



Legislation Text

File #: 22-895, Version: 1

Memorandum

Kelssey3

Item #7

9:35 AM

August 25, 2022

STAFF REPORT

TO: Planning Commission

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

DATE: August 25, 2022

SUBJECT: **Major Use Permit Application, UP 18-34; Michael Hat Open Air Corn Maze and Pumpkin Patch; Categorical Exemption, CE 18-50.** Location: 4405 and 4410 Thomas Road, Kelseyville. APN: 008-035-58 & 008-033-36

Supervisor District 4

ATTACHMENTS:

1. Vicinity Map
2. Site Plan
3. Agency Comments
4. Proposed Conditions of Approval

I. BACKGROUND

On July 10, 2018, the applicant applied for a major use permit to allow an agricultural commercial use (special event venue) for seasonal operations consisting of a pumpkin patch, a corn maze, and other primarily family-type events. The corn maze and pumpkin patch would be open to the public approximately 35 days annually. Article 27, Table B, allows special events on Agriculture-zoned land subject to a major use permit review and approval.

The sites are next to each other, separated by Thomas Road, and are located at 4405 and 4410 Thomas Road, Kelseyville, and identified as APN 008-035-58 and APN 008-033-36. Thomas Road is a dedicated and paved County maintained road.

In April 2020, the applicant requested that the County put his use permit application on hold and informed staff that more changes may be requested to the project, which affects the site plan. Meanwhile, the corn maze and pumpkin patch were granted annual approvals in three consecutive years (2019 through 2021) and through three separate Zoning Permits,

each of which allows up to three special events per year.

On July 8, 2022, the applicant requested that the County re-start the review process on use permit, UP 18-34. On July 15, 2022, the applicant submitted a revised site plan showing five shipping containers, a 100' tall flag pole, and several accessory buildings that the applicant wanted to add to the use permit under consideration.

The days of operation will be the last six weekends before Halloween on Saturday and Sunday between the hours of 10:00 a.m. to 5:00 p.m.; field trips for schools and groups on Fridays during the same six week period from 9:00 a.m. to 3:00 p.m.; and one night time Corn Maze admission the last Saturday before Halloween from 7:00 p.m. to 9:00 p.m. During the days of operation, the applicant plans on having a hayride and barrel train ride for attendees, as well as, an assortment of small games and play equipment.

Traffic on Highway 29 was addressed in 2018 when the applicant received a permit from CalTrans to install a North bound turning lane off Highway 29 onto Thomas Drive. The turning lane was completed prior to opening in 2019. The attendance has averaged about 400 people per day arriving in approximately 200 cars per day, with no more than 100 cars at any one time during any day. Parking has not been a problem over the past three years, and dust was suppressed by watering the parking area with a water truck.

I. RECOMMENDATION

Staff recommends that the Planning Commission:

- A. Find that this project has been found to be Categorically Exempt from the California Environmental Quality Act (CEQA) review as a Class 4 exemption per CEQA Section 15304 - Minor Alterations to Land, which consists of minor public or private alterations in the condition of land, water, and/or vegetation and which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Class 4 exemptions involve minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sale of Christmas trees, etc. The site will not have an adverse effect from this project as this site was previously disturbed with agricultural uses, and the site has been used in this manner over the past three years through Zoning Permits, which allow limited special events. The corn maze and pumpkin patch will be in open to the public for approximately 45 days each year.

B. Approve Major Use Permit, UP 18-34 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. 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.
3. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use.
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.
5. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.
6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.

Sample Motions:

Categorical Exemption

I move that the Planning Commission find that the **Use Permit, UP 18-34** applied by **Michael Hat** on property located at **4405 and 4410 Thomas Drive, Kelseyville, CA 95337, APNs 008-033-36 and 008-035-58** is exempt from CEQA because it falls within Categorical Exemption Class 4 under CEQA section 15304, as listed in the Staff Report dated **August 25, 2022**.

Major Use Permit

I move that the Planning Commission find that the **Use Permit, UP 18-34** applied by **Michael Hat** on property located at **4405 and 4410 Thomas Drive, Kelseyville, CA 95337, APN 008-033-36 and 008-035-58** does meet the requirements of §27.3(o) and §51.4 of the Lake County Zoning Ordinance and grant the Major Use Permit subject to the conditions and with the findings listed in the Staff Report dated **August 25, 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, 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*