



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

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Item 1
May 27, 2021

STAFF REPORT

TO: Planning Commission

FROM: Scott DeLeon, Interim Community Development Director
Prepared By: Sateur Ham

DATE: May 21, 2021

RE: Greg Hansen

- General Plan Amendment (GPAP 20-02)
- Rezone (RZ 20-02)
- Initial Study (IS 20-91)

Supervisor District Jessica Pyscka
Planning Commissioner Lance Williams

ATTACHMENTS:

1. Vicinity Map
2. Project Description
3. Proposed Rezone & General Plan Maps - "Exhibit A"
4. Draft Rezone Ordinance
5. Draft General Plan Amendment Resolution
6. Agency Comments
7. Initial Study
8. Site Visit Photos from Oct. 22, 2020

I. EXECUTIVE SUMMARY

The applicant is requesting a Rezone from "A" Agricultural" to "M2" Heavy Industrial, and General Plan Amendment from "Agricultural" to "Industrial" of approximately +/- 7 acres of undeveloped land for accessor parcel numbers 008-038-17 and 008-038-44. The remaining portion of the project parcel will remain with the Land Use Designation of Agriculture.

The project parcels are/will be accessed from existing unimproved roadways off of Big Valley Road, a County maintained roadway. The applicant shall obtain all necessary permits from the Lake County Department of Public Works for any work and/or improvements within the right-of-way.

General Plan Amendment Request

The applicant is requesting approval of a General Plan Amendment of APN 008-038-17 and 008-038-44 from “A” Agriculture to “I” Industrial for approximately +7 acres (an area that fronts Big Valley Road). All other areas of project parcels will remain designated as “Agriculture”. Refer to Map below for details. Additionally, no current agriculture activities will be impacted and/or removed.

GENERAL PLAN AMENDMENT REQUEST:

Parcel Number	Current General Plan Designation	Proposed General Plan Designation
008-038-17	“A” Agriculture	“I” Industrial.
008-038-44	“A” Agriculture	“I” Industrial.

