



Legislation Text

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Memorandum

Item #3
9:15 AM
July 14, 2022

STAFF REPORT

TO: Planning Commission

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

DATE: July 14, 2022

SUBJECT: General Plan Conformity, GPC 22-06, CE 22-21
Supervisor District 4

ATTACHMENTS: None

I. EXECUTIVE SUMMARY

Lake County owns a 1.03 acre property located at 255 Main Street, Lakeport. The site contains the Lake County Courthouse Museum Park, a County museum and park located within the Lakeport City Limits. The County Public Services Department has applied for a General Plan of Conformity for improvements, including:

- Benches and tables
- Small amphitheater
- Accent lighting
- Sculpture
- Walking trails
- Landscaping
- Interpretive panels
- Walkway improvements

The park is located in the City of Lakeport, but is owned, operated and improved by the County. Pursuant to California Government Code Section 53090 et seq. a 'local agency' is defined to mean 'an agency of the state for the local performance of governmental or proprietary function within limited boundaries' which does not include cities and counties. Under this section, cities and counties are exempt from following local zoning and building laws. Courts have

found that these statutes recognize an intergovernmental immunity and that cities and counties are exempt from each other's building and zoning regulations, including compliance with general plans (Lawler v. City of Redding, Cal. App. 3d Dist. June 8, 1992, 7 Cal. App. 4th 778). This immunity applies to the proposed project. The County need not apply to the City of Lakeport to determine whether the project complies with the City's general plan, zoning ordinance, or building code.

Staff recommends approval of the General Plan Conformity, GPC 22-06, and adoption of the Categorical Exemption to CEQA, CE 22-21.

II. RECOMMENDATION

Staff recommends that the Planning Commission:

A. Adopt Categorical Exemption CE 22-21 for GPC 22-06 with the following findings:

1. Potential environmental impacts related to the General Plan of Conformity will not occur due to the nature of the action, which is to make minor improvements to an existing and developed County park.
2. This project is consistent with the Lake County General Plan and the Lakeport Area Plan.
3. That this project will not result in any significant adverse environmental impacts, including impacts on cultural or historic resources.

B. Approve GPC 22-06 with the following findings:

1. The project is compatible with surrounding land uses.
2. The project is consistent with the Lake County General Plan goals and policies related to the health and safety of the residents and property of Lake County.
3. The use of the land as a park is consistent with the Lakeport Area Plan; and,
4. An evaluation for compliance with the California Environmental Quality Act has been performed pursuant to CEQA requirements, and a Categorical Exemption to CEQA has been determined to be appropriate for this action under CEQA section 15301.

Sample Motions:

Categorical Exemption

I move that the Planning Commission find and report that, on the minimal site improvements associated with this project, that a Categorical Exemption to CEQA shall be adopted pursuant to CEQA Section 15301, and that this project, located at 255 N. Main Street, Lakeport, CA and known as APN: 025-402-01, will not have a significant effect on the environment with the findings listed in the staff report dated July 14, 2022.

General Plan Conformity

I move that the Planning Commission find and report that General Plan Conformity GPC 22-02, applied for by the Lake County Public Services Department for the property located at 255 N. Main Street, Lakeport, CA and known as APN: 025-402-01, is in conformity with the Lake County General Plan with 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.*