proposed use:

1. Have the potential to significantly impact the environment; or
2. Have the potential to create substantial public controversy; or
3. Have the potential to injure the public health, safety or welfare.

Response: The applicant applied for a major use permit and a CEQA review, which was submitted to the State Clearinghouse on February 22, 2021. No adverse comments were received from the Initial Study and support documents that were received by the State, and the County determined that all impacts could be mitigated through appropriate conditions of approval, even though each of the three above-listed items could potentially apply to this project.

The County has received a petition (March 24, 2021) and seven emails from residents objecting to this application, as well as several emails / letters of support for this project, also as of March 31, 2021.

41.4 Air quality: All uses shall comply with applicable local, state, and federal laws and regulations regarding contaminants and pollutants. This requirement includes, but is not limited to, emissions of suspended particulates, carbon monoxide, hydrocarbons, odors, toxic or obnoxious gases and fumes.

Response: The Initial Study prepared by the County for this project determined that the following mitigation measures are required to satisfy Lake County air quality standards and potential impacts:

AQ-1: The following control measures shall be implemented during construction:

- a) During construction, emissions of fugitive dust from any active operation, open storage pile, or disturbed surface area, shall be controlled so that dust does not remain visible in the atmosphere beyond the boundary line of the emission source.
- b) When wind speeds result in dust emissions crossing property lines, and despite the application of dust control measures, grading and earthmoving operations shall be suspended and inactive disturbed surface areas shall be stabilized.
- c) Fugitive dust generated by active operations, open storage piles, or from a disturbed surface area shall not result in such opacity as to obscure an observer's view to a degree equal to or greater than does smoke as dark or darker in shade as that designated as No. 2 on the Ringelmann Chart (or 40 percent opacity).

- d) All exposed soils shall be watered as needed to prevent dust density as described above and in order to prevent dust from visibly exiting the property.
- e) Any visible tracked out dirt on a paved road where vehicles enter and exit the work area must be removed at the end of the workday or at least one time per day. Removal shall be accomplished by using wet sweeping or a HEPA filter equipped vacuum device. Dirt from vehicles exiting the site shall be removed through the use of a gravel pad, a tire shaker, a wheel wash system, or a pavement extending for not less than 50 feet from the intersection with the paved public road.
- f) All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
- g) All vehicle speeds on unpaved roads shall be limited to 25 mph.

The plans submitted comply or can be made to comply through mitigation measures and/or conditions of approval.

41.5 Electromagnetic interference: Not applicable

41.6 Erosion control: The following erosion control standards shall apply to all development projects in commercial or industrial zoning districts:

- (a) The smallest practical area of land shall be exposed at any one time during development.

Response: The applicant is proposing the construction of a new 12,000+ sq. ft. building in relatively close proximity to an existing building to be demolished (255 feet away), and the subsequent demolition of an existing 7,200 sq. ft. building. The Initial Study prepared for this project listed mitigation measures to reduce or eliminate impacts related to erosion as follows:

HYD-1: The Project Applicant shall obtain coverage under the NPDES Construction General Permit prior to initiation of construction activities. The State Water Resources Control Board (SWRCB) requires that construction sites have adequate control measures to reduce the discharge of sediment and other pollutants to streams to ensure compliance with Section 303 of the Clean Water Act (CWA). To comply with the NPDES permit, a Notice of Intent shall be filed with the SWRCB.

A SWPPP shall be approved prior to construction. The SWPPP shall include a detailed, site-specific listing of the potential sources of stormwater pollution; pollution prevention measures (erosion and sediment control measures and measures to control non-stormwater discharges and hazardous spills) including a description of the type and location of erosion and sediment control BMPs to be implemented at the Project Site; and a BMP monitoring and maintenance schedule to determine the amount of pollutants leaving the Project Site. A copy of the SWPPP shall be kept on the Project Site. Water quality BMPs identified in the SWPPP may include, but are not limited to, the following:

