

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

APRIL 25, 2013

Commission Members

P Joseph Sullivan, District I
P Bob Malley, District II
A Olga Martin Steele, District III
P Don Deuchar, District IV
P Gil Schoux, District V

Staff Members

P Richard Coel, Director
P Emily Gonsalves, Principal Planner
P Robert Bridges, Sr. Deputy County Counsel
P Danae Bowen, Office Assistant III

8:30 a.m. CALL TO ORDER

Pledge of Allegiance was led by Bob Malley.

Comm. Schoux moved, 2nd by Comm. Deuchar to approve the minutes of March 28, 2013.

9:01 a.m. CITIZEN'S INPUT – None

9:05 a.m. Public Hearing on consideration of a mitigated negative declaration based in Initial Study (IS 12-18) for Parcel Map (PM 12-02). The project applicant is GARY MARTINEZ proposing a Parcel Map to divide a +/- 275 acre parcel into three parcels. The project is located at 17575 E. State Highway 20, Clearlake Oaks and further described as APN 006-012-72. (Michalyn DelValle)

Comm. Martin Steele announced that she conducted a site visit.

Michalyn DelValle, Associate Planner, provided background information and a power point presentation of the project application.

Comm. Martin Steele asked staff about the extent of the unpermitted grading and suggested, that viable oaks be salvaged instead of a replacement value of 5 to 1. She also noted that if any artifacts are found, that a requirement be in place for an observer to be on site during the disruptive work.

9:18 a.m. Opened Public Hearing

Gary Martinez, the applicant, spoke to the unpermitted grading and explained that he had three contractors tell him that he needed to maintain existing roads and create fire breaks, which basically that is what he did. He said he did not realize that he needed a permit to do these things.

Comm. Steele asked Mr. Martinez if he was planning to retain the existing viable oaks and if he had any objections if a condition was in place, where upon further development those oaks would be retained.

Mr. Martinez said yes he will try to retain them, but would prefer to not have an absolute prohibition on taking out any oaks.

9:21 a.m. Closed Public Hearing

Richard Coel, Community Development Director, responded to the archeological question about a monitor being present. He said the way the permit conditions are

drafted, an archeological survey reconnaissance will be done before construction and recording of the map covers it. He said the archeologist will make a recommendation if they find an area of concern that a monitor be present during earthwork.

Comm. Martin Steele stated that she would make a motion, but would like a condition on salvaging the existing viable oaks.

Comm. Malley asked if this was something the future owner would be able to request if their building happens to be in the area of one oak tree and that the County was not going to stop them from building if there is just one oak tree involved.

Mr. Coel said there is a draft condition requiring the replanting of oaks and the concern is to minimize the impact to the existing oaks. He felt it may be better to supplement this condition to say; every effort shall be made to minimize impacts due to loss of oak woodlands during the development of these parcels. He said with that additional sentence it will reinforce and establish the purpose of what staff is looking at when an application comes in for a driveway and building permit. He said staff can work closely with the future parcel owner to avoid the mature trees and replant where necessary.

Comm. Sullivan stated that this site is steep and there are limitations as to where things can be placed.

Emily Gonsalves, Principal Planner, said a statement can be added as the last sentence in condition B2 to read: *“Every practical effort shall be made to minimize impacts to all viable oak trees during development of this property.”*

Comm. Martin Steele moved, 2nd by Comm. Sullivan that the Planning Commission find that on the basis of the Initial Study No. 12-18 prepared by the Planning Division the parcel map as applied for by Sweet Hollow Ranch, LLC and the mitigation measures which have been added to the project, will not have a significant effect on the environment, and, therefore, a mitigated negative declaration shall be issued with the findings listed in the staff report dated April 8, 2013 and as modified today.