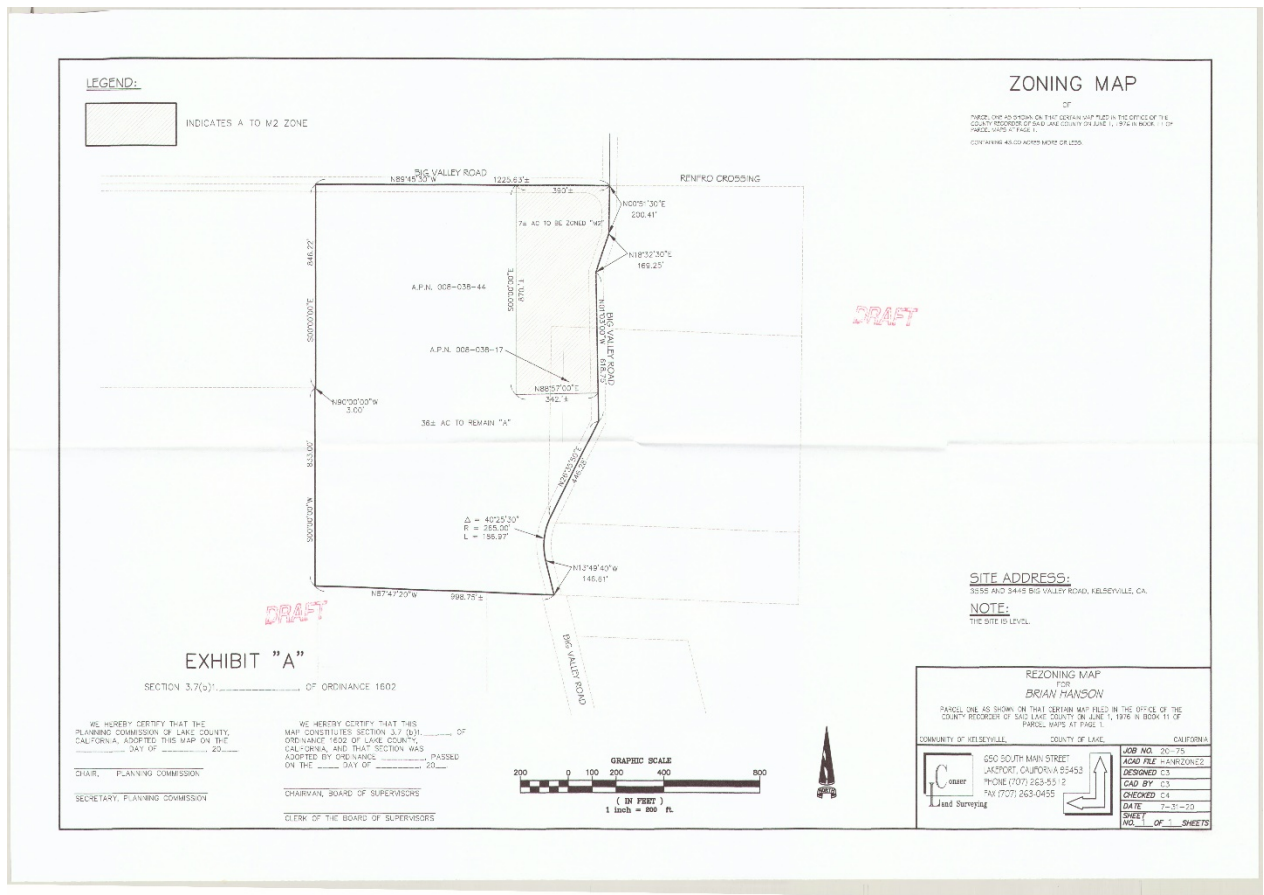
Rezone Request

The applicant is requesting approval of a Rezone of +7 acres of APN 008-038-17 and 008-038-44 from “A” Agricultural District to “M2” Heavy Industrial District (an area that fronts Big Valley Road). All other areas of project parcels will continue to have a land-use zoning designation of “A” Agricultural. Refer to Map below for details. Additionally, no current agriculture activities will be impacted and/or removed.

REZONE REQUEST:

Parcel Number	Current Zoning Designation	Proposed Zoning Designation
008-038-17	“A” Agricultural	“M2” Heavy Industrial District
008-038-44	“A” Agricultural	“M2” Heavy Industrial District

ZONING MAP – EXHIBIT A



Applicant/owner: Greg Hanson

Location: 3555 and 3445 Big Valley Road, Kelseyville, CA 95451.

APN: 008-038-17 (approximately 2.23 acres in size)
008-038-44 (approximately 38.54 acres in size)

General Plan: Agriculture

Zoning: "A" Agricultural

Fire District: Kelseyville Fire Protection District.

Flood Zone: "X" – Areas determined to be outside the 0.2% annual chance (500-year) flood plain.

School District: Kelseyville Unified School District.

SITE PHOTOS



Project Setting

Existing Uses and Improvements: The two existing parcels are currently developed with single-family dwellings, agricultural uses, and supporting accessory structures.

Surrounding Zoning and Land Uses:

- North: “A” – Agricultural and are developed with vineyards, orchards, single-family residences, and supporting infrastructure. The parcel sizes range from approximately five (5) to greater than fifty (50) acres in size.
- South: “A” – Agricultural and “PCD” Planned Development Commercial and are developed with Kelseyville Lumber Commercial Operation, vineyards, orchards, single-family residences, and supporting infrastructure. The parcel sizes range from approximately ten (10) to greater than forty (40) acres in size.
- West: “M2” Heavy Industrial and “A” – Agricultural and are developed with a variety of light to heavy industrial uses (rental yards, storage, etc.), vineyards, orchards, single-family residences, and supporting infrastructure. The parcel sizes range from approximately five (5) to greater than forty (40) acres in size.

- East: “A” – Agricultural and are developed with vineyards, orchards, single-family residences, and supporting infrastructure. The parcel sizes range from approximately five (5) to greater than fifty (50) acres in size.

Topography: The project parcels have an average cross slope of less than 10%.

