



## 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 # 7  
9:35AM

April 8, 2021

### STAFF REPORT

**TO:** Planning Commission

**FROM:** Scott DeLeon, Community Development Director  
Tocccarra Thomas, Community Development Deputy Director

**DATE:** November 24, 2020

**SUBJECT:** Huttochia Six Sigma Glamping Project Major Use Permit UP 18-24, Initial Study IS 18-24; 13372 Spruce Grove Road, Lower Lake, CA 95457 (APNs 012-012-69 and 012-012-25).

#### Supervisor District 1

**ATTACHMENTS:**

1. Vicinity Map
2. Project Description and Operations Plan
3. Proposed Development Plans
4. Conceptual Development Details
5. Proposed Conditions of Approval
6. RFR Agency Comments
7. Initial Study, IS 18-24 and Mitigated Negative Declaration
8. Initial Study Comments

#### I. EXECUTIVE SUMMARY

The applicant is requesting approval of a Major Use Permit to allow for the development of facilities associated with a walkable camping destination with an emphasis on the enjoyment of the local natural habitat. The propose project identifies the location of tents and cabins, central facilities, swimming pool, on-site water and sewer, and other support facilities (see Attachments 2 through 4).

The project is proposed at the Six Sigma Ranch and Winery property at 13444 Spruce Grove Road on Assessor's Parcel Numbers (APNs) 012-012-69 and in Lower Lake, California. The proposed project site is located southeast of Lower Lake. From Lower Lake, drive approximately 1.5 miles south on State Highway 29, then turn left on Spruce Grove Road. The project driveway is 3.3 miles southeast of the intersection of State Highway 29 and Spruce Grove Road.

Although the proposed project is located on the Six Sigma Ranch, the proposed project will have minimal development activities related to the project; there will be no impact to the Six Sigma Ranch or facilities. The parcels outside of the lease area would continue to be used and managed by the Six Sigma Ranch and Winery.

The overall site layout, including drainage buffers and grading setbacks, is provided on the Development Site Plans (Attachment 3) Sheet D3. For ease of review, the site is divided into nine (9) zones with the details of each zone on a separate sheet. The layout within each zone is provided on Sheets D3.1 through D3.9. Construction staging is provided on Sheet D4. Proposed grading and erosion control, existing and proposed roads/trails/parking, road and pedestrian crossings, and typical details are provided on the Preliminary Grading and Erosion Control Plan (sheets C0 through C7 of Attachment 3). Proposed exterior lighting is provided on Sheets L0 through L2. Fire evacuation routes are summarized on Sheet F0. Conceptual details and illustrations are provided in Attachment 4.

Applicant/Owner: Huttopia Six Sigma, LLC.

Location/APN's: 13372 Spruce Grove Road, Lower Lake, CA 95457 (012-012-69 and 012-012-25).

Parcel Size: 012-012-69: Approximately 280± acres in size.  
012-012-25: Approximately 40± acres in size.

General Plan: 012-012-69: "A-RL-RR" - Agricultural - Rural Lands - Rural Residential.  
012-012-25: "RL" – Rural Lands.

Zoning: 012-012-69: "A-RL-RR" - Agricultural - Rural Lands - Rural Residential.  
012-012-25: "RL" – Rural Lands.

Flood Zone: Not within a designated special flood hazard zone.

Fire Zone: Moderate (majority of project site), high, and very high.

Earthquake Fault Zone: Not within an earthquake fault zone.

Dam Failure Inundation Zone: Not within a dam failure zone.

**Staff recommends conditional approval of the Mitigated Negative Declaration (IS 18-24) and Major Use Permit (UP 18-24), Proposed Conditions of Approval are included.**

## **II. PROJECT DESCRIPTION**

The applicant is requesting approval of a Major Use Permit to allow for the development of facilities associated with a glamping destination, including 129 lodging units, employee housing, central facilities, swimming pool, on-site water and sewer, and other support facilities (see Attachments 2 through 4).

**Glamping and Support Facilities.** The proposed development would include the following:

- 129 tents/cabins, ranging in size between 215 ft<sup>2</sup> and 400 ft<sup>2</sup>, placed on wood platforms, ranging in size between approximately 460 ft<sup>2</sup> and 940 ft<sup>2</sup>. Tents and cabins would accommodate 108 families and 21 couples, or up to approximately 575 glampers if all units are at full capacity. The amount, size, and capacity are summarized below. Conceptual illustrations and elevations are provided in Attachment 4.

Tents without bathrooms

- Thirteen (13) Canadienne Tents (capacity: 5 people, dimensions: 18.4 ft x 24.9 ft)

Tents/Cabins with bathrooms (cabins also have small kitchens)

- Fifty nine (59) Family Trappeur Tents (capacity: 5 people, dimensions: 20.0 ft x 33.1 ft)
- Twenty one (21) Trappeur Duo Tents (capacity: 2 people, dimensions: 16.4 ft x 32.8 ft)
- Twenty nine (29) Toronto Cabins (capacity: 5 dimensions 19.0 ft x 22.0 ft)
- Seven (7) Liberty Cabins (capacity: 4, ADA compliant, tent dimensions 30.5 ft x 30.8 ft)

- Cabins would be offered full linen service; linens would be taken offsite to a local linen service company.
- An approximately 1,300 ft<sup>2</sup> Life Center, centrally located, to provide guest reception, activity center, and restaurant. Adjacent to the living center would be an event tent, outdoor swimming pool, playground, and kids splash pad. (See Attachment 3, Sheets D3.1 and C4, and Attachment 4)
- A spa area with hot tub, sauna, massage tent, and showers. The spa area would be fenced. (See Attachment 3, Sheet D3.5 and Attachment 4)
- A bathhouse would be provided to serve the Canadienne Tents without bathrooms (See Attachment 3, Sheet D3.6 and Attachment 4)
- Staff housing to accommodate one (1) manager and their family in an approximately 1,200 ft<sup>2</sup> home, one (1) assistant manager and their family in an approximately 600 ft<sup>2</sup> home, and employee housing to accommodate 18 employees. The employee housing would be Trappeur type (or similar) tents. Employees would use a shared kitchen and bathroom located near their housing. All staff housing would be set back and screened from the entrance road. (See Attachment 3, Sheet D3.7 and Attachment 4)
- An approximately 3,200 ft<sup>2</sup> technical services building located near the employee housing. The technical service building would be used to store golf carts (or similar), housing for emergency/temporary generator(s), maintenance facility workspace. (See Attachment 3, Sheet D3.7 and Attachment 4)
- Five (5) conveniently located gravel vehicle parking areas that would provide a total of 172 parking spaces: 164 standard and 8 ADA accessible. Parking would also be provided for bicycles and motorcycles. (See Attachment 3, Sheets D3.1, 3.2, 3.3, 3.7, and 3.9 and Sheets C2 and C3). Huttopia Six Sigma guests will park their vehicles in one of the parking lots and walk up to the registration area to check in. Once parked, campers will not be allowed to drive their vehicles around the

campground or to and from their site. Upon check in, campers will be assigned a camp spot within the campground, and will be directed to their assigned tent or cabin site. Campers will be offered hand drawn wagons to load their suitcases, bags, and personal goods out of their cars for transport of these items up to their tent or cabin accommodation site. Intercoms will be conveniently located within each parking area so that campers with special needs can request assistance. Staff will be available to drive campers, using motorized carts, from the parking areas to the registration areas. In addition, campers with special needs will be provided a phone or similar device so that they are able to contact staff for assistance. ADA accessible tents have been conveniently located throughout the park with easy access to trails.

