



**COUNTY OF LAKE**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
Planning Division  
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## Staff Report

To: Planning Commission

From: Community Development Department

Prepared by: Eric Porter

**Date: June 24, 2021**

**Subject: Use Permit UP 21-24, Hilltop Recovery Services LLC.** CEQA is file no. CE 21-05. APN: 010-046-06

**Exhibits:** A – Vicinity Map  
B – Revised Conditions of Approval  
C – Agency Comments  
D – Site Plan

### **I. SUMMARY**

On November 13, 2015, the County of Lake received a Major Use Permit application for a new men's recovery home located at 14715 E. Highway 20, Clearlake Oaks.

On December 7, 2020, the County of Lake received a 2<sup>nd</sup> Major Use Permit application for a facility expansion to occupy a nearby 3,521 sq. ft. dwelling on an adjacent lot located at 14725 Catholic Church Drive for the same rehabilitation use, only this was for women. The application received included an application for an Initial Study as well as for a Major Use Permit.

On March 8, 2021, the Community Development Department sent out 'requests for review' and an AB 52 notice to all key departments, agencies and local Tribes for their comments. No adverse comments were received by the County. CalTrans requested (1) upgrading the SR 20 / Whisner Lane driveway approach to commercial standards; (2) that the applicant obtain an encroachment permit and meet all encroachment requirements; (3) that the applicant meet signage requirements for signs located within Caltrans right of way and Outdoor Advertising Act standards. CalTrans also indicated that the existing Hilltop business sign along the highway frontage (and any other private advertising signage) needs to be located outside of Caltrans right of way.

### Discussion.

The applicant has requested and has received an ‘Early Activation of Use’ to allow the existing dwelling to be used as an emergency shelter for women while this use permit request is processed. Emergency Activation was granted by the Community Development Department on March 12, 2021 and remains valid for a period of six (6) months, or until this use permit request is decided.

Neighbors within 725 feet of the 19+ acre parcel were notified of this action by Public Hearing notice sent June 2, 2021.

### Project Description

Applicant/Owner: Hilltop Recovery Services LLC  
Location: 14725 Catholic Church Drive, Clearlake Oaks  
A.P.N.s: 010-046-06 (new site) and 02 (original site)  
Parcel Size: 19+ acres  
General Plan: Rural Lands (new site)  
Zoning: “RL-WW-SC”, Rural Lands – Waterway – Scenic Combining  
Flood Zone: X  
Date Submitted: December 7, 2020



