



## Legislation Details (With Text)

**File #:** 17-612      **Version:** 2      **Name:**

**Type:** Planning Item      **Status:** Agenda Ready

**File created:** 6/27/2017      **In control:** BOARD OF SUPERVISORS

**On agenda:** 7/11/2017      **Final action:**

**Title:** 9:30 A.M. - PUBLIC HEARING - Consideration of General Plan Amendment (GPAP 12-02) of all or a portion of four properties from Agriculture to Rural Residential, and a Rezone (RZ 12-02) from "A-FF-FW-SC-WW" Agriculture-Floodway Fringe-Floodway-Scenic Combining-Waterway to "RR-FF-FW-SC-WW" Rural Residential-Floodway Fringe-Floodway-Scenic Combining-Waterway; project is located at 20444, 20646 and 20684 State Highway 175 and 20612 Dry Creek Cutoff, Middletown (APNs 014-002-39, 40, 48 and 014-440-05)

**Sponsors:** Community Development

**Indexes:**

**Code sections:**

**Attachments:** 1. EXHIBIT A, 2. EXHIBIT B, 3. EXHIBIT C, 4. EXHIBIT D., 5. EXHIBIT E, 6. EXHIBIT F, 7. EXHIBIT G

Date	Ver.	Action By	Action	Result
7/11/2017	2	BOARD OF SUPERVISORS	approved	

## MEMORANDUM

**TO:** Board of Supervisors

**FROM:** Robert Massarelli, Community Development Director  
Prepared by: Michalyn DelValle, Principal Planner

**DATE:** July 11, 2017

**SUBJECT:** Browning General Plan Amendment (GPAP 12-02) & Rezone (RZ 12-02)  
Supervisory District 1

### EXHIBITS:

- A. Vicinity Map
- B. Planning Commission Staff Report dated August 13, 2014
- C. Planning Commission Minutes, August 28, 2014
- D. Exhibit "A" Rezone Maps
- E. Exhibit "A" General Plan Map
- F. Proposed Rezone Ordinance
- G. Proposed General Plan Amendment Resolution

### EXECUTIVE SUMMARY:

## I. PROJECT DESCRIPTION

Project Name: Browning Rezone and General Plan Amendment

Application: General Plan Amendment GPAP 12-02 and Rezone RZ 12-02

### Project Summary:

This project request consists of a General Plan Amendment and Rezone of all or a portion of four (4) properties from Agriculture to Rural Residential. The primary purpose of this proposal is to apply the Rural Residential general plan designation and corresponding base zoning district to 25 acres of land located at 20444 State Highway 175 (APN 014-440-05). In order to avoid concerns with spot zoning, this application also includes all that property located on APN 014-002-40, APN 014-002-39 and together with the southern approximately 14 acres of APN 014-002-48 in order to connect with an existing block of land to the east and south currently designated as Rural Residential. All existing zoning combining districts are proposed to remain unchanged.

Location: 20616 Dry Creek Cutoff (APN 014-002-40), 20646 State Highway 175 (APN 014-002-39) together with the southern approximately 14 acres of 20684 State Highway 175 (APN 014-002-48), Middletown.

General Plan: Existing: Agriculture and Resource Conservation  
Proposed: Rural Residential and Resource Conservation

Zoning: Existing: "A-FF-FW-SC-WW": Agriculture-Floodway Fringe-Floodway-Scenic-Waterway.  
Proposed: "RR-FF-FW-SC-WW" Rural Residential-Floodway Fringe-Floodway-Scenic-Waterway.

Topography: Flat, less than 5% average cross slope.

Natural Hazards: Wildland Fire and Flood

Water Supply: Onsite wells

Sewage Disposal: Onsite sewage disposal systems

Fire protection: Southlake Fire Protection District

## II. PLANNING COMMISSION

The requirement for legal noticing and for SB 18 (Chapter 905, Statutes of 2004) which requires cities and counties to contact, and consult with California Native American Tribes prior to amending or adopting any general plan or specific plan, or designating land as open space has been met.

The Planning Commission reviewed this proposal and recommended approval to the Board of Supervisors on August 28, 2014. Several members of the public spoke both in favor and in opposition of this proposal. The primary opposition concerned the conversion of lands containing prime agricultural soils to a primarily residential land use. The properties included within this General Plan Amendment and Rezone proposal consists of lands that are currently classified as "farmland of local importance" and "grazing lands" by the Farmland of Statewide Importance mapping provided by the California Department of Conservation. Additional information on the agricultural capabilities of land can be found in the United States Department of Agriculture's published *Soil Survey of Lake County*, which designates this area as having a soil capability classification of Class II irrigated and Class III non-irrigated. The Lake County General Plan describes Capability Class II as having some limitations that reduce the choice of plants or require moderate conservation practices, whereas Capability Class III is similar but requires more specialized conservation practices. The applicant has also indicated to Planning Staff that soils analysis conducted for this specific area show that the soil is unsuitable for

commercial agricultural production beyond the use of grazing and pasture. Overall, the lands seem to be marginally considered as 'Primary Agricultural Areas' as defined by the Lake County General Plan. The proposed Rural Residential land use and zoning designations allow agriculture as a primary use. Thus, the approval of this general plan amendment and rezone will not result in any direct prohibition of agricultural use for these properties.