- Areas where ground disturbance occurs shall be identified in advance of construction and limited to approved areas.
- Vehicular construction traffic shall be confined to the designated access routes and staging areas.
- Equipment maintenance and cleaning shall be confined to staging areas. No vehicle maintenance shall occur on-site during construction.
- Supervisory construction personnel shall be informed of environmental concerns, permit conditions, and final project specifications. Said personnel shall be responsible for instructing on-site work to meet the requirements of the SWPPP including making sure work is conducted outside of protected trees' drip lines to the extent possible.
- Disturbed areas shall be restored to pre-construction contours to the extent possible.
- Hay/straw bales and silt fences shall be used to control erosion during stormwater runoff events.
- The highest quality soil shall be salvaged, stored, and used for native re-vegetation/seeding.
- Drainage gaps shall be implemented in topsoil and spoil piles to accommodate/reduce surface water runoff.
- Sediment control measures shall be in place prior to the onset of the rainy season and will be maintained until disturbed areas have been re-vegetated. Erosion control structures shall be in place and operational at the end of each day if work activities occur during the rainy season.
- Fiber rolls shall be placed along the perimeter of disturbed areas to ensure sediment and other potential contaminants of concern are not transported off-site or to open trenches. Locations of fiber rolls will be field adjusted as needed and according to the advice of the certified SWPPP inspector.
- Vehicles and equipment stored in the construction staging area shall be inspected regularly for signs of leakage. Leak-prone equipment will be staged over an impervious surface or other suitable means will be provided to ensure containment of any leaks. Vehicle/equipment wash waters or solvents will not be discharged to surface waters or drainage areas.
- During the rainy season (dates to be specified in the SWPPP), soil stockpiles and material stockpiles will be covered and protected from the wind and precipitation. Plastic sheeting will be used to cover the stockpiles and straw wattles will be placed at the base for perimeter control.

Contractors shall immediately control the source of any leak and immediately contain any spill utilizing appropriate spill containment and countermeasures. Leaks and spills shall be reported to the designated representative of the lead contractor and shall be evaluated to determine if the spill or leak meets mandatory SWPPP reporting requirements. Contaminated media shall be collected and disposed of at an off-site facility approved to accept such media.

- (b) When land is exposed during development, the exposure shall be kept to the shortest practical period of time.

Response: The applicant has not provided a construction time-line, however the County anticipates that the new construction will take two to four months, and the demolition of the building and site clean-up will likely take between one and two months. .

- (c) Natural features such as trees, groves, natural terrain, waterways, and other similar resources shall be preserved where feasible.

Response: The plans submitted comply.

- (d) Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.

Response: The golf course serves as a natural protective area that can absorb stormwater runoff during site disturbance. Also, the applicant has submitted a Drainage Study and Erosion Control plan that addresses these issues.

- (e) The permanent final vegetation and structures shall be installed as soon as practical in the development.

Response: The HOA leading this project has indicated that the demolition and new construction would take place as soon as building permits are issued for this project.

- (f) Wherever feasible the development shall be fitted to the topography and soils to create the least erosion potential.

Response: The plans submitted comply. The applicant has submitted a grading plan that shows engineering and erosion control measures during construction and subsequent demolition of the building.

- (g) Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.

Response: The Drainage Study submitted addresses this event using Best Management Practices.

- (h) Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from runoff waters from land undergoing development where needed.

Response: This is shown on the plans submitted.

41.7 Fire and explosion hazards: Not applicable

41.8 Glare and heat: Not applicable

41.9 Landscaping standards:

(a) General: All undeveloped land areas shall be maintained in permanent vegetative cover, or alternatively be landscaped with a combination of materials to control runoff. All yards shall be landscaped such that there shall be no accumulation of silt, mud, or standing water causing unsightly or hazardous conditions, either within the yard or on adjacent properties, public roads, or sidewalks.

Response; The property is already developed with a golf course, restaurant and pro shop. The proposal would enlarge the restaurant / pro-shop building (from 7,200 sq. ft. to over 12,000 sq. ft.),

5. Where a parking lot contains ten (10) or more spaces and is visible from a street, not less than five (5) percent of the parking lot, excluding the area of the landscaped strip required by Subsection (b) 2 shall be landscaped. Such landscaping shall be distributed through the parking lot and shall not be concentrated in any one area. Landscaping shall be computed on the basis of the total amount of parking and driveways provided (except spaces provided for enclosed vehicle storage areas).

