



Legislation Details (With Text)

File #: 22-706 **Version:** 1 **Name:**

Type: Action Item **Status:** Agenda Ready

File created: 6/28/2022 **In control:** Planning Commission

On agenda: 7/14/2022 **Final action:**

Title: 9:20 a.m. Public Hearing on Consideration of a General Plan Amendment and Rezone (files no. GPAP 19-03 and RZ 19-03), and a Mitigated Negative Declaration (IS 19-43). The Planning Commission will be asked to make a formal recommendation to the Board of Supervisors. The applicant, DENNIS DE LA MONTANYA is requesting a Rezoning and General Plan Amendment to change a 17.4+ acre lot from R1, Low Density Residential, to RR, Rural Residential. No development is proposed in conjunction with this action. The project is located at 8255 Point Drive, Kelseyville, CA; APN: 044-331-24.

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. Attachment 1 vicinity map, 2. Attachment 2 rezone map, 3. Attachment 3 supplemental info, 4. Attachment 4 agency comments, 5. Attachment 5 public comments, 6. Attachment 6 grant deed, 7. SR Montanya, 8. Public Comment (Drake), 9. Proof of Publication (GPAP 19-03) PC 7-14-22 920am, 10. Montanya SR (Revised), 11. Public Comment (McDewitt), 12. Public Comment (Hoffman)

Date	Ver.	Action By	Action	Result
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Memorandum

Item # 4
9:20 AM
July 14, 2022

STAFF REPORT

TO: Planning Commission

FROM: Mary Darby, Community Development Director
Prepared by: Eric Porter, Associate Planner

DATE: July 14, 2022

SUBJECT: Dennis De La Montanya General Plan Amendment (GPAP 19-03), Rezone (RZ 19-03) and Initial Study (IS 19-43)

Supervisor District 5

- ATTACHMENTS:**
1. Vicinity Map
 2. Proposed Rezone and General Plan Map
 3. Supplemental Data
 4. Agency Comments
 5. Public Comments
 6. De La Montanya Grant Deed

I. EXECUTIVE SUMMARY

The applicant is requesting approval rezoning a ±18 acre property from “R1 - B3” Low Density Residential - Frozen, to “RR” Rural Residential. The property is located at 8255 Point Drive, Kelseyville, and is APN: 044-331-24. In addition, the applicant is requesting approval of a General Plan Amendment of the property from Low Density Residential to Rural Residential. The applicant has submitted no development proposals for this project.

Since no development is planned the applicant’s surveyor has consequently submitted a request for a Categorical Exemption to CEQA. However, the County Staff determined that a rezone / General Plan Amendment required a more in-depth evaluation of potential impacts, and the Planning Department’s Initial Study resulted in a Negative Declaration primarily because no development plans were submitted with the rezone / General Plan Amendment.

Of note - the applicant’s deed restricts further division of this lot, and prohibits development with the exception of one (1) house up to 5,000 sq. ft. in size, that cannot be a manufactured or modular home. This restriction also allows one granny unit limited in size to 1,200 sq. ft. per State regulations. The property owner is unclear whether he can put a new, more lenient deed restriction on his property to replace the existing restriction that so limits his ability to use the land as the R1 zoning district envisioned.

Opposition to the Project. As of June 6, 2022 the County Staff had received fourteen (14) letters and emails of concern regarding this proposal. The primary concern has to do with potentially incompatible uses resulting from the Rural Residential zoning designation proposed, which allows ranching and farming as ‘outright permitted uses’ which have minimal County oversight.

For reasons stated in this Staff Report, the Community Development Department is recommending **denial** of rezone RZ 19-03 and GPAP 19-03.

REZONE REQUEST:

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Parcel Number	Current Zoning Designation	Proposed Zoning Designation
044-331-24	“R1-B3” <i>[Single-Family Residential-Special Lot Size (Minimum 20,000 square feet)]</i>	“RR” <i>(Rural Residential)</i>

GENERAL PLAN AMENDMENT REQUEST:

Parcel Number	Current General Plan Designation	Proposed General Plan Designation
044-331-24	“LDR” <i>(Low Density Residential)</i>	“RR” <i>(Rural Residential)</i>

I. RECOMMENDATIONS

Staff recommends that the Planning Commission provide the following recommendations to the Lake County

Board of Supervisors:

A. That the Board does not adopt Negative Declaration (IS 19-43) for General Plan Amendment, GPAP 19-03 and Rezone, RZ 19-03 with the following findings:

1. That uses allowed in the Rural Residential Zoning District are not all compatible with R1 Low Density Residential District land uses.
2. That this project is not consistent with the County of Lake General Plan and the Kelseyville Area Plan.
3. The project has the potential to be inconsistent with land uses in the vicinity.
4. It is unknown whether this project will result in any significant adverse environmental impacts because no development proposals were submitted with this rezone and General Plan Amendment application.

B. That the Board Does Not Approve General Plan Amendment (GPAP 19-03) and Rezone (RZ 19-03) and recommends the following findings:

1. That the establishment, maintenance, or operation of the use applied for *may* be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use based on uses permitted in the RR Rural Residential zoning district.
2. That potential agricultural uses permitted in the RR Rural Residential zoning district may not be compatible with adjacent uses.

Sample Motions:

Negative Declaration (IS 19-43)

I move that the Planning Commission find the **General Plan Amendment (GPAP 19-03) and Rezone (RZ 19-03)** applied for by **Dennis De La Montanya** on property located at **8255 Point Drive, Kelseyville** further described as **APN: 044-331-24** does not recommend the adoption of the Negative Declaration (IS 19-43) by the Board of Supervisors based on the findings set forth in the staff report dated **July 14, 2022**.

General Plan Amendment (GPAP 19-03)

I move that the Planning Commission find that the **General Plan Amendment (GPAP 19-03)** applied for by **Dennis De La Montanya** on property located at **8255 Point Drive, Kelseyville** further described as **APN: 044-331-24** does not meet the requirements of the General Plan or the Kelseyville Area Plan, and that a recommendation of ***denial*** be provided to the Board of Supervisors for the subject to the findings listed in the staff report dated **July 14, 2022**.

Rezone (RZ 19-03)

I move that the Planning Commission find that the **Rezone (RZ 19-03)** applied for by **Dennis De La Montanya** on property located at **8255 Point Drive, Kelseyville** further described as **APN: 044-331-24** does not meet the requirements of the Lake County General Plan or the Kelseyville Area Plan, and that a recommendation of ***denial*** be provided to the Board of Supervisors for the Rezone subject to the findings listed in the staff report dated **July 14, 2022**.

***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's recommendation, 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.*