Soils: *Clear Lake Variant Clay, drained with 5-15% slopes (soil unit 122) and Cole Clay Laon, drained with 5-15% slopes (soil unit 123)*: These soils classifications are formed under poorly drained conditions; however, drainages have been improved as a result of entrenchment o stream channel. The permeability of the soil is slow with a water capacity of 7.5 to 10.5 inches. Surface runoff is slow, and the hazard of erosion is slight. The shrink well potential is high for these soil classifications.

Water Supply: Existing Private Well.

Sewage Disposal: Existing Private Septic System.

Vegetation: Developed with vineyards, natural grasses.

Staff recommends conditional approval of General Plan Amendment (GPAP 20-02); Rezone (RZ 20-02); and Initial Study (IS 20-91) with the adopted Negative Declaration in accordance with CEQA Guidelines.

II. PROJECT ANALYSIS

GENERAL PLAN CONFORMANCE:

The project is located within the Kelseyville Area Plan and is designated as “Agriculture” in the Lake County General Plan. The General Plan contains policies related to “A” Agricultural and the proposed land use designation of “I” Industrial in regards to development (such as Land Use Goal 4 and its associated policies) that would be applicable to future development within the “I” Industrial - General Plan Designation of approximately +/- 7 undeveloped acres (along Big Valley Road) but is not specific to the requested entitlements at this time. However, the following Goals and Policies are applicable to the General Plan Amendment and Rezone request.

Policy LU-4.4 (Commercial Centers): “The County shall encourage the development of commercial centers within Community Growth Boundaries that can serve the needs of the community and visitors. Venues for marketing of local, value-added agricultural products should be encouraged”.

Policy LU-4.5 (Commercial Center Guidelines): “The County shall use the following guidelines for the proper development and location of commercial centers: The market area should serve the community and surrounding areas”.

- Typical uses include eating and drinking establishments, food and beverage sales, general personal services, entertainment services, and retail sales. Other uses such as supermarkets, administrative and professional offices, medical services, and financial, insurance, and real estate services may be included.

- Where the surrounding area is agricultural, the center should include goods and services that serve agricultural needs, and venues for marketing local, value-added agricultural products should be encouraged. The center should be located where it can be easily accessed from at least one major local road.
- Development should provide for adequate, appropriately placed parking to accommodate patrons to the market area

Response: *The project is consistent with the above applicable General Plan policies, as the proposed General Plan Amendment and Rezone of approximately +/- 7 undeveloped acres (along Big Valley Road) from "A" Agriculture to "I" Industrial would not only extend the existing "I" Industrial General Plan Designation along Big Valley Road but it would allow and/or encourage the development of commercial centers within Community Growth Boundary. The surrounding area is developed with crops (vineyards, orchards, etc.) and various light to heavy industrial commercial uses. The rezone and general plan amendment would allow the development of commercial services for crops within our County or allowable uses within the zoning destination that fits the needs of the County. Additionally, the project parcels are centrally located and less than 1.25 miles from State Highway 29. To date, the County has processed two General Plan Amendments in the 2020 calendar year, making this General Plan Amendment the third this year, if approved.*

KELSEYVILLE AREA PLAN CONFORMANCE:

The purpose of the Kelseyville Area Plan is to guide the long-term growth and development of the Kelseyville, Finley, and Big Valley areas and other surrounding rural lands. The Area Plan is a tool by which greater planning detail is provided for the Kelseyville area.

Economic Development (Chapter 5, Section 5.5)

The need for increased local employment opportunities was among the issues discussed by the Community Planning Advisory Committee during the development of the Kelseyville Area Plan. The Committee also expressed a desire to retain Main Street as the central business district, and to discourage new commercial development in other areas of the community that would detract from the viability of the commercial center. Commercial uses such as offices, restaurants, wholesale sales, and similar uses would be appropriate in these areas. Uses that could benefit from highway visibility such as vehicle sales, factory outlets, and restaurants should be encouraged in those commercial areas adjoining Highway 29.

Land Use:

Objective 5.1a:

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

- **Policy 5.1a-2:** "The focus of most new development in the planning area should be within or adjacent to the community of Kelseyville. Additional development in the immediate area of Finley may also be considered if adequate public services are available".