- Onsite water would be provided by a new well and an additional backup well. Well water would be pumped to and stored in a proposed 300,000-gallon water storage for both domestic and fire. (See Attachment 3, Sheet D3.5 and Sheet C4)
- Wastewater would be treated via new, onsite septic systems. Potential septic leach field locations have been identified on the Development Plan. The sanitary sewer system would include an underground gravity pipe network, septic tanks, and leach fields. (See Attachment 3, Sheets D3 through D3.9)
- Solid waste and recycling storage facilities would be provided at two locations that provide adequate vehicular access. The main solid waste facility (two, 20-yard bins) to be located across the entrance road from the technical services building. A secondary waste facility (two, 4-yard bins) would be located adjacent to the Life Center. The solid waste storage would be fenced and fully enclosed. (See Attachment 3, Sheet D3.1)
- Electrical services would be provided by PG&E. There is an existing service at Six Sigma Ranch and Winery. A utility connection would be made with PG&E to service the proposed project. Solar would be considered to augment electrical demand.
- Utility lines (water, wastewater, electrical) would be placed in trenches that would follow the proposed road and proposed trail system as much as possible. (See Attachment 3, Sheets D3 through D3.9 and Sheet C6 for trench details).
- Fire risers are proposed throughout the project area as shown on the Development Plans. Site vegetation would be cut-back, trimmed, and maintained per local and state fire standards. An emergency access turnaround is provided onsite (See Attachment 3, Sheets D3 and D3.1).
- There are two small signs proposed as shown on Sheet D5 in Attachment 3. One sign would be at the entrance from Spruce Grove Road and the other would be at the entrance to the first parking area.

Details regarding the proposed project operations are provided in the Proposed Project and Operations Plan (Attachment 2).

The proposed project is expected to employ up to eight (8) full-time workers year-round with additional part-time and/or seasonal workers as needed. At any given time, there may be up to 23 employees (1-manager, 1-assistant manager, and 21-staff) located on the project site at once, to accommodate peak demand. A full-time, year-round Site Manager will be the designated responsible person-in-charge for the campground for any and all health, safety, and regulatory issues. This Site Manager

will live onsite. He/she will be assisted by the Assistant Site Manager, who will also live onsite.

**Construction.** The proposed project would be constructed over three construction seasons as shown on Sheet D4 in the Preliminary Grading and Erosion Control Plan (sheets C0 through C7 of Attachment 3). Areas 1, 2, and 3 would be constructed during the 2020/21, 2021/22, and 2022/23 construction seasons, respectively. The majority of the proposed grading would occur during the 2020/21 season. No soil hauling on or off site is expected during construction.

During the 2020/21 construction season, there would be up to approximately 30 to 40 construction workers. Truck deliveries are expected to occur, on average, every two days throughout the construction season. Construction during the 2020/21 construction season is expected to take 6 to 8 months. Construction dates would be dependent on weather.

During the 2021/22 and 2022/23 construction seasons, there would be up to approximately 20 to 30 construction workers. Truck deliveries are expected to occur, on average, every three days throughout the construction season. Construction is expected to take 4 to 6 months for each area. Actual construction dates would be dependent on weather.

Construction staging areas are shown on Sheet D4 of the Development Plans (Attachment 3). Construction vehicles and equipment would be stored in these areas.

Tents and cabins would be assembled on wooden platforms. The wooden platforms, would be built on pier and post (or similar) foundations. Due to the simplicity of construction, siting of the wooden platforms is flexible. The wooden platforms would be sited, placed, and oriented in the field to minimize impacts, avoid Oak Tree drip lines, and avoid removal of trees with diameters greater than six-inches. No trees greater than six-inches in diameter would be removed as part of the proposed project.

Grading for roads, trails, and buildings would occur outside of drainage buffers and grading setbacks and/or within areas where there are existing trails and roads.

Access to the site would be from Spruce Grove Road and the existing Six Sigma Ranch and Winery gravel road.

Best management practices (BMPs) for erosion control during construction include the placement of fiber rolls, silt fences, and jute maps. Erosion control details and notes are provided on Sheet C7 in Attachment 3. Bioswales and rip rap for energy dissipation would be use as permanent BMPs (see Sheets C2 through C4).

Only minor vegetation clearing for clearing and grubbing and fire safety is proposed. No trees greater than six-inches in diameter would be removed. Final siting of tents and cabins would be done so that no trees would be impacted and to optimize access, shading, privacy, and views.

**Special Occupancy Park.** It should be noted that the proposed project is a Special Occupancy Park and falls under the jurisdiction of California Department of Housing

and Community Development (HCD) and is regulated by the Special Occupancy Park Act, Health and Safety Code, Division 13, Part 2.3. The Special Occupancy Parks Act establishes requirements of park operators and enforcement agencies, including HCD, and requires HCD to develop and enforce both the regulations and the laws. The Special Occupancy Park regulations and requirements are contained in Title 25, Division 1, Chapter 2.2 of the California Code of Regulations. The regulations include specific requirements for park construction, maintenance, use, occupancy, and design. Also included are requirements for items such as lighting, roadways, grading, electrical, plumbing, fire protection, plans, permits, and accessory structures and buildings. Details are available at <https://www.hcd.ca.gov/manufactured-mobile-home/mobile-home-parks/laws-and-regulations.shtml>

Given that the proposed project falls under HCD's jurisdiction, project building and grading permits will be obtained through the HCD Application to Construct or Reconstruct Parks and/or Park Building Facilities. Although HCD is the enforcement and permit issuing agency for construction permits, HCD must be assured that the project has received all required government approvals, including comments and conditions of approval. HCD requires approval signatures from the Planning Division of the Lake County Community Development Department, Lake County Public Works Department, Lake County Environmental Health Department, and the Lake County Fire Protection District. HCD also gives each of these departments the option, upon completion, to review the project/site prior to HCD finalizing the permit(s).

Agency comments received during the initial referral process are included in Attachment 6 and are included in the Conditions of Approval (Attachment 5), as applicable.

### **III. PROJECT SETTING**

#### Existing Uses and Improvements:

The 164.3-acre Huttopia Parcel is currently undeveloped, except for existing gravel and dirt roads and dirt trails. Although the project site is undeveloped, the Six Sigma Ranch and Winery property has existing residences, wells, onsite wastewater treatment systems (septic), wine tasting room, accessory structures, vineyards, and other agricultural uses.

The project site has a main gravel access road and multiple dirt roads and trails running through it. Six Sigma Ranch and Winery offers a full schedule of special events including multiple themed parties, dinners, wine tasting, and private tours. Visitors to Six Sigma Ranch and Winery drive down the existing gravel road, approximately 1.8 miles, to the wine tasting room. A lot of the valley is characterized by open grass land with scattered trees. The vegetation in the area is mainly oaks, pine, native understory, and natural grasses. Historically, the project site has been used for livestock grazing.

#### Surrounding Zoning and Land Uses:

North: Property to the north is zoned Rural Land (RL). Land uses are residential and agricultural.

South: Property to the west is zoned RL, RR, and A (Agriculture District). Land uses are residential and agricultural (orchards).

West: Property to the west is zoned RL and RR (Rural Residential). Land uses are residential and agricultural (orchards and vineyards).

East: Property to the west is zoned RL, RR, and A. Land uses are residential and agricultural (vineyards).

Topography: The project area is located within a rural area of the County with slopes that range from approximately less than 5% to greater than 30%.