MITIGATED NEGATIVE DECLARATION 5 Ayes 0 Noes

Comm. Martin Steele moved, 2nd by Comm. Sullivan that the Planning Commission find that the tentative parcel map applied for by Sweet Hollow Ranch, LLC on property located at 17575 E. State Highway 20, Clearlake Oaks, is in conformity with the provisions of the Subdivision Map Act and Chapter 17 of the Lake County Code and, upon that basis, approve said map subject to the conditions and with the findings listed in the staff report dated April 8, 2013 and as modified today.

TENTATIVE PARCEL MAP APPROVAL 5 Ayes 0 Noes

Comm. Malley noted that there is a fifteen (15) calendar day appeal period provided by the Lake County Subdivision Ordinance.

9:36 a.m. Public Hearing on consideration of negative declaration based on Initial Study (IS 12-37) for Rezone (RZ 12-07). The project applicant is NEAL BENNETT proposing a rezone from “R1-SC-WW” Single-Family Residential-Scenic-Waterway to “C1-DR” Local Commercial-Design Review. The project is located at 3946 E. State Highway 20, Nice and further described as APN 032-321-20. (Michalyn DelValle)

Comm. Martin Steele said she conducted a site visit and noted that the owners were not there, but that she did speak with someone who was living in the home behind the project area.

Michalyn DelValle, Associate Planner, provided background information and a power point presentation of the project application.

9:39 a.m. Opened Public Hearing

No one present wished to speak.

9:39 a.m. Closed Public Hearing

Comm. Martin Steele asked staff if there were any plans to use the open area in front of the garage for parking.

Ms. DelValle explained that there is a storage shed in the open area that will be removed to accommodate the parking.

Comm. Sullivan asked with this zoning change, would there be any restrictions with parking spaces required, if in the future there was expansion or other types of development

Mr. Coel explained that "C1" zoning is limited to what they can do in terms of the range of uses allowed, which are light commercial activities. He said one of the reasons staff recommends the Design Review Combining District be added is so that any change in occupancy can be analyzed to determine if the site is adequate to handle it. He said certainly this site could not support a small restaurant or café, because there is not enough parking, however a small shop with one employee and four parking spaces for that business to function, will just make it on this site.

Comm. Martin Steele moved, 2nd by Comm. Sullivan that the Planning Commission find that on the basis of the Initial Study No. 12-37 prepared by the Planning Division that the Rezone as applied for by Neal Bennett will not have a significant effect on the environment and, therefore, recommend to the Board of Supervisors that it approve a negative declaration for the proposed Rezone with the findings listed in the staff report dated April 8, 2013.

NEGATIVE DECLARATION FOR REZONE 5 Ayes 0 Noes

Comm. Martin Steele moved, 2nd by Comm. Sullivan that the Planning Commission has reviewed and considered the environmental effects of this rezoning as set forth in the proposed negative declaration which has been prepared for this project, and that the Planning Commission recommends approval of the proposed rezoning applied for by Neal Bennett, on property located at 3946 State Highway 20, Nice, for reasons listed in the staff report dated April 8, 2013.

REZONE APPROVAL 5 Ayes 0 Noes

9:47 a.m. Public Hearing on consideration of a mitigated negative declaration based on Initial Study (IS 12-26) for Major Use Permit (UP 12-08). The project applicant is BRAD BASTIAN proposing use of an existing two-story, approximately 6,000 square foot residence for a special events center with up to 18 events per year and to utilize the sign regulations of the "C2" zoning district. The project is located at 1986 & 1990 Bastian Court, Lakeport and further described as APN 015-020-22 & 23. (Nathalie Antus)

Comm. Sullivan, Schoux and Martin Steele announced they conducted site visits.

Nathalie Antus, Associate Planner, provided background information and a power point presentation of the project.

Comm. Sullivan asked staff how the 18 events were determined and stated that it has also been advertised as a vacation rental.

Comm. Malley said there has been considerable amount of paperwork that has been submitted against this project and felt the property owner needed to explain some things.

Comm. Martin Steele, asked for an explanation of the circumstances that led this owner to proceed with an activity that required a major use permit.