6. For landscaping required for parking lots in Subsection (b) 5 above, protective measures including but not limited to concrete curbing, railroad ties, or decorative rock shall border all landscaped area.

7. Existing or indigenous plant materials that meet the requirements of this section may be counted as contributing to the total landscaping required when located within the proposed use area.

8. Minimum plant size: Unless otherwise specifically indicated elsewhere all plant materials shall meet the following minimum standards as indicated in Table 9.1:

9. Irrigation required: All landscaping shall be provided with a drip irrigation system or in-ground sprinkler system. If all plant materials are indigenous or drought resident, a temporary or portable irrigation system may be provided. **(Ord. No. 1749, 7/7/1988)**

10. Plan required: A landscape plan, either as an overlay of the proposed site plan or a separate drawing, shall be submitted to the Planning Department for review and approval by the Development Review Committee.

Response: A Landscape Plan was submitted that meets these requirements.

12. Bonding required.

Response: No bonding is needed; this is not applicable

41.10 Liquid, solid and hazardous wastes:

(a) All uses are prohibited from discharging liquid, solid, toxic or hazardous wastes onto or into the ground and into streams, lakes or rivers. Discharge into a public or

private waste disposal system in compliance with applicable local, state, and federal laws and regulations is permitted.

(b) Wastes detrimental to a public sewer system or a sewage treatment plant, shall not be discharged to a public sewer system unless they have been pretreated to the degree required by the authority having jurisdiction over the sewerage system.

(c) The handling and storage of hazardous materials, the discharge of hazardous materials into the air and water; and disposal of hazardous waste in connection with all uses shall be in conformance with all applicable local, state and federal regulations.

(d) All burning of waste materials accessory to any use shall be in compliance with the Lake County Air Pollution Control District rules and regulations.

(e) The disposal or dumping of solid waste accessory to any use, including, but not limited to, slag, paper and fiber wastes, or other industrial wastes shall be in compliance with applicable local, state, and federal laws and regulations.

Response: All chemicals and fertilizers related to golf course maintenance are stored in a locked and secured building. All chemicals associated with cleaning supplies are kept in a locked and secured building and are only handled by authorized staff. No other wastes associated with any aspect of this project are anticipated; all materials associated with the demolition aspect of this project will be transported to the landfill, and the site will be cleaned prior to the start of new construction. .

Further, the applicant has submitted a Drainage Study, prepared by Warren Consulting Engineers and dated June 5, 2020 that addresses the treatment of stormwater runoff. This study states:

The project has been designed using traditional pipe and drain systems within the paved and landscaped areas which will collect runoff on-site and be piped to the County's storm drain system. Where able the site detaches paving to drain towards landscaping and Bioretention before being collected in the storm drainage system.

The building and surrounding grading has been designed to generally slope away from the building in accordance with local and state codes. Drains and pipelines have been designed to convey typical runoff however, overland release points have been provided in the event drainage systems failure. The proposed structure is not at risk in the event all of the drainage systems fail, although proper maintenance of the proposed drainage systems should always be performed by the owner.

Storm Water Quality and Baseline Hydromodification

The California State Phase II Small MS4 General Permit requires treatment measures on regulated projects which are projects that create or replace more

than 5,000 square feet of new impervious area per Section E.12. Projects that create or replace more than 1 acre (43,560 square feet) of new impervious area require hydromodification management measures. The proposed project creates or replaces approximately 2.91 acres of new impervious area.

The storm water treatment and the hydromodification management measures for the project will be Bioretention sized per Section E.12.ii.f, which is 4% of the tributary impervious created or replaced in the project. The project creates or replaces 126,958 square feet (2.91 acres) of impervious area and 4% of this area is 5,078 square feet. The Bioretention proposed for the project is approximately 5,318 square feet, which meets the sizing requirements.