- Policy 5.1a-8: “Community commercial development shall be promoted in the designated Community Development Area. Strip development and large outlying shopping centers should not be allowed as they would deteriorate the economic viability of downtown Kelseyville”.

Response: *The project parcels are located outside the downtown corridor of Kelseyville and located within the Community Growth Boundaries (located on the outer edge). The rezone of approximately +/- 7 (undeveloped) acres of land from “A” agriculture to “M2” Heavy Industrial with a General Plan Designation from Agriculture to Industrial would not only extend the existing “M2” Zoning along Big Valley Road but it would allow economic development of commercial uses in suitable areas that would help protect the economic viability of downtown Kelseyville.*

Chapter 6, Section 6.1 Commercial & Industrial Land Uses

According to the above section of the Kelseyville Area Plan, the area on the north side of Merritt Road between Kelsey Creek and Big Valley Road is proposed to remain designated Industrial and Heavy Commercial, and are zoned "M2", Heavy Industrial.

Response: *The rezone of approximately +/- 7 (undeveloped) acres of land from “A” agriculture to “M2” Heavy Industrial with a General Plan Designation from Agriculture to Industrial would not only extend the existing “M2” Zoning along Big Valley Road but it would allow economic development of commercial uses in suitable areas that would help protect the economic viability of downtown Kelseyville, including being consistent with the above state from the Kelseyville Area Plan.*

ZONING ORDINANCE CONFORMANCE

Currently, the project parcels [008-038-17 (approximately 2.23 acres in size) and 008-038-44 (approximately 38.54 acres in size)] are zone “A” Agricultural. The applicant seeks to rezone approximately +/- 7 undeveloped acres (portions that front Big Valley Road) to “M2” Heavy Industrial to allow for future economic development that is consistent along Big Valley Road. The remaining acreage of the project parcels will remain designated as “A” Agricultural. The applicant will not be removing any existing agricultural uses.

ARTICLE 47, SEC. 21-47.20 ORDINANCE TEXT AMENDMENT & REZONING AMENDMENT

Article 47 of the Lake County Zoning Ordinance identifies procedures for both ordinance and rezone amendments. Section 21-47.21 and 21-47.22 identify the information required to apply for a Rezone (zoning maps identifying areas to be rezoned, as well as property owners of interest).

Response: *The proposed Rezone would require a General Plan Amendment, in compliance with the Lake County Zoning Ordinance; the applicant has provided all information required in Article 47 to process the Rezone. The applicant has submitted all required information for the Rezone application. With the approval of the requested entitlements, the project would not conflict with the General Plan, Kelseyville Area Plan, or Zoning Ordinance. In addition, all future development*

within the +/- a 7-acre portion will have to adhere to requirements within the aforementioned plans and codes of the “M2” Heavy Industrial.

III. ENVIRONMENTAL EVALUATION

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use actions. An Initial Study and Negative Declaration (IS 20-91; **Attachment 7**) was prepared and circulated for public review in compliance with CEQA from December 10, 2020, to January 14, 2021. No comments objecting to the project were received.

The Initial Study found that the Rezone and General Plan Amendment would not have any impact on the environment, as no development is proposed at this time. However, CEQA requires analysis of all reasonably foreseeable development or project components that may occur on-site in the future. Therefore, potential development of the parcels was analyzed at a general level and it was determined that future development would not have any potential impacts on the environment, as the area requesting the land use designation change (approximately +/- 7 acres – front Big Valley Road) has been continuously and routinely maintained (tilling/disking of soil and brush/grass removal to reduce potential fire hazards) for over thirty (30) years. In addition, there is light to heavy industrial uses within the surrounding zoning designation of “M2” Heavy Industrial.