9:57 a.m. Opened Public Hearing

Brad Bastian, the applicant, referred to the paperwork received and said most has to do with noise/traffic issues and hopefully these issues will be addressed with the permit conditions. He said they felt 18 special events seemed like a reasonable number. He said that they did not need any approval or permits from the Planning Department to have a vacation rental and to date there have not been any events scheduled at this site.

Comm. Martin Steele spoke to the 60 parking spaces for these events and felt there were issues with a fire truck being able to access this location. She said Bastian Court is narrow and not conducive to public safety in the event of an emergency.

Bruce Maxwell, Riggs Road resident, addressed his concerns with access, traffic, signage, noise and water issues. He was not in support of this project application.

Carol Maxwell, Riggs Road resident, spoke to the excessive amount of events and felt it would degrade their quality of life and had concerns with traffic and fire hazard issues.

Diane Caravario, Riggs Road resident, read her letter into the record and said that her main concern was for noise issues.

Sherrie Bauman said that the primary access is Martin Street/Hwy. 29 and Riggs Road should not be the primary access to this site. She addressed the steep driveway and parking issues.

Charles Herren, neighbor who borders the Bastian property, spoke to fire, traffic/noise issues and asked for clarification of what a special event was. He said it was the wrong place for this project.

Richard Coel, Community Development Director, said that there is no clear definition of an event in the Zoning Ordinance and each project is dealt with on a case by case basis. He said there are specifics, with a stopping time of 10:00 p.m. and each event is one day long. He said there is no definition of how many hours an event can be or how early it could start, but the permit can be conditioned to be much more restrictive.

Mr. Bastian addressed the issues that Mr. Herran brought up and hoped that the traffic and noise issues could be brought to a tolerable level and keep the events to something everyone could live with.

Comm. Martin Steele said she was struggling with this project and the potential value to the community for business establishments, but 18 events with up to 100 people are way over ambitious for this location. She asked Mr. Bastian if he has considered scaling this project down and felt small events would be more reasonable and felt compromise might address some of the concerns that have been addressed by the neighbors.

Mr. Bastian said he cares about his neighbors and was willing to start with a lesser number of events/people and was open for recommendations.

Jim Summer, Riggs Road resident, said this was a quiet residential area and objected to this project proposal. He addressed traffic and noise issues.

Christina DeWeese, Martin Road resident, spoke to noise factors, the increase in the traffic, septic and fire and safety issues. She said if the Bastians are willing to make any accommodations necessary to make the impact upon the neighbors as minor as possible, then they should be given that consideration.

Larry Caravario, Riggs Road resident, addressed the marquee sign, billboard advertisement and noise issues.

Debbie Sylva, Martin Street resident, felt that 18 events are too many events in a residential area and felt this was not the right area for this venue.

Debbi Bastian, the applicant, explained that they were doing this for economic reasons. She said she understands the issues and that they care about their neighbors and they are open to work with any ideas and come to a compromise/agreement.

Melissa Fulton, Lake County Chamber of Commerce CEO, said that it is obvious that there are issues that need to be clarified. She felt this project needed to be defined better as to what an event is. She said it appears that the Bastian's are ready to negotiate as it pertains to their property/project and added that a one year review should be placed in the requirements on the use permit.

Ken Arwood, neighbor, said that he was in support of the Bastian's project.

Juile Frazell, neighbor, said that her property sits below the Bastian home and felt that this event center was in the wrong spot. She spoke to the narrowness of Bastian Court, traffic and water impacts.

10:57 a.m. Closed Public Hearing

Comm. Schoux suggested that the Bastians consider downsizing the events to 12 events a year with a maximum of 75 people. He added that staff should define exactly what an event is and suggested that it be permitted for weekends only.