Lastly, the Initial Study included three mitigation measures that address these concerns as follows:

- HAZ-1: An accidental spill prevention and response plan shall be developed which will include a list of all hazardous materials used and/or stored on the Project Site during construction activities; appropriate information about initial spill response, containment, and cleanup strategies; and a list of appropriate County contact information. The spill prevention and response plan shall be included as a component of the SWPPP described in Mitigation Measure HYD-1. The plan shall require containment equipment and sufficient supplies to combat spills of oil or hazardous substances shall be on site at all times during construction.
- HAZ-2: Materials containing asbestos shall be properly removed in accordance with State OSHA and Federal regulations (CCR & CFR) by a licensed Asbestos Abatement Contractor certified by the State of California Division of Occupational Safety and Health, prior to any renovation and/or demolition that may disturb asbestos containing material. Containment and disposal of asbestos-containing material shall be in accordance with the Local EPA Air Quality Management District.
- HAZ-3: During construction, staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fire fuel. To the extent feasible, the contractor shall keep these areas clear of combustible materials in order to maintain a fire break. Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws.

41.11 Noise: Maximum sound emissions for any use shall not exceed equivalent sound pressure levels in decibels, A-Weighted Scale, for any one (1) hour as stipulated in Table 11.1. These maximums are applicable beyond any property lines of the property containing the noise. (Note: Equivalent sound pressure level (Leq) is a measure of the sound level for any one (1) hour. It is the energy average of all the various sounds emitted from the source during the hour. A-Weighted Scale is used to adjust sound measurements to simulate the sensitivity of the human ear.)

Response: Lake County requires limits to construction and post-construction related activities; these thresholds are added within the Conditions of Approval for this action.

41.12 Open and outdoor storage, sales and display: Not applicable

41.13 Radioactivity: Not applicable

41.15 Vibrations: No use shall generate ground vibration which is perceptible without instruments beyond the lot line. Ground vibrations caused by motor vehicles, aircraft, temporary construction work, or agricultural equipment are exempt from these standards.

Response: The subject site is 36.55 acres in size. It is unlikely that construction-related vibrations will be felt beyond the property lines of this site.

V. ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use actions. An Initial Study and Negative Declaration (IS 14-33; Attachment 5) was prepared and circulated for public review in compliance with CEQA from February 22, 2021 to March 25, 2021. No adverse comments were received from any notified agency.

The Middletown Rancheria Tribe expressed interest in the project, and a written agreement between the Tribe and the HOA was reached in 2015.

The following mitigation measures were established within the Initial Study for this project, and are added as conditions of approval for this use permit:

Air Quality. *The project has some potential to impact air quality. The following mitigation measures are included to reduce these impacts to 'less than significant' levels:*

AQ-1: The following control measures shall be implemented during construction:

- a) During construction, emissions of fugitive dust from any active operation, open storage pile, or disturbed surface area, shall be controlled so that dust does not remain visible in the atmosphere beyond the boundary line of the emission source.
- b) When wind speeds result in dust emissions crossing property lines, and despite the application of dust control measures, grading and earthmoving operations shall be suspended and inactive disturbed surface areas shall be stabilized.
- c) Fugitive dust generated by active operations, open storage piles, or from a disturbed surface area shall not result in such opacity as to obscure an observer's view to a degree equal to or greater than does smoke as dark or darker in shade as that designated as No. 2 on the Ringlemann Chart (or 40 percent opacity).
- d) All exposed soils shall be watered as needed to prevent dust density as described above and in order to prevent dust from visibly exiting the property.

- e) Any visible tracked out dirt on a paved road where vehicles enter and exit the work area must be removed at the end of the workday or at least one time per day. Removal shall be accomplished by using wet sweeping or a HEPA filter equipped vacuum device. Dirt from vehicles exiting the site shall be removed through the use of a gravel pad, a tire shaker, a wheel wash system, or a pavement extending for not less than 50 feet from the intersection with the paved public road.
- f) All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
- g) All vehicle speeds on unpaved roads shall be limited to 25 mph.
- h) During construction the contractor shall, where feasible, utilize existing power sources (e.g., power poles) or clean fuel (i.e. gasoline, biodiesel, natural gas) generators rather than temporary diesel power generators.
- i) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. Signs shall be posted in the designated queuing areas of the construction site to remind off-road equipment operators that idling time is limited to a maximum of 5 minutes.