Soils:

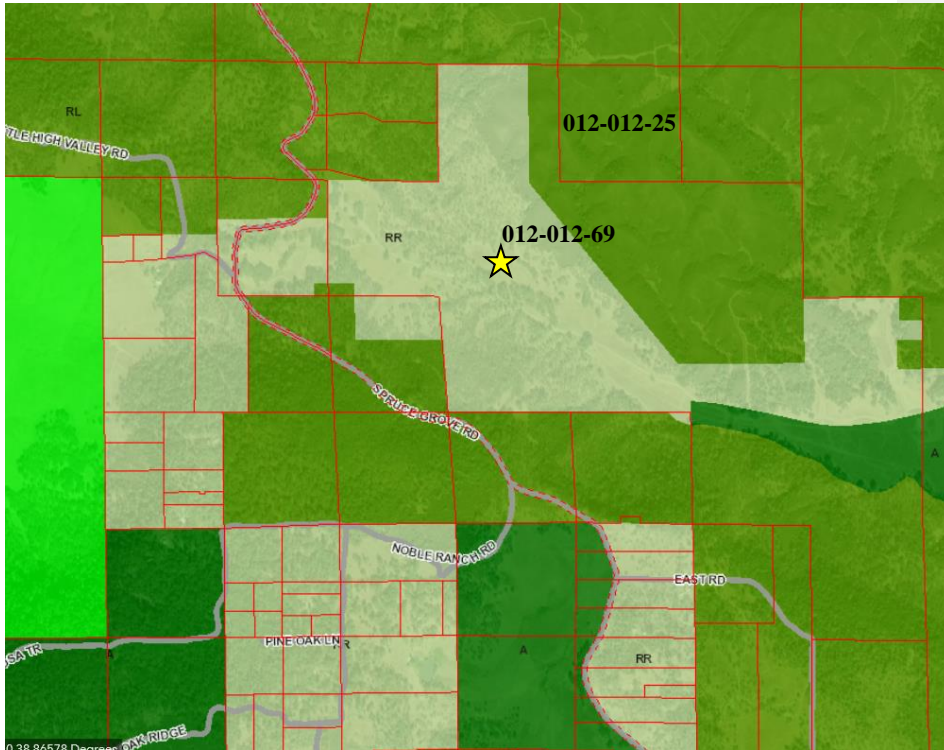
According to the soil survey of Lake County, prepared by the U.S.D.A, the soils within the development envelope contain the following soil types:

- *Skyhigh-Millsholm loams (209):* 15 to 30% slopes. This soil is moderately deep and well-drained. The permeability slow to moderate and the available water capacity is 1.5 to 7 inches. The surface runoff is rapid with a high shrink-swell potential and the risk of erosion is severe on steep slopes.
- *Still loam, stratified substratum (233):* This very deep, well-drained soil is on alluvial plains. The permeability is moderately slow with and the available water capacity is 7.5 to 10.0 inches. The surface runoff is very slow and the risk of erosion is slight.

Water Supply: Onsite Well(s).

Sewage Disposal: Onsite Waste Management Disposal Systems (Septic).

Fire Protection: South Lake Fire Protection District/CAL FIRE.



**ZONING MAP**

#### **IV. PROJECT ANALYSIS**

The project site is located within the unincorporated Lake County, within the Lower Lake Area Plan boundary. The site carries a General Plan designation of "A" Agricultural – "RL" Rural Lands – "RR" Rural Residential. The majority of the Huttopia Parcel (New Parcel 2) is zoned Rural Residential (RR) with some of the western portion zoned Rural Land (RL). All development would occur within the RR zone, as shown on Sheet D of Attachment 3.

#### **GENERAL PLAN CONFORMANCE**

The *Lake County General Plan (2008)* includes goals, policies, and implementation measures supporting recreation and public and private campgrounds.

The land use designations on the project parcels are Agricultural, Rural Residential, and Rural Lands. The majority of the New Parcel 2 (project site parcel) is Rural Residential. A small portion of the eastern boundary is Rural Lands.

**Agricultural.** This land use category includes areas with prime farmland, vineyard soils, and grazing lands along with areas characterized by steep slopes and limited services. One purpose of this land use category is to protect the County's valuable agricultural resources and to prevent development that would preclude its future use in agriculture. These lands are actively or potentially engaged in crop production, including horticulture, tree crops, row and field crops, and related activities.

*Response: All proposed development would occur within one parcel, which is comprised mostly of the Rural Residential land use. No development is proposed within Agricultural land use areas. Existing land uses within Agricultural designated lands will remain.*

**Rural Residential.** This land use category is designed to provide single-family residential development in a semirural setting with small scale agriculture activities. This land use category is designed to act as a buffer between the urban residential development and agricultural areas of the County. Uses permitted conditionally include, but are not limited to, wineries and private and public campgrounds.

*Response: The Rural Residential land use category conditionally allows for private and public campgrounds. The Huttoxia Six Sigma Glamping Project's light footprint site design will not impede the groundwater recharge functions in this area. In addition, the project will be operated in accordance with Lake County General Plan policies regarding maintenance of natural on-site drainage features to promote groundwater recharge functions. There will be minimal ground disturbance activity and grading, parking areas will be constructed of pervious surfaces to facilitate rainwater infiltration. Maintaining the natural environment and minimizing water runoff are important operation features of this project.*

**Rural Lands** This land use category is to allow rural development in areas that are primarily in their natural state, although some agricultural production, especially vineyards, can occur on these lands. The category is appropriate for areas that are remote, or characterized by steep topography, fire hazards, and limited access. Typical uses permitted by right include, but are not limited to, animal raising, crop production, single family residences, game preserves and fisheries. Other typical uses permitted conditionally include, but are not limited to, recreational facilities, wineries, private and public campgrounds, and resorts or retreats.

*Response: The applicant completed a Lot Line Adjustment which combined 3 parcels into one, this newly created parcel is where all proposed development would occur within and is comprised of mostly of the Rural Residential land use. A small portion of the eastern boundary is Rural Lands. The Rural Lands land use category conditionally allows for private and public campgrounds.*

*The following General Plan goals and policies are applicable to the project.*

County of Lake General Plan - Chapter 3.4 Growth and Development

GOAL LU-1: is to encourage the overall economic and social growth of the County while maintaining its quality of life standards.

*Response: The proposed project is consistent with this goal in that the Huttopia Six Sigma Glamping Project would encourage guests to visit Lake County and enjoy the Six Sigma Ranch and Winery as well as the local region. Huttopia provides the lodging facilities, but limited entertainment options, this is by design as they strongly encourage visitors to enjoy the local area, as well as partner with local entertainment companies to direct visitors to their services. This direct partnership and limited entertainment opportunities onsite will directly provide economic development to the County by encourage visitors to patronize those existing vendors within the County. This would enhance the overall economic and social growth of the County.*

County of Lake General Plan - Chapter 3.7 Commercial Development

**GOAL LU-4:** is 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.

*Response: The proposed project's light footprint, low density accommodations, minimal impervious surfaces, and low-key operational characteristics are compatible with the existing and surrounding land uses and will meet the current and future needs of Lake County residents, the regional community, and visitors to the area.*

County of Lake General Plan - Chapter 3.9 Economic Development

**GOAL LU-6:** is 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 Diverse Economic Base:** "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 development, and the development of geothermal resources".
- **Policy LU-6.3 Resort Uses:** "The County shall consider private and non-profit, quasi-public, and private developments, which have similar use characteristics, in resort areas".
- **Policy LU-6.4 High Quality Development:** "The County shall encourage high quality development projects that will entice visitors, businesses, and permanent residents to the area".
- **Policy LU-6.5 Pursue Upscale Development:** "The County shall pursue businesses such as upscale resorts and lodging, wineries and tasting rooms, visitor-oriented retail businesses, and other businesses that would attract high income and multi-day visitors to the County".
- **Policy LU-6.8 Promote Key Industries:** "The County shall promote agri-tourism, eco-tourism, and outdoor recreation in Lake County to outside markets".

- **Policy LU-6.9 Image Enhancement:** “The County shall strive to communicate Lake County’s amenities and attributes to those outside the county in order to meet or exceed the potential for tourism and enhance visitors’ experience in the county”.