Comm. Martin Steele agreed with Comm. Schoux and Melissa Fulton. She said the issue of public safety is a concern and would like to see the number of participants reduced along with the number of events. She added that the Lakeport Fire Protection District did not address the whole problem; they assessed the east west driveway off of Bastian Court and suggested improvements, but it does not answer the question of a fire situation or some other disaster. She said it is not clear to her and there is a huge potential public safety issue.

Comm. Sullivan shared his concerns with fire dangers on Bastian Court, low water tables, parking, drinking/driving on the back roads and said the private road/driveway could be an issue. He asked staff about the regulations for the selling of alcohol at these special events.

Mr. Coel said they can have onsite consumption of alcohol if they have the license through state ABC to do that, assuming the use permit is approved. He said there could not be retail sales of alcohol.

Comm. Malley said the major concern he has is with fire issues and if there is not city/commercial water provided, there may not be the amount of pressure that would be required and would like to see this looked at further. He felt the applicant has not done his due diligence with his neighborhood and should go back to the neighbors and get a consensus from them and come up with something. He said it was a beautiful site, but for this situation, it was in the wrong place. He said he was not in favor of approving it as proposed today.

Comm. Schoux suggested that the applicant return to the Planning Department to answer all of these concerns, then bring it back to the Planning Commission.

Mr. Coel said they would take the concerns expressed today from the neighbors and the Planning Commission and work with Mr. Bastian, then come back with a re-noticed, rescheduled hearing and a smaller scaled proposal.

Comm. Sullivan said he felt they needed a fire plan.

Mr. Coel said staff would meet with the Fire Chief and the Bastians on a number of those issues.

Comm. Malley said that the Planning Commission gives their consensus to go back for further discussions for a scaled down model of this. He asked the applicant if he was in agreement.

Mr. Bastian stated that he was fine with the postponement.

Comm. Martin Steele said she felt that noticing neighbors 300 feet away where noise and traffic is involved was not enough and that the noticing should be increased to others in the neighborhood.

Mr. Coel said he would need direction from the Board of Supervisors on the noticing expenses. He felt it was a valid concern.

Comm. Malley said the general consensus was to have staff drop this matter for the time being and directed staff to bring it back when they have had an opportunity to address the concerns that have been expressed by the Planning Commission.

11:14 a.m. Public Hearing on consideration of Major Use Permit (UP 12-04). The project applicant is ANDRZEJ SKWIRA proposing a retreat facility with lodging, a variety of therapy and meditation services and a commercial kitchen. The applicant is also requesting approval of a reduced setback to allow continued construction of a building that is sited adjacent to Bradford Creek and within the "WW" Waterway Combining District and rear yard setback, along with a deck addition that was constructed without permits within the past 10 years. The project is located at 16235 Roberts Road, Middletown and further described as APN 013-054-07. (Keith Gronendyke)

Comm. Malley stated that the applicant has requested that this item be continued for one month, so that he can prepare the right documentation.

11:16 a.m. Opened Public Hearing

Eric Bredt, a friend of the applicant, stated that he has helped Mr. Skwira draw plans for this proposal. He said he was attending the hearing out of curiosity.


Richard Coel, Community Development Director, said that staff is recommending that this item be continued to May 23, 2013 at 11:30 a.m. He added that staff was able to notify a few key residents to save them a trip here when staff received the request for continuance.


Comm. Malley confirmed the continuance date to May 23, 2013 at 11:30 a.m.

UNTIMED STAFF UPDATE

Mr. Coel updated the Commission on the Department's staffing difficulties and announced the Chief Building Official is out on medical leave. He said staff is working with County Administration to recruit for a Deputy Chief Building Official. He added that the two County Building Inspectors are extremely busy with enforcement on marijuana cultivation sites and sites are being abated. He added that the Department is getting busy, which is a sign that the real estate market is picking up.

ADJOURNED 11:24


Bob Malley, Chair
Lake County Planning Commission

Respectfully Submitted,

By: Danae Bowen
Danae Bowen
Office Assistant III