Biological Resources. *The project has some potential to impact biological resources. The following mitigation measures are included to reduce these impacts to 'less than significant' levels:*

BIO-1: Should work commence during the nesting season (February 15 to September 15), a preconstruction nesting bird survey shall be conducted by a qualified biologist no more than five days prior to the start of ground disturbing activities. Areas within 500 feet of construction shall be surveyed as possible for active nests. Should an active nest be identified, a "disturbance-free" buffer shall be established by the qualified biologist based on the needs of the species identified. The buffer shall remain in place until the biologist determines that the nest is no longer active. Should construction cease for a period of five days or more, an additional pre-construction nesting bird survey shall be conducted.

BIO-2: Prior to removal of trees with a diameter at breast height (dbh) exceeding six inches, a qualified biologist shall conduct a survey of trees to determine whether trees with potential bat roosts are scheduled for removal. If trees scheduled for removal do not have roost habitat, then no further mitigation is necessary. If trees scheduled for removal are observed with roost habitat, the trees shall be removed over a two-day process as outlined below:

- Removal shall occur while bats are not actively utilizing the potential roost tree. Removal shall occur as possible outside of maternity season. The maternity roosting season for bats is approximately February 1 through September 1 (but varies due to rainfall and temperature). The best time for removal of structures that may support maternity roosting is between February 1 and April 15.
- On day 1, branches and small limbs not containing potential bat roost habitat (cavities, crevices, exfoliating bark, etc.) shall be removed using chainsaws only.

- On day 2, the remainder of the tree shall be removed.

BIO-3: A pre-construction survey for FYLF shall be conducted by a qualified biologist within five days of initiating ground disturbing activities. Surveys shall cover between left and right bankfull at least 500 feet upstream and 500 feet downstream of the work area as accessible. Surveys shall extend up to 30 feet above bankfull within 100 feet of work areas when suitable, accessible habitat is present.

Work within 100 feet of Coyote Creek shall occur during the dry months (July 1 through October 31) as possible. Timing shall also occur outside of the FYLF breeding season (March 1 to June 30) to the extent possible. If work must occur between October 31 and June 30, a monitor shall be present, or FYLF shall be excluded from active work areas by an exclusionary fence that is at least 24 inches tall and has a no-climb barrier installed along the top. Prior to commencement of work, a qualified biologist will inspect the fence and work area to ensure proper installation and clearance of FYLF. These measures shall be implemented in the following manner:

- If a work area is within 100 feet of Coyote Creek, a monitor will be present during work and will ensure that no FYLF are impacted. Observed FYLF will be avoided by construction activities by at least 50 feet unless the monitor is positioned between the FYLF and the construction activity.
- Work areas can alternatively be separated from Coyote Creek by exclusionary fencing as described above and no monitoring would be required. If exclusionary fencing is utilized, fencing must extend the length of the active work area plus 100 feet downstream and upstream, unless impeded by Hartmann Road.
- If a FYLF is found in a work area and cannot be avoided, the qualified biologist will coordinate with CDFW to develop an acceptable relocation strategy.

Cultural / Tribal / Geological (Historic) Resources. *The project has some potential to impact cultural, tribal and geologic / historic resources. The following mitigation measures are included to reduce these impacts to 'less than significant' levels:*

CR-1: Prior to the initiation of ground-disturbing activities all construction personnel shall be trained in the protection of cultural resources, the recognition of buried cultural remains, and the notification procedures to be followed upon the discovery of archaeological materials, including Native American burials. The training shall be presented by an archaeologist who meets the Secretary of Interior's Standards for Prehistoric and Historic Archaeology and by a Native American representative and should include recognition of both prehistoric and historic resources. Personnel shall be instructed that unauthorized collection or disturbance of artifacts or other cultural materials is illegal, and that violators will be subject to prosecution under the appropriate state and federal laws. Supervisors shall also be briefed on the consequences of intentional or inadvertent damage to cultural resources.