*Response: According to the applicant, “the proposed project is a multimillion-dollar glamping project proposed by an established and successful multinational company with a strong history of building and operating high quality projects that entice visitors and provide residual economic benefits to surrounding businesses and residents. The proposed project is an upscale facility that will be marketed to all levels of family incomes. The Huttopia concept is focused around providing a unique, experience and will likely draw higher income, multi-day visitors to the site – especially by pairing the Huttopia concept with the existing Six Sigma Ranch and Winery’s full schedule of special events and tasting room.*

*A fundamental operational goal of the Huttopia Six Sigma Glamping Project is to provide overnight accommodations and resort facilities to out of County guests. The development of a low impact, light footprint glamping project within the existing Six Sigma Ranch and Winery site’s gorgeous setting will be enticing to visitors. The increased tourism, via guest visitation, will generate TOT revenues, increase the expenditure of disposable income within Lake County, help enhance and maintain a healthy local economy, produce jobs, and help meet the employment, retail, recreational, and service needs in the region – now and into the future.*

*The Huttopia Six Sigma Glamping Project will showcase to its guests Lake County amenities along with the County’s physical and visual attributes. The site’s beautiful, remote, and serene setting combined with Huttopia’s proposed improvements and the existing Six Sigma Ranch and Winery will enhance the guests’ experience and encourage tourism in the County.”*

#### County of Lake General Plan - Chapter 9.6 Recreation and Open Space Resources

**GOAL OSC-6:** is to provide a parks, recreation, and open space system that serves the recreational needs of County residents and visitors, including a regional non-motorized recreational trail system.

**Policy OSC-6.5 Encourage Development of Private Recreation Facilities:** “The County should encourage private interests to establish new commercial recreation opportunities and to rehabilitate and restore existing older resorts. Such facilities include, but are not limited to destination resorts, lakefront resorts, dance halls, health and athletic clubs, equestrian facilities, and recreational camps”.

*Response: See above responses. The proposed project is a glamping destination that will provide new commercial recreation opportunities in Lake County.*

#### **LOWER LAKE AREA PLAN**

The purpose of the Lower Lake Area Plan is to provide guidance to citizens, property owners and decision-makers regarding the long-term growth and development of the

community of Lower Lake and surrounding rural lands. The Area Plan is a tool of the Lake County General Plan by which greater planning detail is provided for the Lower Lake planning area. The proposed project is located within the Lower Lake Rural area and outside of the Lower Lake Community Area.

The Area Plan contains objectives, goals and policies related to recreation, economic development and compatible land uses.

*Response: The proposed project is consistent with the intent of the Lower Lake Area Plan, as it would provide low-impact recreation opportunities including special events, hiking, biking, camping, etc., and encourage economic development and tourism.*

### **ZONING ORDINANCE CONFORMANCE**

The proposal must meet the applicable requirements found within Lake County Zoning Ordinance for the following Articles:

#### **Article 5 – Agriculture “A” Zoning District:**

The purpose of the Agricultural district is to protect the County’s agricultural soils, provide areas suitable for agriculture, and prevent development that would preclude their future use in agriculture.

*Response: No development is proposed within Agricultural land use areas.*

#### **Article 7 – Rural Lands “RL” Zoning District:**

The purpose of Rural Lands is to provide resource related and/or residential uses of the County’s undeveloped lands. These lands are generally remote and often characterized by steep topography, potential fire hazards, and have limited access.

*Response: Pursuant to Article 7 of the Lake County Zoning Ordinance, there is a variety of commercial and recreational uses permitted in the “RL” Zoning district upon securing a minor and/or major use permit, including public and private campgrounds [Article 7, Section 5(e)].*

**Article 8 – Rural Residential “RR” Zoning District:** The purpose of Rural Residential is to provide for single-family residential development in a semi-rural setting along with limited agriculture.

*Response: Pursuant to Article 8 of the Lake County Zoning Ordinance, there is a variety of commercial and recreational uses permitted in the “RR” Zoning district upon securing a minor and/or major use permit, including public and private campgrounds [Article 8, Section 5(i)].*

### **Lot Line Adjustment**

The project also includes a Lot Line Adjustment, which was approved through the Community Development Department (no action by the Planning Commission is required). The Lot Line Adjustment was applied for on April 16, 2020, and processed simultaneously with the Use Permit application. The application was reviewed by the County Surveyor and referred to all departments and agencies with interest in the project. It has been determined that the Lot Line Adjustment meets all lot size requirements and

other development standards and requirements outlined in the Zoning Ordinance and Government Code section 66412(d), and is therefore approved. See Attachment 5. However, the Lot Line Adjustment cannot be recorded prior to the approval of the Use Permit and Mitigated Negative Declaration; a Condition of Approval has been added to ensure this.

## **V. ENVIRONMENTAL REVIEW**

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of their actions. An Initial Study and Mitigated Negative Declaration was prepared from August 25, 2020 to September 28, 2020, in accordance with CEQA. The Initial Study identified potential impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Public Services, Transportation, Tribal Cultural Resources, and Wildfire. However, with implementation of the Mitigation Measures listed below, all impacts would be reduced to Less Than Significant. Below is a summary of potential impacts and mitigation measures identified within the Initial Study and Mitigated Negative Declaration (see Attachment 8). Agency comments received during the initial referral process are included in Attachment 7 and comments received during the public comment period are included as Attachment 9.

In addition, the applicant has continued working with the Middletown Rancheria of Pomo Indians, in accordance with AB52. Comments received outside of the public comment period (on November 17, 2020) by the tribe are included in Attachment 9. The applicant has continued to work with the tribe to come to an agreement.

### **Aesthetics:**

The project is located off of Spruce Grove Road, which is approximately 3.3 miles southeast State Highway 29. Due to the location of the project parcels and being visually screened by the natural topography of the surrounding area, (slopes are approximately less than 5% to greater than 30%) the existing development and proposed development would be designed and situated in a manner that would not obstruct views of the natural features and/or scenic resources in the area, which is consistent with County policies for preserving scenic resources. Rather, the project has been designed in a manner to blend with as well as highlight the natural landscape and features of the land by using natural colors and materials. See the Development Concept in Attachment 4.

**Implementation of the mitigation measure in Section I (Aesthetics) of Initial Study, IS 18-24, located on pages 11 through 12 would reduce any potential environmental impacts to less than significant. The mitigation measure is as follows:**

- **AES-1:** All outdoor lighting shall be shielded and downcast or otherwise positioned in a manner that would not broadcast light or glare beyond the boundaries of the subject property. All lighting equipment shall comply with the recommendations of the International Dark-Sky Association ([www.darksky.org](http://www.darksky.org)) and provisions of Section 21.48 of the Zoning Ordinance. Security lighting shall be motion activated.

### **Air Quality**

The project has the potential to result in short- and long-term air quality impacts primarily from grading, vehicle trips, and construction. Construction of the project would take place

**Commented [M11]:** Update if adding CUL MM suggested by Middletown Rancheria. They may be COAs instead. Check with Annje.

If adding them as MMs and it comes up we do not need to recirculate per CEQA 115073.5 but look at 5074.1

over a period of time which would be temporary, and would not result in significant air quality impacts. Long term emissions are those associated with vehicle traffic, gravel roads, propane camp stoves, and typical campground activities. Fugitive dust and exhaust emissions are the primary air pollutants of concern.