IV. FINDINGS REQUIRED FOR APPROVAL

GENERAL PLAN AMENDMENT

- 1. The proposed amendment is consistent with the General Plan, and the Kelseyville Area Plan.**

The project is consistent with the General Plan policies, as the proposed General Plan Amendment and Rezone of approximately +/- 7 undeveloped acres (along Big Valley Road) from “A” Agriculture to “I” Industrial would not only extend the existing “I” Industrial General Plan Designation along Big Valley Road but it would allow and/or encourage the development of commercial centers within Community Growth Boundary. The surrounding area is developed with crops (vineyards, orchards, etc.) and various light to heavy industrial commercial uses. The rezone and general plan amendment would allow the development of commercial services for crops within our County or allowable uses within the zoning destination that fits the needs of the County. Additionally, the project parcels are centrally located and less than 1.25 miles from State Highway 29. To date, the County has processed one General Plan Amendments in the 2021 calendar year, making this General Plan Amendment the second this year, if approved

- 2. 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 amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County, because the amendment facilitates a logical and orderly expansion of surrounding land use destinations. The uses are currently existing and no development is proposed at this time. The proposed General Plan Amendment has been reviewed by the County surveyor, Sheriff's Department, Fire Marshal, and other departments and agencies for health and safety concerns. The proposed use (and any future uses) shall meet all Federal, State, and local agency requirements.

3. This project will not result in any significant adverse environmental impacts.

The Initial Study (IS 20-91) found that the Rezone and General Plan Amendment would not have any impact on the environment, as no development is proposed at this time. However, CEQA requires analysis of all reasonably foreseeable development or project components that may occur on-site in the future. Therefore, potential development of the parcels was analyzed at a general level and it was determined that future development would not have any impact on the environment, as the area requesting the land use designation change (approximately y+/- 7 acres – front Big Valley Road) has been continuously and routinely maintained for over thirty (30) years. In addition, there is light to heavy industrial uses within the surrounding zoning designation of "M2" Heavy Industrial. However, if future development occurs and depending on the intensity of the proposed use further environmental analysis may be required.

REZONE FINDINGS:

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

The heavy industrial uses and agricultural uses are existing and permitted within the M2 and A zoning designations. The proposed Rezone would require a General Plan Amendment, in compliance with the Lake County Zoning Ordinance; the applicant has provided all information required in Article 47 to process the Rezone. The proposed Parcel Map is consistent with all applicable development standards in the Zoning Ordinance. In addition, all future development will have to adhere to requirements within the aforementioned plans and codes. The applicant has submitted all required information for the Rezone application. With the approval of the requested entitlements, the project would not conflict with the General Plan, Kelseyville Area Plan, or Zoning Ordinance.

2. This project will not result in any significant adverse environmental impacts.

The Initial Study (IS 20-91) found that the Rezone and General Plan Amendment would not have any impact on the environment, as no development is proposed at this time. However, CEQA requires analysis of all reasonably foreseeable development or project components that may occur on-site in the future. Therefore, potential development of the parcels was analyzed at a general level and it was determined that future development would not have any impact on the environment, as the area requesting the land use designation change (approximately y+/- 7 acres – front Big Valley Road) has been

continuously and routinely maintained for over thirty (30) years. In addition, there is light to heavy industrial uses within the surrounding zoning designation of “M2” Heavy Industrial. However, if future development occurs and depending on the intensity of the proposed use further environmental analysis may be required.

INITIAL STUDY AND NEGATIVE DECLARATION:

- 1. The Initial Study and Negative Declaration have been prepared in conformance with CEQA and all CEQA requirements have been adequately met for the project.**

*An Initial Study and Negative Declaration (IS 20-91; Attachment 7) was prepared and circulated for public review in compliance with CEQA from **December 10, 2020, to January 14, 2021**. Two comments were objecting to the project was received. All requirements of CEQA Guidelines Article 5 for preparation of an Initial Study, and Article 6 for consideration and adoption of a negative declaration, have been met.*

- 2. This project is consistent with the Lake County General Plan, Kelseyville Area Plan, and the Lake County Zoning Ordinance.**

As described above in Rezone Finding No. 1, the project is consistent with the Lake County General Plan, Kelseyville Area Plan, and the Lake County Zoning Ordinance.

- 3. This project is consistent with land uses in the vicinity.**

The project parcels, as well as parcels in the vicinity, are currently developed with single-family homes, agricultural uses, and light to heavy industrial and commercial uses consistent with the surrounding land use, including the proposed rezone and general plan amendment of approximately +/- 7 acres. The Rezone and General Plan Amendment would create additional economic development opportunities within the Community Growth Boundary of Kelseyville, consistent with surrounding parcels zoned “M2” Heavy Industrial along the Big Valley Road. All future development shall adhere to all local, state, and federal regulations to ensure compatibility with surrounding land uses.