CR-2: Impacts to surface and subsurface cultural resources not previously identified shall mitigated through the implementation of a monitoring program during demolition and construction grubbing, grading, and excavation. Native American consultation shall

also be undertaken as part of this mitigation measure. The monitoring program shall include the following:

- Retention of a Qualified Archaeologist. A qualified archaeologist shall be retained to implement a monitoring and recovery program during all ground-disturbing activity associated with the Project, including grubbing, grading, and excavation. The qualified archaeologist shall meet the Secretary of Interior's Professional Standards for prehistoric and historic archaeology.
- Preconstruction Briefing. Construction personnel shall be briefed by the qualified archaeologist on procedures to be followed in the event that unique archaeological resources, historical resources, or human remains are encountered during construction. The qualified archaeologist shall be required to provide a telephone number where they can be reached by the construction contractor, as necessary.
- Construction Monitoring. An archaeological monitor working under the supervision of the qualified archaeologist shall observe all initial ground-disturbing activities associated with the project, including grubbing, grading, and excavations. The monitor shall be authorized to halt construction, if necessary, in the immediate area where buried cultural remains are encountered. Prior to the resumption of grading activities in the immediate vicinity of the cultural remains,
- Monitoring Report. A complete set of the daily monitoring logs shall be kept on site throughout the earth-moving activities and be available for inspection. The daily monitoring log shall be keyed to a location map to indicate the area monitored, date, assigned personnel, and results of monitoring, including the recovery of archaeological material, sketches of recovered materials, and associated geographic site data. Within 90 days of the completion of the archaeological monitoring, a monitoring report shall be submitted to Lake County and filed with the NWIC.

Geological Resources. *The project has some potential to impact other geologic resources. The following mitigation measures are included to reduce these impacts to 'less than significant' levels:*

GEO-1: In the event of any inadvertent discovery of paleontological resources, all work within a 50-foot radius of the find shall be halted and the County shall be notified. Workers shall avoid altering the materials until a professional paleontologist can evaluate the significance of the find and make recommendations to the County on the measures that shall be implemented to protect the discovered resources.

Hazards and Hazardous Materials. *The project has some potential to impact hazards and hazardous materials. The following mitigation measures are included to reduce these impacts to 'less than significant' levels:*

HAZ-1: An accidental spill prevention and response plan shall be developed which will include a list of all hazardous materials used and/or stored on the Project Site during construction activities; appropriate information about initial spill response, containment, and cleanup strategies; and a list of appropriate County contact information. The spill prevention and response plan shall be included as a component of the SWPPP

described in Mitigation Measure HYD-1. The plan shall require containment equipment and sufficient supplies to combat spills of oil or hazardous substances shall be on site at all times during construction.

HAZ-2: Materials containing asbestos shall be properly removed in accordance with State OSHA and Federal regulations (CCR & CFR) by a licensed Asbestos Abatement Contractor certified by the State of California Division of Occupational Safety and Health, prior to any renovation and/or demolition that may disturb asbestos containing material. Containment and disposal of asbestos-containing material shall be in accordance with the Local EPA Air Quality Management District.

HAZ-3: During construction, staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fire fuel. To the extent feasible, the contractor shall keep these areas clear of combustible materials in order to maintain a fire break. Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws.

Hydrology and Water Quality. *The project has some potential to impact other hydrology and water quality resources. The following mitigation measures are included to reduce these impacts to 'less than significant' levels:*

HYD-1: The Project Applicant shall obtain coverage under the NPDES Construction General Permit prior to initiation of construction activities. The State Water Resources Control Board (SWRCB) requires that construction sites have adequate control measures to reduce the discharge of sediment and other pollutants to streams to ensure compliance with Section 303 of the Clean Water Act (CWA). To comply with the NPDES permit, a Notice of Intent shall be filed with the SWRCB.