**Implementation of the mitigation measures in Section III (Air Quality) of Initial Study, IS 18-24, located on pages 13 through 14 would reduce any potential environmental impacts to less than significant. The mitigation measures are as follows:**

- **AQ-1:** Prior to operation, the primary access roads and parking area shall be constructed, surfaced, and maintained with an all-weather surface of asphaltic concrete or concrete unless another all-weather surface is approved by the review authority to minimize dust impacts to the public, visitors and road traffic. All areas subject to semi-truck/trailer traffic shall require asphaltic concrete paving or equivalent to prevent fugitive dust generation. Gravel surfacing may be adequate for low use/overflow driveways and parking areas if it receives regular palliative treatment. Grading and re-graveling roads should utilize water trucks if necessary, reduce travel times through efficient time management and consolidating solid waste removal/supply deliveries, and speed limits. The use of white rock for surfacing is prohibited.
- **AQ-2:** All vegetation removed during site development shall be chipped and spread for ground cover, erosion control and/or biomass feedstock. The burning of vegetation, construction debris, or waste material is prohibited.
- **AQ-3:** Dust control measures shall be implemented to minimize fugitive dust emissions from the project site. Dust control measures may consist of approved chemical, structural, or mechanical methods and shall be reapplied at the necessary intervals to prevent wind erosion.
- **AQ-4:** All mobile diesel equipment used for construction and/or maintenance shall be in compliance with State registration requirements. Portable and stationary diesel powered equipment shall meet the requirements of the State Air toxic Control Measures for CI engines as well as Lake County Noise and Emission Standards.

#### **Biological Resources:**

A Biological Resource Assessment with Botanical Survey and Delineation of Waters of the U.S., dated July 23, 2018, was prepared by Northwest Biosurvey for the project site. The purpose of the Assessment was to determine whether the property contains sensitive plants or potentially contains sensitive wildlife requiring mitigation under CEQA. The terms sensitive plant or wildlife includes all state or federal rare, threatened, or endangered species and all species listed in the California Natural Diversity Database (CNDDDB) list of "Special Status Plants, Animals, and Natural Communities." A summary of the results is as follows:

**Plants.** Each of the sensitive plant taxa potentially occurring at the site was specifically searched for during the survey. The survey identified a total of 119 plant taxa on the property, including native and introduced plants. No plants with sensitive status were discovered during the in-season floristic-level botanical surveys.

**Wildlife.** A total of 10 sensitive wildlife species were assessed for potential occurrence at the site because of inclusion in the CNDDDB database for the Middletown quadrangle and a combination of the presence of habitat and inclusion

in the California Wildlife Habitat Relationships System (CWHR). The species listed include aquatic reptiles and amphibians, raptors, and small mammals. Based on the habitat assessment, the following species may be present in the project area: White tailed kite, Yellow breasted chat, Yellow warbler, and the Pallid bat.

**Potential Waters of the United States.** A delineation was conducted on the project site. Possible waters of the U.S. at the project site are Asbill Creek and the minor drainages to Asbill Creek.

No plants with sensitive status were discovered at the project site. Based on the habitat assessment, white tailed kite, yellow breasted chat, yellow warbler, and pallid bat may be present in the project area and have the potential to be impacted by construction activities. Removal of trees for development has the potential to result in an incidental take of pallid bats, white-tailed kites, yellow-breasted chats, and yellow warblers.

The project site consists of blue oak woodland, California valley oak woodland, wild oat grassland, and yellow star thistle fields. None of which are sensitive status species. Excavation beneath the driplines of oaks has the potential to impact oak trees. The placement of tents and cabins would focus on the openings within the woodland canopy; they would be sited, placed, and oriented in the field to minimize impacts, avoid oak tree drip lines, and avoid removal of trees with diameters greater than six-inches. Grading for roads, trails, and buildings would occur outside of drainage buffers and grading setbacks, outside of oak tree driplines, and/or within areas where there are existing trails and roads. Parking areas, employee housing, life center, pool, maintenance building, and leachfields emphasize the use of grassland clearings to avoid impacts to trees.

Asbill Creek and its surrounding valley habitat serves as a primary wildlife corridor through this region of steep and rugged terrain. Construction and use of the proposed project would result in the introduction of additional people and pets into this habitat. Night-time noise, lighting, and pets have a potential to adversely impact wildlife movement through the valley.

According to the Biological Resources Assessment, a delineation was conducted in accordance with the U.S. Army Corps of Engineers Wetlands Delineation Manual: Arid West Region (2008) to determine the extent of possible waters of the U.S. Delineation fieldwork was completed on June 5, 2018. Waters of the U.S. within the subject property were determined to consist of ephemeral stream channels and ephemeral drainages. Possible waters of the U.S. at the project site are Asbill Creek and the minor drainages to Asbill Creek. Within the project site, Asbill Creek is an ephemeral stream and does not provide sufficient habitat to sustain fish migration and spawning or aquatic habitat. The Asbill Creek and its minor drainages, within the project site, are steep watercourses with small drainage areas that have water only during high intensity rainfall events.

According to the Biological Resources Assessment, no riparian or other sensitive natural community was identified in the project area. However, construction has the potential to impact riparian vegetation and habitat and result in erosion and sedimentation.

The proposed project has been designed to maintain riparian buffer and grading setbacks. The drainage buffers for Asbill Creek and the minor tributary drainages to Asbill

Creek are 50-feet and 30-feet, respectively. No development would occur within the drainage buffers or grading setbacks. Grading setbacks on slopes less than 5% are 50-feet for Asbill and 20-feet for its minor tributaries, on slopes between 5% and 15% the grading setbacks are 50-feet for Asbill and 35-feet for its minor tributaries, and on slopes greater than 15% the grading setbacks are 100-feet for Asbill and 50-feet for its minor tributaries. The majority of the grading would be on slopes less than 15% and/or within areas where there are already existing trails and roads.

The project proposes three crossings: one road crossing and two pedestrian crossings. These crossings have a potential to adversely impact riparian vegetation and habitat and could result in erosion and sedimentation. These crossings would be designed to span the creek and drainages so that footings are located outside the top of bank. Construction Best Management Practices (BMPs) and permanent erosion control measures would be applied to minimize erosion and sedimentation.

Since, during construction, the proposed project would disturb more than one acre, the proposed project would be subject to the requirements State Water Resources Control Board (SWRCB) Construction General Permit (CGP) Order 2009-0009-DWQ. The SWRCB CGP would require the preparation of a Stormwater Pollution Prevention Plan (SWPPP) which documents the stormwater dynamics at the site, the Best Management Practices (BMPs) and water quality protection measures that are used, and the frequency of inspections. BMPs are activities or measures determined to be practicable, acceptable to the public, and cost effective in preventing water pollution or reducing the amount of pollution generated by non-point sources. Implementation of the SWPPP would ensure that the riparian habitat is protected during construction activities and long-term operation of the proposed project.

According to the Biological Resource Assessment, there is no habitat on the project site that would support resident or migratory fish.

Asbill Creek and its surrounding valley habitat serves as a primary wildlife corridor through this region of steep and rugged terrain. Construction and use of the proposed project would result in the introduction of additional people and pets into this habitat. Night-time noise, lighting, and pets have a potential to adversely impact wildlife movement through the valley. Noise impacts are discussed in Section XIII of IS 18-24.

The California Department of Fish & Wildlife filing fee shall be submitted as required by California Environmental Quality Act (CEQA) statute, Section 21089(b) and Fish and Game Code Section 711.4. The fee should be submitted to the Community Development Department within five (5) days of approval of the mitigated negative declaration.

**Implementation of the mitigation measures in Section IV (Biological Resources) of Initial Study, IS 18-24, located on pages 14 through 17 would reduce any potential environmental impacts to less than significant. The mitigation measures are as follows:**

- **BIO-1:** If trees suitable the use by pallid bats are to be removed (outside of the dates listed below), any tree to be removed that is suitable for use by pallid bats shall be surveyed for signs of bats. This survey shall occur no earlier than fourteen days prior to tree removal. Suitable trees include those with hollows and/or shedding bark. If

pallid bats, or other bats with sensitive regulatory status, are discovered during the surveys, a buffer of 50-feet should be established on recommendation of the surveying biologist. Removal of these roost trees shall be restricted to between September 15 and October 15, when young of the year are capable of flying, or between February 15 and April 1 to avoid hibernating bats and prior to formation of maternity sites.

