

**LAKE COUNTY PLANNING COMMISSION**

**MINUTES**

**REGULAR MEETING**

**March 28, 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**

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**8:30 a.m.      CALL TO ORDER**

Pledge of Allegiance was led by Bob Malley.

Comm. Schoux moved, 2<sup>nd</sup> by Comm. Sullivan to approve the minutes of February 28, 2013.

**9:01 a.m.      CITIZEN'S INPUT – None**

Bob Bridges updated the Commission on the Rattlesnake Island and Old Muddy cases and the Bottle Rock Power appeal.

Emily Gonsalves, Principal Planner, announced that there have been approximately twenty applications for the Senior Planner position and interviews will begin on April 9, 2013.

**9:05 a.m.      Public Hearing on consideration of a mitigated negative declaration based in Initial (IS 12-23) for Parcel Map (PM 12-03). The project applicant is HARRY & NANCY ZABEL proposing a Parcel Map to divide a +/- 19.5 acre parcel into two parcels. The project is located at 12609 Elk Mountain Road, Upper Lake and further described as APN 022-004-02. (Michalyn DelValle)**

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

Comm. Sullivan shared his concerns with the mining operations and how things may change if it should change ownership in the future. He noted there will be a statement on the map protecting the commercial enterprise and extensions of their use, but he wanted to know if there would be any potential problems.

Emily Gonsalves, Principal Planner, said that the mining permits are valid for ten years and this one was reapproved within the last year.

Robert Bridges, Sr. Deputy County Counsel, said this is an existing viable commercial use and if housing is allowed around this mining resource, it could invite its eventual closure. He said these are property questions that should have been discussed at the last set of hearings when it was rezoned. He said there is a policy in the General Plan that protects the idea on aggregate, which is a limited, valuable resource and only located in certain places. He said the General Plan does protect aggregate resources from encroachment and theoretically the Planning Commission could find that this parcel map is inconsistent with the general plan.

Comm. Sullivan asked if the note on the map was enough to prepare people in the future.

Mr. Bridges said the value of the note on the map is a warning that this mining operation is there.

**9:12 a.m. Opened Public Hearing**

Steve Farr, Licensed Surveyor for the Zabe's, recognized that things do change, however the intent of this division, is for Harry and Nancy Zabels family, who may want to relocate back to the property one day. He said the Zabels are in agreement with all of the proposed conditions and ask for the Planning Commission's approval of the project.

**9:14 a.m. Closed Public Hearing**

Comm. Schoux moved, 2<sup>nd</sup> by Comm. Sullivan that the Planning Commission find that on the basis of the Initial Study No. 12-23 prepared by the Planning Division the parcel map as applied for by Harry and Nancy Zabel 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 March 1, 2013.

**MITIGATED NEGATIVE DECLARATION 3 Ayes 1 No (Comm. Sullivan) 1 Absent (Comm. Martin Steele)**

Comm. Schoux moved, 2<sup>nd</sup> by Comm. Deuchar that the Planning Commission find that the tentative parcel map applied for by Harry and Nancy Zabel on property located at 12609 Elk Mountain Road, Upper Lake, 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 March 1, 2013.

**TENTATIVE PARCEL MAP APPROVAL 3 Ayes 1 No (Comm. Sullivan) 1 Absent (Comm. Martin Steele)**

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

**9:20 a.m. Public Hearing on consideration of a negative declaration based on Initial Study (IS 12-36) for General Plan Amendment (GPAP 12-06) and Rezone (RZ 12-06). The project applicant is VALLEY OAKS LAND & DEVELOPMENT, INC. proposing a general plan amendment of an approximately 10 acre portion of a parcel from Low Density Residential and Suburban Residential Reserve to Community Commercial and a rezone from "PDR-FF" Planned Development Residential-Floodway Fringe to "C2-FF" Community Commercial-Floodway Fringe. The project is located at 18765 Hartmann Road, Middletown and further described as APN 014-260-24. (Peggy Barthel)**

Peggy Barthel, Assistant Resource Planner, provided background information.

**9:26 a.m. Opened Public Hearing**

Emily Gonsalves, Principal Planner, explained the typical uses allowed in the "C2" zoning. She said when the Middletown Area Plan was adopted, a special study zone was done for Coyote Valley and the area was designated as a commercial corridor. She said the reason why staff did not recommend that this property be rezoned to commercial at that time, was because a residential subdivision had been previously approved on the property and it was still valid. She said staff feels this proposal is consistent with the Middletown Area Plan and recommends approval.

Ken Porter, the applicant, concurred with staff's presentation and was available for questions.

**9:27 a.m. Closed Public Hearing**

Comm. Sullivan moved, 2<sup>nd</sup> by Comm. Schoux that the Planning Commission find that on the basis of the Initial Study No. 12-36 prepared by the Planning Division that the General Plan Amendment and Rezone as applied for by Valley Oaks Land and Development, Inc., 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 General Plan Amendment and Rezone with the findings listed in the staff report dated March 15, 2013.

**NEGATIVE DECLARATION FOR GENERAL PLAN AMENDMENT AND REZONE 4 Ayes 0 Noes 1 Absent (Comm. Martin Steele)**

Comm. Sullivan offered the resolution recommending that the Board of Supervisors approve the General Plan Amendment.

**GENERAL PLAN AMENDMENT APPROVAL 4 Ayes 0 Noes 1 Absent (Comm. Martin Steele)**

Comm. Sullivan moved, 2<sup>nd</sup> by Comm. Schoux 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 Valley Oaks Land and Development, Inc., as modified, on property located at 18765 Hartmann Road, Middletown, for reasons listed in the staff report dated March 15, 2013.

**REZONE APPROVAL 4 Ayes 0 Noes 1 Absent (Comm. Martin Steele)**

**9:30 a.m. Break**

**9:49 a.m. Back to Order**

**9:49 a.m. Public Hearing on consideration of a General Plan Conformity Report (GPC 11-22). The project applicant is the COUNTY OF LAKE PUBLIC WORKS DEPARTMENT proposing to rehabilitate the existing bridge over Harbin Creek. The project is located on Harbin Springs Road, Middletown and further described as APN 013-009-24 (Peggy Barthel)**

Peggy Barthel, Assistant Resource Planner, provided background information.

**9:51 a.m. Opened Public Hearing**


No one present wished to speak.


**9:51 a.m. Closed Public Hearing**

Comm. Sullivan moved, 2<sup>nd</sup> by Comm. that the Planning Commission report that the Harbin Creek Bridge Rehabilitation Project as proposed by the Lake County Department of Public Works is in conformity with the Lake County General Plan with the findings listed in the Staff Report dated March 12, 2013.

**GENERAL PLAN CONFORMITY 4 Ayes 0 Noes 1 Absent (Comm. Martin Steele)**

**9:53 a.m. ADJOURNED**

  
Bob Malley, Chair  
Lake County Planning Commission

Respectfully Submitted  
By:   
Danae Bowen  
Office Assistant III