A SWPPP shall be approved prior to construction. The SWPPP shall include a detailed, site-specific listing of the potential sources of stormwater pollution; pollution prevention measures (erosion and sediment control measures and measures to control non-stormwater discharges and hazardous spills) including a description of the type and location of erosion and sediment control BMPs to be implemented at the Project Site; and a BMP monitoring and maintenance schedule to determine the amount of pollutants leaving the Project Site. A copy of the SWPPP shall be kept on the Project Site. Water quality BMPs identified in the SWPPP may include, but are not limited to, the following:

- Areas where ground disturbance occurs shall be identified in advance of construction and limited to approved areas.
- Vehicular construction traffic shall be confined to the designated access routes and staging areas.
- Equipment maintenance and cleaning shall be confined to staging areas. No vehicle maintenance shall occur on-site during construction.
- Supervisory construction personnel shall be informed of environmental concerns, permit conditions, and final project specifications. Said personnel shall be

responsible for instructing on-site work to meet the requirements of the SWPPP including making sure work is conducted outside of protected trees' drip lines to the extent possible.

- Disturbed areas shall be restored to pre-construction contours to the extent possible.
- Hay/straw bales and silt fences shall be used to control erosion during stormwater runoff events.
- The highest quality soil shall be salvaged, stored, and used for native re-vegetation/seeding.
- Drainage gaps shall be implemented in topsoil and spoil piles to accommodate/reduce surface water runoff.
- Sediment control measures shall be in place prior to the onset of the rainy season and will be maintained until disturbed areas have been re-vegetated. Erosion control structures shall be in place and operational at the end of each day if work activities occur during the rainy season.
- Fiber rolls shall be placed along the perimeter of disturbed areas to ensure sediment and other potential contaminants of concern are not transported off-site or to open trenches. Locations of fiber rolls will be field adjusted as needed and according to the advice of the certified SWPPP inspector.
- Vehicles and equipment stored in the construction staging area shall be inspected regularly for signs of leakage. Leak-prone equipment will be staged over an impervious surface or other suitable means will be provided to ensure containment of any leaks. Vehicle/equipment wash waters or solvents will not be discharged to surface waters or drainage areas.
- During the rainy season (dates to be specified in the SWPPP), soil stockpiles and material stockpiles will be covered and protected from the wind and precipitation. Plastic sheeting will be used to cover the stockpiles and straw wattles will be placed at the base for perimeter control.

Contractors shall immediately control the source of any leak and immediately contain any spill utilizing appropriate spill containment and countermeasures. Leaks and spills shall be reported to the designated representative of the lead contractor and shall be evaluated to determine if the spill or leak meets mandatory SWPPP reporting requirements. Contaminated media shall be collected and disposed of at an off-site facility approved to accept such media.

Conclusion: The Initial Study found that the project would not cause significant impacts in any of the categories listed within the Initial Study document.

VI. MAJOR USE PERMIT FINDINGS FOR APPROVAL. Article 51, Section 51.4a

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 immediate area contains a mixture of residential, commercial and recreational uses that are typically found within this type of development. The Initial Study concluded that all potential impacts could be reduced to less than significant with specific mitigation measures added (as well as with specific conditions of approval that are typical with projects such as this).

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

The 36.55 acre site already contains a restaurant, pro shop and golf course. The project would build a new 12,600 sq. ft. building that includes a restaurant, and a 3,200 sq. ft. covered patio would be added. Following construction of the new building, the existing 7,200 sq. ft. building will be demolished. Some minor changes to Hole #1 of the golf course would occur, and some parking will be added to the new location of the Hartmann building.

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

The site is served by Hartmann Road, a paved 2-lane County maintained road with 10' travel lanes and a 2' shoulder on either side. The Initial Study, Transportation section, made the following conclusions about potential trips being generated by this proposal:

Construction of the proposed project would temporarily result in a negligible increase in traffic volumes in the vicinity of the project site. Vehicular trips from construction would consist of worker trips and deliveries of equipment and materials to and from the project site. The temporary increase in trips due to construction of the proposed project would not cause a significant change to roadway level of service. There would be a less-than-significant impact.