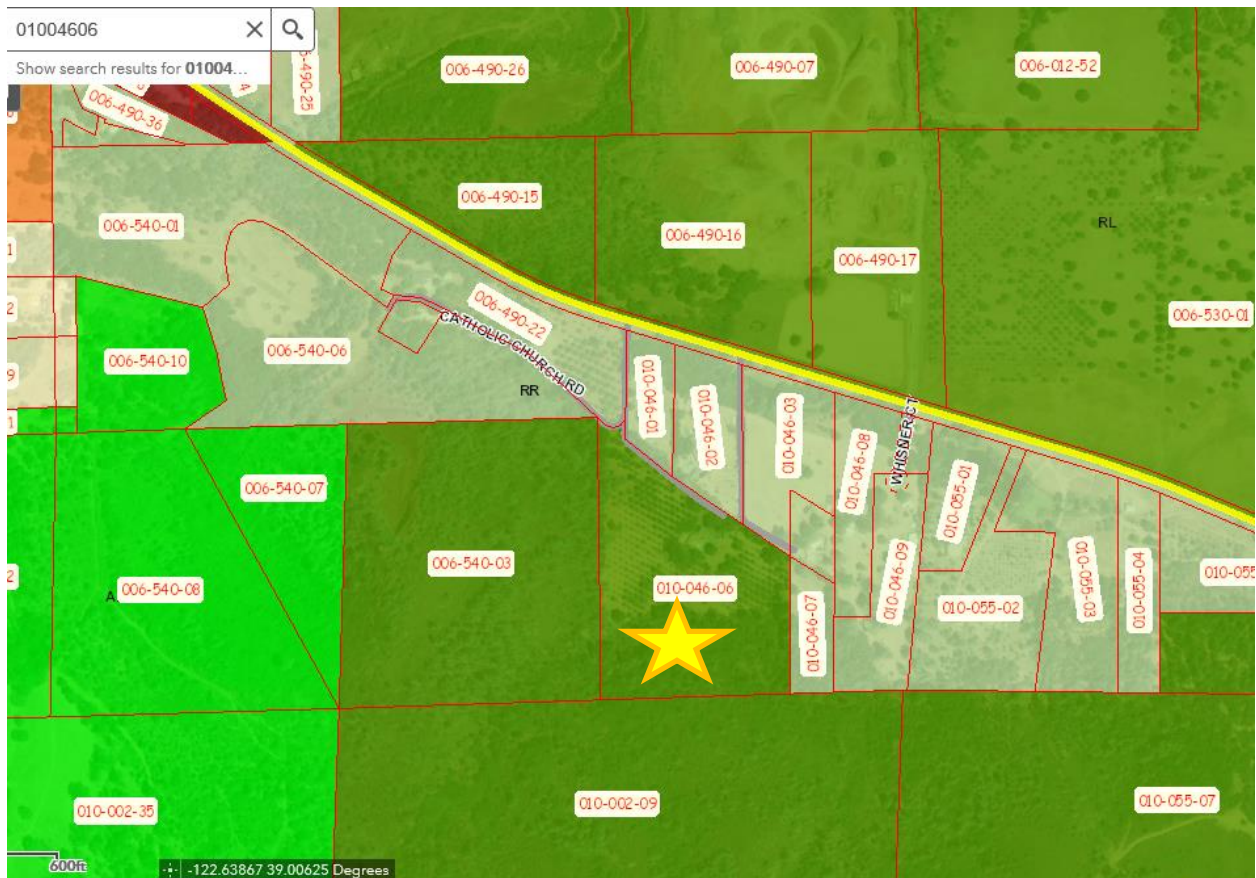
**VICINITY MAP**

## **II. PROJECT SETTING**

Existing Uses and Improvements: The subject site contains a dwelling and several storage buildings.

### ***Surrounding Uses and Zoning***

- North: tax lot 010-046-02 contains the current rehabilitation home approved under use permit UP 15-15; the other lots contain ranchettes with single family dwellings.
- East: RR – Rural Residential zoned land, developed with dwellings.
- West: Marginally improved land zoned RL – Rural Lands, and APZ – Ag Preserve (under Williamson Act contracts).
- South: RL, Rural Lands-zoned properties. Large lots, marginally developed.



**ZONING MAP OF SITE AND VICINITY**





### GOOGLE EARTH AERIAL OF SITE

<u>Topography:</u>	Varied; flat on the subject portion of the site; over 30% on other portions of the site
<u>Water Supply:</u>	Well
<u>Sewage Disposal:</u>	On-Site Septic System
<u>Fire Protection:</u>	South Lake County Fire District (CalFire)
<u>Vegetation:</u>	Introduced Vegetation (walnut orchard); Oak trees, manzanita brush, grasses and varied other trees and shrubs

### III. PROJECT ANALYSIS

#### **General Plan Conformance**

The General Plan designation for the subject site is Rural Lands. The following General Plan policies relate to site development in the context of this proposal:

#### Land Use

- Policy LU-1.3 Prevent Incompatible Uses. The County shall prevent the intrusion of new incompatible land uses into existing community areas.