- 4. This project will not result in any significant adverse environmental impacts.**

The Initial Study (IS 20-91) found that the Rezone and General Plan Amendment would not have any impact on the environment, as no development is proposed at this time. However, CEQA requires analysis of all reasonably foreseeable development or project components that may occur on-site in the future. Therefore, potential development of the parcels was analyzed at a general level and it was determined that future development would not have any impact on the environment, as the area requesting the land use designation change (approximately +/- 7 acres – front Big Valley Road) has been continuously and routinely maintained for over thirty (30) years. In addition, there is light to heavy industrial uses within the surrounding zoning designation of “M2” Heavy Industrial. However, if future development occurs and depending on the intensity of the proposed use further environmental analysis may be required.

RECOMMENDATIONS

Staff recommends the Planning Commission:

A. Staff recommends that the Planning Commission recommend to the Board of Supervisors to Adopt Negative Declaration Based on Initial Study, IS 20-91 with the following findings:

- 1) The Initial Study and Negative Declaration have been prepared in conformance with CEQA and all CEQA requirements have been adequately met for the project.
- 2) This project is consistent with the Lake County General Plan, Kelseyville Area Plan, and the Lake County Zoning Ordinance.
- 3) This project will not conflict with land uses in the vicinity.
- 4) There has been no change in the project which would create new significant environmental impacts.
- 5) This project will not result in any significant adverse environmental impacts.

B. Staff recommends that the Planning Commission recommend to the Board of Supervisors to approve General Plan Amendment, GPAP 20-02 with the following findings:

- 1) The proposed amendment is consistent with the General Plan, and the Kelseyville Area Plan.
- 2) 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.
- 3) There has been no change in the project which would create new significant environmental impacts.
- 4) This project will not result in any significant adverse environmental impacts.

C. Staff recommends that the Planning Commission recommend to the Board of Supervisors to approve the Rezone, RZ 20-02 with the following findings:

- 1) That the project is in conformance with the applicable provisions and policies of this Code, the General Plan, Lake County Zoning Ordinance, and any approved zoning or land use plan.

- 2) This project will not conflict with land uses in the vicinity.
- 3) There has been no change in the project which would create new significant environmental impacts.
- 4) This project will not result in any significant adverse environmental impacts.

V. SAMPLE MOTIONS:

Initial Study and Negative Declaration

I move that the Planning Commission recommend that the Board of Supervisors find based on the **Initial Study IS 20-91** that **General Plan Amendment GPAP 20-02**, and the **Rezone RZ 20-02** will not have a significant effect on the environment and thereof, recommend the Planning Commission recommend the Board of Supervisors approve the proposed Negative Declaration with the findings listed in the Staff Report dated **May 21, 2021**.

General Plan Amendment

I move that the Planning Commission recommend that the Board of Supervisors make a motion of approval for **General Plan Amendment GPAP 20-02 applied for by Greg Hansen** for the following reasons: 1) The proposed General Plan Amendment is found to be consistent with the Lake County General Plan, the Kelseyville Area Plan, and the Lake County Zoning Ordinance; 2) The proposed amendment is compatible with the existing land uses in the vicinity, and 3) As outlined in the Initial Study IS 20-91, prepared for this application, the proposed amendment will not result in any significant adverse environmental impacts as outlined in the Staff report dated **May 21, 2021**.

I Offer the Resolutions.

Rezone:

I move that the Planning Commission has reviewed and considered the environmental effects of **Rezone RZ 20-02** and General Plan Amendment (GPAP 20-02) as outlined in the proposed **Initial Study (IS 20-91)** which has been prepared for this project and that the Planning Commission recommends that the Board of Supervisors approve the proposed rezoning applied for by **Greg Hansen** on property located at **3555 and 3445 Big Valley Road, Kelseyville, CA 95451; APNs 008-038-17 and 008-038-44** for reasons listed in the Staff Report dated **May 21, 2021**.

I Offer the Resolutions.

***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*