Trip generation rates for the proposed project are based on the 10th Edition of the Trip Generation Manual, Institute of Transportation Engineers (ITE), "Land Use 931 - Quality Restaurant". A 50 percent trip reduction was applied due to the fact that many patrons of the existing complex reside locally and are expected to walk, bike, or use golf-carts to access the proposed project. The proposed project is expected to result in approximately 201 additional daily trips and 19 additional trips during the PM peak hour.

Access to the proposed project would be provided by State Route 29 (SR-29) and Hartmann Road. The intersection of SR-29 and Hartmann Road was recently improved with a roundabout and operates acceptably under current conditions. Therefore operation of the proposed project would not constitute a substantial increase in traffic, and would not cause a significant change to

roadway level of service. There would be a less-than-significant transportation-related impact.

4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.

This application was routed to all of the affected public and private service providers including CalTrans, CAL FIRE, Northshore Fire District, Public Works, Special Districts, Environmental Health, and all area Tribes. Comments are attached as 'Attachment 2'. Ultimately, no adverse comments were received. The golf course would require no additional water usage, and the restaurant can be adequately served with all public utilities that originate from the Hidden Valley Water and Sewer District. There are no power issues associated with this project, and the Lake County Sheriff's Department and South Lake Fire District can serve this property and project.

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

The purpose of this report is to evaluate the adequacy of all aspects of this proposal, including compliance with applicable code sections, General Plan and the Middletown Area Plan. The County has found that all aspects of this proposed project either comply or can be made to comply through appropriate mitigation measures and conditions of approval.

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

The site does not have any violations of Chapters 5, 17, 21, 23 or 26 of the Lake County Code.

VII. RECOMMENDATION

Staff recommends the Planning Commission:

- A. **Adopt negative declaration (IS 14-33) for Use Permit (UP 14-09) with the following findings:**

1. Potential air quality impacts can be mitigated to less than significant levels with the inclusion of mitigation measure AQ-1.
2. Potential environmental impacts related to cultural and tribal resources can be mitigated to less than significant levels with the inclusion of mitigation measures CR-1 and CR-2.

3. Potential biological impacts can be mitigated to less than significant levels with the inclusion of mitigation measures BIO-1, BIO-2 and BIO-3.
4. Potential geology and soils can be mitigated to less than significant levels with the inclusion of mitigation measure GEO-1.
5. Potential impacts regarding hazards and hazardous materials can be mitigated to less than significant levels with the inclusion of mitigation measures HAZ-1, HAZ-2 and HAZ-3.
6. Potential impacts related to hydrology and water quality can be mitigated to less than significant impacts with the inclusion of mitigation measure HYD-1.
7. This project is consistent with land uses in the vicinity.
8. This project is consistent with the Lake County General Plan, Middletown Area Plan and Zoning Ordinance.
9. Any changes to the project will require either an amended Use Permit or a new Use Permit unless the Community Development Director determines that any changes have no potential environmental impacts.
10. As mitigated through specific conditions of approval, this project will result in less than significant environmental impacts.

B. Approve Use Permit UP 14-09 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 can be mitigated to be reasonably adequate to safely accommodate the proposed use.
4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
5. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.

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

Sample Motions:

Mitigated Negative Declaration (IS 14-33)

I move that the Planning Commission find that the **Initial Study (IS 14-33)** applied for by **Hidden Valley Lake Homeowner's Association** on property located at **19210 Hartmann Road, Hidden Valley Lake**, and further described as **APN 141-371-01** will not have a significant effect on the environment and therefore a mitigated negative declaration shall be approved with the findings listed in the staff report dated **April 8, 2021**.

Major Use Permit (UP 14-09)

I move that the Planning Commission find that the **Hidden Valley Lake Homeowner's Association** on property located at **19210 Hartmann Road, Hidden Valley Lake**, and further described as **APN 141-371-01** 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 **April 8, 2021**.

NOTE: The applicant or any interested person is reminded that the Zoning Ordinance provides for a seven (7) calendar day appeal period. If there is a disagreement with the Planning Commission, an appeal to the Board of Supervisors may be filed. The appropriate forms and applicable fee must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.