Staff has determined that the zoning and general plan designations have remained unchanged. Additionally, nothing substantial has significantly changed onsite, other than ownership of APN 014-002-40, which is now owned by Tyler Hicks; APNs 014-440-05, 014-002-39 and 014-002-48 are owned by Michael Browning. Staff received an application with Tyler Hicks signature authorizing the process of this Rezone and General Plan Amendment application on May 2, 2017. Staff also has the original application signed by Michael Browning. Therefore, this application can continue to be processed.

#### I. **ENVIRONMENTAL ANALYSIS**

An Initial Study for this project was completed in accordance with the California Environmental Quality Act. No potentially significant impacts were identified. Staff found that the proposed project could not have a significant effect on the environment, and a negative declaration will be prepared.

#### IV. **GENERAL PLAN AMENDMENT FINDINGS FOR APPROVAL (FIRST CYCLE)**

The proposed General Plan Amendment will be the County of Lake's First Cycle of processing General Plan Amendments and per the California Government Code Section 65358 the County can only process four cycles per year.

1. The proposed amendment is consistent with the General Plan and the Middletown Area Plan. The amendment is consistent with the General Plan Land Use Designation and with the following policy of the Middletown Area Plan.

##### **Lake County General Plan**

The Rural Residential designation "is designed to provide single-family residential development in a semi-rural setting. Large lot development with small-scale agricultural activities is appropriate. These areas are intended to act as a buffer area between urban residential development and agricultural area of the County."

##### **Middletown Area Plan**

Policy 5.5.2a: Proposals to change to rural residential, suburban residential reserve or low density residential should provide a logical buffer between suburban densities and agricultural or more remote rural, or incompatible land uses.

2. 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 development of surrounding Rural Residential land uses.
3. The proposed land use zoning designation change is in the public best interest, there will be a community benefit, and other existing and allowed uses will not be compromised, because the proposed amendment represents a continuation of the existing Rural Residential land use patterns and zoning in the surrounding areas.

4. The proposed land use zoning designation change does not conflict with provisions of this Lake County Zoning Ordinance, because the project site conforms to the size and locations criteria specific for Rural Residential uses.
5. The project site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provisions of public and emergency vehicle access and public services and utilities to ensure that the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements within the project vicinity.
6. The Board of Supervisors has reviewed and considered the environmental effects of GPAP 12-02 as set forth in the Negative Declaration, which was adopted for the GPAP 12-02 and finds on the basis of the Initial Study and any comments received that there is no substantial evidence that these projects will have a significant effect on the environment.

## **V. RECOMMENDATION**

The Planning Commission recommends that the Board of Supervisors take the following actions:

A. Adopt a negative declaration for GPAP 12-02 and RZ 12-02 with the following findings:

1. This rezoning is consistent with the Lake County General Plan, Middletown Area Plan and Zoning Ordinance.
  2. The uses permitted in the "RR-FF-FW-SC-WW" district are compatible with the surrounding land uses.
  3. This project will not impact agricultural resources
  4. This project will not result in the need for increased public services.
  5. This rezoning will not result in any significant adverse environmental impact and a negative declaration has been recommended.

B. Approve GPAP 12-02 for the following reasons:

1. This amendment is consistent with the Lake County General Plan, Middletown Area Plan and Zoning Ordinance.
2. The uses allowed in the Rural Residential designation are compatible with existing land uses in the vicinity.
3. This amendment will not adversely affect existing agricultural operations.
4. This project will not result in any significant adverse environmental impact, and a negative declaration has been recommended.

C. Approve RZ 12-02 for the following reasons:

1. This rezoning is consistent with the Lake County General Plan, Middletown Area Plan and Zoning

Ordinance.

2. The uses allowed in the "RR-FF-FW-SC-WW" are compatible with existing land uses in the vicinity.
3. This project will not adversely affect existing agricultural operations.
4. This project will not result in any significant adverse environmental impact, and a negative declaration has been recommended.

**FISCAL IMPACT:**     \_\_ None \_\_ Budgeted \_\_ Non-Budgeted  
Estimated Cost:  
Amount Budgeted:  
Additional Requested:  
Annual Cost (if planned for future years):

**FISCAL IMPACT (Narrative):**

**STAFFING IMPACT (if applicable):**

**RECOMMENDED ACTION:**

**A. Proposed Negative Declaration**

I move that the Board of Supervisors find that on the basis of the Initial Study IS 12-16 prepared by the Planning Division that the Browning general plan amendment from Agriculture to Rural Residential and rezone from "A-FF-FW-SC-WW" to "RR-FF-FW-SC-WW" as applied for by Michael Browning and Tyler Hicks will not have a significant effect on the environment, and therefore, a negative declaration shall be adopted with the findings set forth in the Board Memorandum dated June 27, 2017.

**B. General Plan Amendment Approval**

I offer the general plan amendment and resolution 14-01 consisting of the general plan amendment for Michael Browning & Tyler Hicks GPAP 12-02 and the general plan amendment for the County of Lake GPAP 12-02.

**C. Rezone Approval**

I move that the reading of the ordinance be waived and the title only be read.

I offer the ordinance. \*

(\*It is permissible instead to move that the ordinance be advanced on the agenda for consideration)