



Legislation Details (With Text)

File #: 20-1098 **Version:** 1 **Name:**

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

File created: 11/10/2020 **In control:** Planning Commission

On agenda: 12/10/2020 **Final action:**

Title: 9:05 a.m - Public hearing on consideration of a Tentative Parcel Map (PM 18-02), Deviation (DV 18-01), Major Use Permit (UP 19-57) and a Mitigated Negative Declaration (IS 18-68). Applicant is Tegtmeier Associates, Inc. proposing to subdivide one parcel into four parcel. The proposed parcels would be +/- 3.58 to +/- 8.23 acres in size. Location 52 Soda Bay Road, Lakeport, CA, and further described as APN: 008-001-25.

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Attachment 1-Vicinity Map, 3. Attachment 2-Tentative Parcel Map, 4. Attachment 3-Proposed Conditions of ApprovalDRAFT, 5. Attachment 4-Site Visit Photos, 6. Attachment 5-Initial Study, 7. Attachment 6-Agency Comments

Date	Ver.	Action By	Action	Result
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Memorandum

Item 1
9:05 AM
December 10, 2020

STAFF REPORT

TO: Planning Commission

FROM: Scott DeLeon, Interim Community Development Director
Toccarra Thomas, Deputy Director
Mark Roberts, Principal Planner
Sateur Ham, Assistant Planner I

DATE: October 22, 2020

RE: **Tegtmeier Parcel Map, PM 18-02, Major Use Permit, UP 19-57, Initial Study, IS 18-68 and Deviation, DV 18-01**

Supervisor District Four (4), Tina Scott

ATTACHMENTS: 1. Vicinity Map
2. Proposed Tentative Parcel Map

3. Proposed Tentative Parcel Map Conditions of Approval
4. Site Visit Photos
5. Initial Study and Mitigated Negative Declaration, IS 18-68
6. Agency Comments

I. **EXECUTIVE SUMMARY**

The applicant is requesting approval of a Tentative Parcel Map with deviation on the proposed parcel not meeting the length to width ratio per County's Zoning Ordinance development standards. The applicant is also requesting approval of a Major Use Permit to allow the division of one parcel approximately 26.12 in acreage size into four (4) lots sizes within a wetlands area. According to the Tentative Parcel Map, the applicant is proposing the following:

- Lot One (1) would be approximately 3.58 acres in size and would consist of an existing movie theatre.
- Lot Two (2) would be approximately 8.23 acres in size and would consist of an existing drive-in movie theatre.
- Lot Three (3) would be approximately 6.20 acres in size and would remain undeveloped.
- Lot Four (4) would be approximately 8.20 acres in size and it would be donated to the Lake County Land Trust as a non-buildable lot containing wetlands.

No development is proposed at this time.

Staff is recommending conditional approval of the Parcel Map, PM 18-02. Proposed Conditions of Approval are included as Attachment 3 and findings for approval are included in Section VI of this Staff Report.

I. **RECOMMENDATIONS:**

Staff recommends the Planning Commission take the following actions:

A. Adopt a Mitigated Negative Declaration based on Initial Study, IS 18-68 for Parcel Map, PM 18-02 with the following findings:

1. Potential environmental impacts related to Air Quality have been mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval
2. Potential environmental impacts related to Biological Resources have been mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval.
3. Potential environmental impacts related to Cultural & Tribal Resources have been mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval.
4. Potential environmental impacts related to Geology & Soils have mitigated to insignificant levels with the incorporated Mitigation Measures and Conditions of Approval.
5. Potential environmental impacts related to Hydrology & Water Quality have been mitigated to insignificant levels with the incorporated Conditions of Approval.
6. Potential environmental impacts related to Noise have mitigated to insignificant levels with the incorporated Conditions of Approval.
7. This project is consistent with land uses in the vicinity.
8. This project is consistent with the Lake County General Plan, Lakeport Area Plan and Zoning Ordinance.
9. As mitigated, this project will not result in any significant adverse environmental impacts.

B. Approve Parcel Map, PM 18-02 with the following findings:

1. This project is consistent with the Lake County General Plan, Zoning Ordinance, Subdivision Ordinance, and the

Lakeport Area Plan.

2. This project is consistent with the State Subdivision Map Act and Chapter 17 of the Lake County Code.
3. Structural fire protection and suppression services will be available for the subdivision through Lakeport Fire Protection District.
4. Ingress and egress for the subdivision meets the regulations regarding road standards for the fire equipment access adopted pursuant to Section 4290 of the Public Resources Code and any applicable ordinance.
5. As mitigated this project will not result in any significant adverse environmental impacts and a negative declaration has been adopted.

C. Approve Deviation DV 18-01 for Parcel Map, PM 18-02 with the following findings:

1. That any deviation granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity.
2. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict literal application of this Chapter is found to deprive subject property of privileges enjoyed by other properties in the vicinity.
3. That under the circumstances of this particular case the deviation, rather than the sections at issue in this Chapter, actually carries out the spirit and intent of this Chapter.

D. Approve UP 19-57 for Parcel Map, PM 18-02 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. The site is adequate in size, shape, locations, and physical characteristics to accommodate the type of use and level of development proposed.
3. The streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the proposed use.
4. There are adequate services to serve the project.
5. This project is consistent with the Lake County General Plan, Lakeport Area Plan and Lake County Zoning Ordinance.
6. No violation of Chapter 5, 17, 21, 23 or 26 of the Lake County Code currently exists on this property.

SAMPLE MOTIONS:

Mitigated Negative Declaration, IS 18-68

I move that the Planning Commission find on the basis of the **Initial Study, IS 18-68** prepared by the Planning Division and the mitigation measures which have been added to the project, that the **Parcel Map, PM 18-02** as applied for by **Tegtmeier Associates, Inc** on property located at **52 Soda Bay , Lakeport, CA 95453; APN: 008-001-25** will not have a significant effect on the environment and thereof, recommend the Planning Commission approve the proposed Mitigated Negative Declaration and Mitigation Monitoring Reporting Program with the findings listed in the **Staff Report dated October 22, 2020**.

Major Use Permit, UP 19-57

I move that the Planning Commission find on the basis of the **Major Use Permit, UP 19-57** prepared by the Planning Division that the **Parcel Map, PM 18-02** as applied for by **Tegtmeier Associates, Inc** on property located at **52 Soda**

Bay , Lakeport, CA 95453; APN: 008-001-25 does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and the Major Use Permit be granted subject to the conditions and with the findings listed in the **Staff Report dated October 22, 2020.**

Parcel Map, PM 18-02

I move that the Planning Commission find that the **Tentative Parcel Map, PM 18-02** applied by **Tegtmeier Associates, Inc** on property located at **52 Soda Bay Road, Lakeport, CA 95453; APN: 008-001-25** is in conformity with the provisions of the Subdivision Map Act and Chapter 17 of the Lake County Code and the Lake County Zoning Ordinance, and upon that basis approve said map subject to the conditions and with the findings listed in the **Staff Report dated October 22, 2020.**

Deviation DV 18-01

I move that the deviation applied for by **Tegtmeier Associates, Inc** on property located at **52 Soda Bay Road, Lakeport, CA 95453** does meet the requirements of Section 17-31 of the Lake County Subdivision Code and grant the deviation to make an exception to the panhandle of proposed lot size to meet the development standards of the service commercial zone, and therefore the deviation is approved with the findings listed in the **Staff Report dated October 22, 2020.**

***NOTE:** The applicant or any interested person is reminded that the Subdivision Ordinance provides for a fifteen (15) 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.*