*Response: The State of California regards residential care homes such as this one to be the general equivalent of single family dwellings. These uses are allowed anywhere that a single family dwelling is allowed, but have certain regulations that do not apply to regular single family dwellings.*

*Approval of the original use permit, and this proposed addition are both consistent with the Rural Lands General Plan designation, which allows for residential type uses such as this one.*

## Economic Development

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

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

*Response: The proposed expansion is consistent with Policy LU 6.1 by providing additional space for a rehabilitation home for a non-industrial corporation.*

## **II. Shoreline Communities Area Plan Conformance Analysis**

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

### Conservation

**Objective 3.4.6** Promote land use patterns within the Shoreline Communities Planning Area that maintain and preserve the area's critical resources and unique natural areas.

- **Policy 3.4.6a** Provide special protection of natural areas through such methods as base zoning, special combining districts, public purchase, conservation or open space easements, or other applicable legal instruments for land designated for resource conservation purposes.

*Response: The site contains numerous trees, including an introduced walnut orchard that would not be in any way impacted by this proposed project, since the house is existing. No trees or other vegetation are proposed to be removed. Key departments and agencies within Lake County, as well as all 11 tribes, were sent a request for comment on March 8, 2021 and had no objection to this proposal.*

### Land Use

- Policy 5.1.1b Priority should be given to providing service and employment opportunities locally.
- Policy 5.1.1f Encourage development of appropriate medical, wellness, recreational and other retirement focused services.

*Response: The proposal is for a short-term (one to two month) residential stay rehabilitation home for women. The project would employ up to six people and would provide a substance abuse rehabilitation service to local women. The existing house would hold up to six residents, plus staff and visitors, once approved, and a future expansion to house more women would likely occur in the future.*

## Housing

- Policy 5.2.1d Provide more housing for independent seniors and those needing care.

*Response: The rehabilitation home will provide needed care and treatment for those who qualify for such treatment. They would remain on site for a period of four to eight weeks, and would be housed, fed and cared for inside this facility.*

## **Zoning Ordinance Conformance**

### Article 7 – Rural Lands Zoning District.

The purpose of the RL Rural Lands zoning district is to provide for resource related and residential uses of the County's undeveloped lands that are remote and often characterized by steep topography, fire hazards, and limited access.

### Article 27 - Use Permits

The purpose of Article 27 is for those uses possessing characteristics of unique and special form as to make their use acceptable in one or more districts upon issuance of a zoning permits, minor or major use permits in addition to any required building, grading and/or health permits.

*Response: This proposal will not have any impact to grading, other than scraping ground for new required parking spaces. The dwelling already exists.*

Development Standards, General Requirements and Restrictions. This application meets the following Development Standards, General Requirements and Restrictions as specified within Articles 68 and 60 of the Lake County Zoning Ordinance.

### Article 68 – Definitions

43. Community care facility: Any facility, place, or building which is maintained and operated to provide non-medical residential care, emergency shelters, adult day care, or home finding agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, or incompetent persons. "Community care facility" shall include residential facility, residential care facility for the elderly, adult day care facility, home finding agency, and social rehabilitation facility, as defined in Section 1502 of the Health and Safety Code and Supportive Housing as defined in subdivision (b) of Section 50675.14 of Health and Safety Code and Transitional Housing as defined in subsection (h) of Section 50675.2 of the Health and Safety Code. **(Ord. No. 3021, 12/16/2014)**

*Response: This use by definition is a 'community care facility', which is allowed in the RL zoning district per Article 27, Section 21.11(e), and within Table B of Article 27 of the Lake County Zoning Ordinance.*

Article 27, subsection 11(e) – Community Care Facilities

1. A community care facility shall only be permitted with full-time supervision by the licensed owner or lessee on the premises, except for brief absences as provided for in the state and County regulations.

*Response: The program submitted for this facility shows compliance with this subsection; staff will be on the premises full-time in a supervisory and advisory role.*

2. The issuance of a use permit for the use shall be subject to the issuance of a license and/or certification by all appropriate local and state agencies. The community care facility shall be discontinued when local or state certification is withdrawn or expires.