- **BIO-2:** To the extent feasible, construction, including vegetation removal, shall occur outside of the nesting season of the white-tailed kites (February 15 through August 31). If construction during the nesting season cannot be avoided, any required vegetation removal should be the minimal amount necessary for construction and should be completed prior to the nesting season. In the event that vegetation removal is necessary during the nesting season, the work shall be preceded by a pre-construction nest survey conducted by a qualified biologist within two weeks of disturbance. If an active nest of a sensitive bird species is found, a construction buffer shall be established around it in consultation with CDFW staff and shall remain in place until fledging is completed or until it is determined that the nesting effort has failed as determined by the qualified biologist.
- **BIO-3:** Use of construction activities occur within 50 feet of a willow thicket habitat during the breeding season (February 15 through August 31), surveys for the yellow-breasted chat and the yellow warbler and mitigation, as described in BIO-2, shall be implemented.
- **BIO-4:** Use of woodland openings and grassland habitat should be emphasized as demonstrated in the proposed project design. No trees greater than 6-inches in diameter should be removed without prior consultation with County staff to determine the mitigation required that is consistent with preserving on-site oak woodlands in a manner consistent with local planning policies.
- **BIO-5:** Construction of trails, foundations, roadways, etc., should avoid excavation beneath the driplines of established oak trees. In particular, trails should minimize actual excavation and implement state of the art erosion control (e.g. rolling dips vs. water bars, etc.) where excavation is necessary.
- **BIO-6:** To minimize disturbance of native wildlife using the valley as a movement corridor, the following measures should be implemented:
  - Pets, if allowed, should be kept indoors at night and dogs should be on a leash or under direct supervision.
  - Use of overhead lighting should be avoided. Minor, on-ground, path lighting may be allowed.
  - Night-time noise, particularly amplified music, should be subject to a curfew.
  - Restrooms should be readily available throughout the resort and their use encouraged to avoid inadvertent scent marking.
- **BIO-7:** Project design should minimize waterway crossings. Where these are necessary, it is recommended that they emphasize use of open bank areas lacking dense riparian vegetation. Crossings of small waterways should consist of small bank-to-bank bridges not requiring excavation or footings, if possible. Use of in-channel crossings, particularly in areas containing perennial or long-duration flows and/or in-channel riparian vegetation, should be avoided. Use of mountain bikes on saturated earth trails during the winter and spring months should be avoided. Minor saturated areas may be planked. Any work involving placement of fill or structures within waterways should obtain the necessary permits, as required, from

the U.S. Army Corp of Engineers, Regional Water Quality Control Board, and California Department of Fish and Wildlife.

- **BIO-8:** All work should incorporate erosion control measures consistent with Lake County Grading Regulations and HCD Regulations, including preparation and implementation of an Erosion Control Plan approved by HCD. Prior to construction, the project shall obtain coverage under State Water Resources Control Board (SWRCB) Construction General Permit (CGP) Order 2009-0009-DWQ and prepare a Storm Water Pollution Prevention Plan (SWPPP) for the project site.

### **Cultural Resources**

A Cultural Resources Study was prepared by Flaherty Cultural Resource Services dated March 22, 2018 (NWIC Report S-050721). An addendum to the Cultural Resources Study was prepared on March 3, 2020. The study and the addendum survey area consisted of a combined 173± acres encompassing the proposed Huttopia Parcel. No cultural resources were discovered within the project boundaries.

Although no impacts to known archaeological resources or disturbance to human remains are anticipated as a result of construction of the proposed project, mitigation measures CUL-1 through CUL-3 are recommended to ensure undiscovered resources are not impacted during construction.

**Implementation of the mitigation measures in Section V (Cultural Resources) of Initial Study, IS 18-24, located on pages 18 through 19 would reduce any potential environmental impacts to less than significant. The mitigation measures are as follows:**

- **CUL-1:** Should any cultural, archaeological or paleontological materials be discovered during any ground disturbing activities, all activity shall be halted within one hundred (100) feet of the find(s) until further evaluation can be made by the Tribal Cultural Advisor in determining their significance and appropriate treatment or disposition. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Should the find be deemed significant, as defined by CEQA or other applicable law, a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with the Tribal Cultural Advisor, and all subsequent finds shall be subject to this Plan unless otherwise mutually agreed upon in writing between the applicant and the Tribe. No work shall commence within the buffered area until the Monitoring and Treatment Plan, if necessary, has been adopted by the applicant in accordance with applicable law.
- **CUL-2:** The applicant shall halt all work and immediately contact the Lake County Sheriff's Department, Middletown Rancheria, and the Community Development Department if any human remains are encountered.
- **CUL-3:** All on-site personnel of the project shall receive resource sensitivity training, up to 8-hours, as advised by a qualified project Tribal Cultural Advisor prior to initiation of ground disturbance activities on the project. The training must also address the potential for exposing subsurface resources and procedures if a potential resource is identified.

### **Geology & Soils**

Construction of the proposed project has the potential to result in erosion and loss of topsoil. Project grading would involve approximately 5,200 cubic yards (cy) to create the parking areas, life center and pool grading, and employee housing. The applicant estimates that the volume of cut would be equivalent to the volume of fill, resulting in no need to import or export soil. However, gravel would be brought in, to surface roads and parking areas. Best management practices (BMPs) for erosion control during construction include the placement of fiber rolls, silt fences, and jute maps. If greater than fifty (50) cubic yards of soils are moved, a grading permit shall be required as part of this project. The project design shall incorporate Best Management Practices (BMPs) to the maximum extent practicable to prevent or reduce discharge of all construction or post-construction pollutants into the County storm drainage system. BMPs typically include scheduling of activities, erosion and sediment control, operation and maintenance procedures and other measures in accordance with Chapters 29 and 30 of the Lake County Code.

Since, during construction, the proposed project would disturb more than one acre, the proposed project would be subject to the requirements State Water Resources Control Board (SWRCB) Construction General Permit (CGP) Order 2009-0009-DWQ. The SWRCB CGP would require the preparation of a Stormwater Pollution Prevention Plan (SWPPP) which documents the stormwater dynamics at the site, the Best Management Practices (BMPs) and water quality protection measures that are used, and the frequency of inspections. BMPs are activities or measures determined to be practicable, acceptable to the public, and cost effective in preventing water pollution or reducing the amount of pollution generated by non-point sources. Implementation of the SWPPP would ensure that the riparian habitat is protected during construction activities and long-term operation of the proposed project.

A Grading and Drainage plan for the project site would be required by HCD for approval prior to issuance of a building permit. Compliance with the SWRCB CGP and HCD requirements for grading and drainage and implementation of Mitigation Measure BIO-9, the impacts would be Less Than Significant Impact with Mitigation Incorporated.

**As described in Section VI (Geology & Soils) of Initial Study, IS 18-24, located on pages 20 through 22 Implementation of mitigation measure BIO-9 would reduce any potential environmental impacts to less than significant.**

### **Hazards and Hazardous Materials:**

Construction of the proposed project would involve the use of materials that are generally regarded as hazardous, such as gasoline, diesel fuel, hydraulic fluids, paint, and other similar materials. With appropriate handling and disposal practices, there is relatively little potential for an accidental release of hazardous materials during construction, and the likelihood is small that workers and the public would be exposed to health hazards.

During operations, no pesticides or hazardous cleaning products would be used. The pool would use a salt-based disinfection system, supplies would be stored in the technical services building. Small quantities of vehicle maintenance products (containers of 1-gallon or less) would be stored in the technical services building within a self-contained shelving unit. A spill protection kit would be located in the technical services building.