*Response: A condition of approval has been added requiring the applicant to adhere to all State and County regulations regarding the operation of the community care facility.*

3. The project description for each application shall include the following information which shall be included by reference in any permit approval:

- i. Description of the physical facility.
- ii. Legal description and address of proposed facility.
- iii. Number of automobiles to be operated by the residential care facility and the number of off-street parking spaces to be provided.
- iv. Approximation of daily visitor parking.
- v. Brief description of the facility building and any remodeling plans.
- vi. Number of resident and non-resident staff, with a description of the day-to-day supervision provided by the staff. Statement of House Rules shall be included.
- vii. Description of the program, e.g. goals, treatment, methodology, anticipated length of stay of residents, type(s) of problem being treated.
- viii. Number and type (type of disability, average age, etc.) of person for whom care is being provided.

*Response: The applicant has provided this information within the application package submitted.*

4. Each approved use permit shall specifically identify the type and number of individuals. Any increase in the number or change in the type of individuals shall require a new use permit approval.

*Response: The applicant has applied for a new major use permit for this change along with a new application for a CEQA review. The Community Development Director then determined that a full CEQA review was not necessary since the dwelling needed to house the use already exists, and since no additional site disturbance associated with the project would occur other than CalTrans' requirement for improving the driveway approach to commercial standards.*