Propane may be used onsite as an alternative fuel source. Propane will be stored in standard propane tanks located at the Life Center and employee housing, within access of on-site roads and would be refilled by a licensed/certified propane distributor. Small propane tanks, 2.5-gallons, will be used for camp stoves at each tent/cabin. Propane storage and use will follow all state and local requirements.

Housing for a self-contained, emergency backup generator will be provided adjacent to the technical services building.

Section 41.7 of the Lake County Zoning Ordinance specifies that all uses involving the use or storage of combustible, explosive, caustic or otherwise hazardous materials shall comply with all applicable local, state, and federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate firefighting and fire suppression equipment.

The majority of the project site has been classified as having a moderate fire risk, with the southern boundary having a high risk and the eastern boundary having a very high risk. Construction activities, which include the use of spark-producing equipment, could present a significant risk to igniting wildfires. Operation of the proposed project could present a risk to igniting wildfires. Open fires and personal barbecues (wood, coal, etc.) would be strictly forbidden. Stovetops provided for the accommodations would be maintained in good working condition and should not be used in hazardous situations.

The project site is surrounded by open space, agricultural uses, trees, and residential development. Construction and operation of the proposed project could present a risk of fire that could spread to adjacent vegetation.

**Implementation of the mitigation measures in Section IV (Hazards and Hazardous Materials) of Initial Study, IS 18-24, located on pages 23 through 26 would reduce any potential environmental impacts to less than significant. The mitigation measures are as follows:**

- **HAZ-1:** If the applicant stores hazardous materials equal or greater than 55 gallons of a liquid, 500 pounds of a solid or 200 cubic feet of compressed gas, the applicant will be required to submit a Hazardous Materials Inventory Disclosure Statement/ Business Plan to the Environmental Health Division via the California Electronic Reporting System (CERS) and it shall be renewed and updated annually or if quantities increase.
- **HAZ-2:** All equipment and materials shall be stored in the staging areas away from all known waterways.
- **HAZ-3:** During construction, staging 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 firebreak. 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 and heavy equipment.
- **HAZ-4:** The permit holder shall operate in full compliance with fire safety rules and regulations and instruct all project workers that the project involves working adjacent to flammable vegetation. All activities shall be performed in a safe and

prudent manner with regards to fire prevention.

- **HAZ-5:** Vehicles and equipment shall be maintained and operated in a manner to prevent hot surfaces, sparks or any other heat sources from igniting grasses, brush, or other highly combustible material.

#### **Hydrology and Water Quality:**

The proposed project includes multiple onsite wastewater treatment systems (OWTSs). Septic systems with leachfields are proposed for the OWTSs. The wastewater collection system would include piping from all accommodations, except the Canadienne Tents, and facilities within the project area. All OWTSs would meet the County and Central Valley Regional Water Quality Control Board (CVRWQCB) standards for development and operations, including setbacks from wells, streams, and drainages. All OWTSs would obtain approval from the County and CVRWQCB and comply with Order WQ 2014-0153-DWQ, General Waste Discharge Requirements for Small Domestic Water Treatment Systems.

The proposed project would source water from a proposed groundwater well located within the Huttopia parcel. During the operation of the proposed project, water would be stored in tanks and gravity fed to supply water to the project site.

Potable water and water for fire protection would be provided by an on-site water system, supplied by a proposed groundwater well, that would meet the requirements of the State Water Resource Control Board Division of Drinking Water. A Water Supply and Demand Assessment was prepared for the proposed project in March 2020 by NorthPoint Consulting Group, Inc. The study estimated that the total annual operational water demand associated with the proposed project is approximately 11.6 acre-feet per year. The average available annual well production, estimated based on existing wells in the vicinity of the project site that are used by the existing Six Sigma Ranch and Winery, is approximately 190 acre-feet per year. The demand associated with the proposed project is approximately 6-percent of the estimated available supply. Therefore, there is sufficient groundwater supply to meet the projected water demand for the project.

HYD-1 requires the applicant to obtain any necessary permits. Mitigation Measure BIO-8 requires compliance with Lake County Grading Regulations, HCD Regulations, and coverage under the Construction General Permit. Compliance with HAZ-1 would mitigate impacts to water quality as a result of hazardous material use and storage. With the mitigation measures in place the proposed project would not substantially degrade water quality.

**Implementation of the mitigation measures in Section IX (Hydrology & Water Quality) of Initial Study, IS 18-24 located on pages 26 through 28 would reduce any potential environmental impacts to less than significant. The mitigation measures are BIO-8, HAZ-1, HAZ-2, and the following:**

- **HYD-1:** Prior to operation, 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). If the permit is required for construction activities, the applicant shall provide a copy of the permit to the Community Development Department prior to commencement of construction

### **Noise**

Short-term increases in ambient noise levels to uncomfortable levels may occur during project grading and/or construction. Operation of the proposed project would result in minor increases in ambient noise levels in the project vicinity due to activities such as outdoor dining, campground events, and light vehicle traffic. During regular hours, all guests and staff are urged to avoid noises and discussions that may be disturbing to other campers. Operation would not include activities producing amplified sound or other significant noise producing sources. In addition, the camp would impose quiet hours from 10:00 P.M. to 7:00 A.M. The nearest residence is 0.25 miles to the southeast; at this distance, the operation of the camp is not expected to produce noise impacts to this residence.

**Implementation of the mitigation measures in Section XII (Noise) of Initial Study, IS 18-24, located on pages 30 through 31 would reduce any potential environmental impacts to less than significant. The mitigation measures, are as follows:**

- **NOI-1:** All construction activities including engine warm-up shall be limited to Monday Through Friday, between the hours of 7:00 a.m. and 7:00 p.m. to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels. Contractors shall implement noise-reducing measures during construction when occupied residences or other sensitive receptors are located within 500 feet.
- **NOI -2:** The proposed project shall comply with the noise standards identified in Section 41.11 of the Zoning Ordinance, including, but not limited to: maximum non-construction project-related noise levels shall not exceed: (a) 55 dBA between the hours of 7:00 a.m. to 10:00 p.m. and 45 dBA between the hours of 10:00 p.m. to 7:00 a.m. adjacent to residential districts; and (b) 60 dBA between the hours of 7:00 a.m. to 10:00 p.m. and 55 dBA between the hours of 10:00 p.m. to 7:00 a.m. adjacent to commercial districts at the property lines as outlined in Table 11.1. Should the proposed project exceed these noise standards during construction or operational phases, noise-generating activities shall cease until noise attenuation measures are implemented such that the proposed project is compliant with noise standards.

### **Transportation**

The proposed project is expected to employ up to 8 full-time workers year-round with additional part-time and/or seasonal workers as needed. At any given time, there may be up to 23 employees (1-manager, 1-assistant manager, and 21-staff) located on the project site at once, to accommodate peak demand. Employee housing will be available on-site for the majority of the employees (18) and the proposed project is designed to be pedestrian and bike friendly. Campers are not allowed to drive around the campground once they arrive and park, and the facilities are meant to be inclusive by nature, which will reduce traffic movement and Vehicle Miles Traveled on and off-site. Hand carts will be available to transport camping gear to the sites and employees can transport guests needing assistance via motorized carts. Vehicle miles traveled associated with the project would be produced from some employees traveling to work and driving motorized carts around the Huttopia facilities, in addition to campers driving to the site from their original destination. Existing conditions for Six Sigma currently include trips to and from the site for wine tasting and special events, in addition to employee trips. Additional trips to and from the site

resulting from the proposed project would be similar to those associated with other remote campgrounds in the area, and not be considered significant.

A Traffic Impact Study for the project was conducted by W-Trans in 2018. The study reported that the proposed project would generate an average of 353 vehicle trips per day, including 42 trips during the weekday p.m. peak hour and 63 trips during the weekend midday peak hour. Based on the traffic analysis performed for the proposed project, the SR 29/Spruce Grove Road intersection is expected to continue operating at a LOS A and there is adequate stopping sight distance at the driveway to accommodate all turns. W-Trans recommended TRAF-1 to maintain sight distance at the driveway.