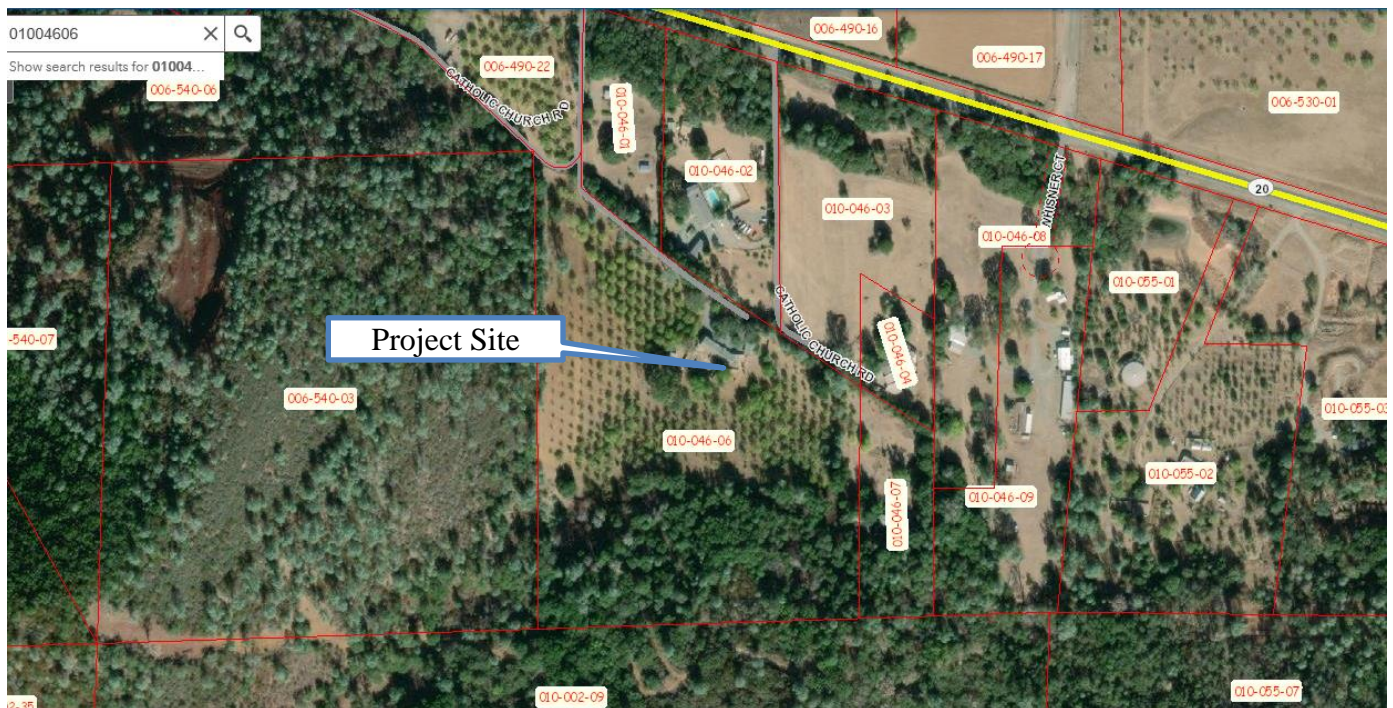


Article 51, Major Use Permits; subsection 4, Required Findings for Approval

The Review Authority shall only approve or conditionally approve a Major Use Permit (LCZO Section 51.4, Minor Use Permits) if all of the following findings are made:

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.

*Response: The immediate area contains rural and semi-rural land with homes located to the east of the project site, including an existing residential care home owned by Hilltop Recovery. Since the new project site is developed, it is highly unlikely that any new impacts related to development will occur with the exception of improvements to the driveway approach that are being required by CalTrans.*



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.

*Response: The project lot is 19+ acres in size. The proposed use occupies about 3,500 sq. ft. of the lot, and meets all required setbacks for this zoning district, including 30' CalFire setbacks for properties that are greater than 1 acre in size. There is an existing septic system serving the house, and water is supplied by a private (existing) well. No further expansions of this building are proposed at this time.*

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



*Response: The site is served by Wisner Lane, a narrow, paved County-maintained road at this location. The applicant has not proposed any improvements to this road, however CalTrans has indicated that a commercial driveway approach is needed for the intersection of the driveway with Wisner Lane.*

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.

*Response; This application was routed to all of the affected public and private service providers including Public Works, Special Districts, Environmental Health, and PG&E, and to all area Tribes. No adverse comments were received, although CalTrans is requiring improvements to the driveway approach as previously stated. The site is already served by PG&E power; the site has a private well and septic system, and is served by public roads. Lake County Sheriff provides law enforcement at this location, and the site is within CalFire's District boundaries.*

5. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and the Shoreline Communities Area Plan.

*Response: The lot to the immediate east had been evaluated for compliance with all three of the adopted documents referred to in Subsection 5 above, and the site was found to be fully compliant with all three documents. The proposed use, defined as a Community Care Facility, is allowed in this zoning district with a Major Use Permit.*

6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property.

*Response: The Community Development Department has no record of current violations of Chapters 5, 17, 21, 23 or 26 of the Lake County Code for this property.*

#### **IV. ENVIRONMENTAL ANALYSIS**

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use actions. Staff has determined that the use permit UP 21-24 is categorically exempt from CEQA review (CE 21-05) pursuant to CEQA section 15301(e)(1), due to lack of site disturbance with this proposal, which will use an existing dwelling.

#### **Recommended Action:**

**Approve** the Use Permit application request (UP 21-24) to allow the use of the dwelling on APN 010-046-06 for use as a Community Care Facility and adopt CEQA categorical exemption CE 21-05.

#### **Sample Motions:**

##### **Categorical Exemption (CE 21-05)**

I move that the Planning Commission find that that **Categorical Exemption (CE 21-05)** applied for by **Hilltop Recovery Enterprises LLC** on a property located at **14725 Catholic Church Drive, Clearlake Oaks**, further described as **APN: 010-046-06** will not have a significant effect on the environment, and this project qualifies for a Categorical Exemption pursuant to CEQA section 15301(e)(1) with the findings listed in the staff report dated **June 24, 2021**.

### **Use Permit (UP 21-24)**

I move that the Planning Commission find that the **Use Permit (UP 21-24)** applied for by **Hilltop Recovery Enterprises LLC** on a property located at **14725 Catholic Church Drive, Clearlake Oaks**, further described as **APN: 010-046-06** does meet the requirements of Articles 7, 51.4 and 60 of the Lake County Zoning Ordinance and the Use Permit be granted subject to the conditions and with the findings listed in the staff report dated **June 24, 2021**.

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