**Implementation of the mitigation measures in Section XVII (Transportation) of Initial Study, IS 18-24, located on pages 30 through 31 would reduce any potential environmental impacts to less than significant. The mitigation measure is:**

- **TRAF-1:** To preserve existing sight lines on Spruce Grove Road at the project driveway, any signs or landscaping installed along the project frontage with Spruce Grove Road should be low lying or set-back.

#### **Tribal Cultural Resources**

A Cultural Resources Study was prepared by Flaherty Cultural Resource Services dated March 22, 2018 (NWIC Report S-050721). An addendum to the Cultural Resources Study was prepared on March 3, 2020. The study and the addendum survey area consisted of a combined 173± acres encompassing the proposed Huttopia Parcel. No cultural resources were discovered within the project boundaries.

A Request for Review was mailed to the area tribes on April 15, 2020. A response was received from Ryan Peterson of the Middletown Rancheria Tribal Historic Preservation Department, stating that the project falls within their area of concern and requested consultation on the project. The Middletown Rancheria was notified of the mitigation measures proposed.

**Implementation of mitigation measures CUL-1 and CUL-3 (above), would reduce any potential environmental impacts discussed in the Initial Study, IS 18-24, Section XVIII (Tribal Cultural Resources) on page 35 to less than significant.**

#### **Public Services and Wildfire**

The majority of the project site has been classified as having a moderate fire risk, with the southern boundary having a high risk and the eastern boundary having a very high risk. Construction activities, which include the use of spark-producing equipment, could present a significant risk to igniting wildfires.

Operation of the proposed project could present a risk to igniting wildfires. This could adversely affect existing fire protection services by causing additional fire hazards. However, open fires and personal barbecues (wood, coal, etc.) would be strictly forbidden. Stovetops provided for the accommodations would be maintained in good working condition and should not be used in hazardous situations.

On-site improvements (e.g. hydrants) would be provided on-site in order to ensure adequate fire suppression measures would be available in the event of an emergency.

Additionally, the Operations Plan includes Emergency Procedures and a Fire Protection Plan that include implementation of control measures and training to encourage fire prevention and responses in the event a fire emergency, including fire evacuation routes. The project would also be required to comply with all applicable local and state fire code requirements related to design and emergency access. With implementation of Mitigation Measures HAZ-3 through HAZ-5 the impacts on fire protection services would be Less Than Significant.

The project site is surrounded by open space, agricultural uses, trees, and residential development. Construction and operation of the proposed project could present a risk of fire that could spread to adjacent vegetation.

The majority of the proposed development would be in areas of flat slopes with low erosion potential. However, steep slopes exist within the project site. Therefore, the proposed cabins, tents, employee housing, and other facilities could be at increased risk due to downslope landslides as a result of runoff, post-fire slope instability, or drainage changes.

**Implementation of the mitigation measures HAZ-3 through HAZ-5 (above) and WILD-1 in Section XV (Public Services) and Section XX (Wildfire) of Initial Study, IS 18-24, located on pages 31 and 32, and 37 through 39 would reduce any potential environmental impacts to less than significant. The mitigation measure is:**

- **WILD-1:** If a wildfire occurs at the project site, the site is to be inspected post-fire to evaluate downslope landslide hazards. Areas where hazards are identified to exist shall be closed until slopes have been stabilized.

## **VI. FINDINGS FOR APPROVAL**

### **Major Use Permit for Specific Plan of Development (Article 51, Section 51.3a)**

The Review Authority may only approve or conditionally approve a major use permit 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 use will not be detrimental to the health, safety, morals, comfort and general welfare of the person residing and/or working within the vicinity as all the potential environmental impacts have been reduced to less than significant levels with the incorporated mitigation measures and conditions of approval. Additionally, public campgrounds are a permitted use in the "RR" Rural Residential and "RL" Rural Lands upon issuance of a Major Use Permit pursuant to Articles 7 and 8 of the Lake County Zoning Ordinance. Prior to construction, the applicant shall submit and obtain Building Permits from the Department of Housing and Community Development (HCD). HCD will require approval by the Community Development Department prior to issuing building permits.*

*Upon Building Permit submittal, the Planning Department would perform a Zoning Clearance (ZC) to ensure the proposed use has met all approved conditions of approval, including conducting site inspections to ensure compliance.*

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 project site is approximately 164.3 acres in size with slopes that range from approximately less than 5% to greater than 30%. The project parcels are located in a rural area of the county and are able to accommodate the proposed use. The project meets all applicable development standards.*

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

*There are no pedestrian facilities on Spruce Grove Road. A Traffic Impact Study for the project was conducted by W-Trans in 2018 and found that the existing streets and highways are reasonably adequate to safely accommodate the proposed Huttobia Six Sigma Glamping Project. In addition, the project has been reviewed by the Department of Public Works and CAL FIRE for access and safety concerns.*

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.**

*The project site will utilize onsite well(s) and onsite waste management systems (septic), that will be permitted through the Lake County Environmental Health Department and State Water Resources Control Board. Additionally, the project parcel has adequate emergency service protection through the Lake County Sheriff's Office, California Highway Patrol (CHP) and the South Lake County Fire Protection District and CAL FIRE. Lastly, the applicant is required to adhere to all applicable local, state and federal regulations, mitigation measures and conditions of approval intended to ensure adequate services and maintain safety at the site.*

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.**

*This project is consistent with the Lake County General Plan, Lower Lake Area Plan, and the Lake County Zoning Ordinance as a "Public and Private Campgrounds" are a permitted use in the "RR" Rural Residential and "RL" Rural Lands upon issuance Major Use Permit pursuant to Articles 7 and 8 of the Lake County Zoning Ordinance. The project meets all applicable development standards. Additionally, Conditions of Approval are in place to ensure continuous compliance.*

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.**

*There are no known violations of Chapters 5, 17, 21, 23, or 26 of the Lake County Code at this time.*

## **VII. RECOMMENDATIONS:**

**Staff recommends the Planning Commission take the following actions:**

**A. Adopt a Mitigated Negative Declaration based on Initial Study, IS 18-24 for Major Use Permit, UP 18-24, and Lot Line Adjustment, LLA 20-04, with the following findings:**

1. Potential environmental impacts related to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Public Services, Transportation, Tribal Cultural Resources, and Wildfire have been mitigated to less than significant levels with the incorporated Mitigation Measures and Conditions of Approval. As mitigated, this project will not result in any significant adverse environmental impacts.
2. This project is consistent with land uses in the vicinity.
3. This project is consistent with the Lake County General Plan, Lower Lake Area Plan, and Lake County Zoning Ordinance.

**B. Approve Major Use Permit, UP 18-24 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. 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.
3. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific 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.

VIII. **Sample Motions:**

**Mitigated Negative Declaration**

I move that the Planning Commission find on the basis of the **Initial Study No. 18-24**, , that the **Major Use Permit, UP 18-24 and Lot Line Adjustment, LLA 20-04**, as applied for by **Huttopia Six Sigma, LLC** will not have a significant effect on the environment and therefore adopt the Mitigated Negative Declaration and associated Mitigation Monitoring Reporting Program with the findings listed in the **Staff Report dated November 24, 2020**.

**Major Use Permit**

I move that the Planning Commission find that the **Major Use Permit, UP 18-24** applied for by **Huttopia Six Sigma, LLC**, on property located at 13372 Spruce Grove Road, Lower Lake, CA 95457, APN: 012-012-69 does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and approve the Major Use Permit, subject to the conditions of approval and with the findings listed in the **Staff Report dated November 24, 2020**.

***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*

Reviewed By: \_\_\_\_\_