

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

May 23, 2013

Commission Members

Staff Members

P Joseph Sullivan, District I

P Richard Coel, Director

P Bob Malley, District II

P Robert Bridges, Sr. Deputy County Counsel

P Olga Martin Steele, District III

P Danae Bowen, Office Assistant III

P Don Deuchar, District IV

P Gil Schoux, District V

8:30 a.m. CALL TO ORDER

Pledge of Allegiance was led by Gil Schoux.

Comm. Martin Steele moved, 2nd by Comm. Sullivan to approve the minutes of May 9, 2013.

9:01 a.m. CITIZEN'S INPUT – None

9:05 a.m. Public Hearing on consideration of a Major Use Permit (UP 13-04). The project applicant is STEVE ESTRADA proposing to construct a 576 square foot single story building to operate as a crematory in an existing Catholic Cemetery. The project is located at 3295 State Highway 175, Lakeport and further described as APN 007-003-23. (Keith Gronendyke)

Comm. Deuchar disclosed that he conducted a site visit.

Keith Gronendyke, Associate Planner, provided background information and a power point presentation of the proposed project.

Comm. Malley commented that he did not see anything about a septic or sewer hookup in the staff report and asked staff if this was in the proposal.

Mr. Gronendyke said that they did not propose any septic system or felt that they needed any.

Comm. Malley asked staff if someone would need to wash their hands in an operation such as this.

Mr. Gronendyke said the applicant is present to answer any questions the Commission may have.

9:10 am. Opened Public hearing

Richard Knoll, Land Planning Consultant for the owner of Chapel of the Lakes, presented a project poster to the Planning Commission and summarized the project proposal.

Steve Estrada, Funeral Director/Mortician, reviewed his credentials/experience and said he was available for any questions.

Comm. Martin Steele asked Mr. Estrada if the services will be offered to all dominations and how many other crematoriums there were in Lake County.

Mr. Estrada said there is one crematorium located in a highly residential area on Main Street in Lakeport. He said it is typical in large cities that crematories are located near the cemeteries, rather than in a residential area and added that these services were for all denominations.

Comm. Deuchar asked Mr. Estrada if there would be facilities for water/waste disposal and had reservations about the lack of plumbing.

Mr. Estrada said they would need to install some type of water system for washing hands.

Mr. Knoll said a septic system was not proposed in this project application, and that there would not be any onsite plumbing except for a faucet. He explained that the mortuary preparation services will occur at the mortuary on High Street in Lakeport and the only operation at this site would be for the actual operation of the retort and the cremation. He said there is not a need for any onsite plumbing and under the current building code there is an allowance for the disposal of certain wastewater, typically from a washing machine or shower to go out into the yard. He added that there are some provisions that do allow that to occur without having to go through the expense of installing a septic system.

Comm. Malley said it seems logical that there would have to be some cleanup done at that building, which would generate wastewater. He felt there is a need to put in septic and drainage system to handle that and asked for an explanation of where the byproducts go.

Mr. Estrada explained the cremation process. He added if the state has a requirement for a cleaning station, then that will have to be part of their process.

Comm. Martin Steele addressed mercury standards and asked staff to comment on cultural resources issues.

Mr. Gronendyke noted that the standard condition of approval states that if cultural resources are found they will stop and do an archeological study.

Mr. Knoll said there will be some ground disturbance associated with clearance and preparing the site for construction. He said there are two trenching projects involved and one is for the ¾ inch water line to be extended over to the building and the other is for a power supply.

Comm. Schoux asked Mr. Estrada if there were any odors from the furnace.

Mr. Estrada explained that the new 2013 series retorts have the highest standards required from air quality and it has a double burning system. He said it is very efficient; there is a low amount of vapor and hardly any noise.

Mike Johnson and Jean Johnson, residents directly across the street from the project site location, shared their concerns with; landscaping, mercury emissions, two 500 gallon propane tanks and the possible loss of value to their property with having a crematorium across the street from their home.

Mr. Estrada read an email from David Gildea, resident on Ryan Way, who stated he was in support of this project.

Comm. Martin Steele asked Mr. Estrada about the maintenance and landscaping improvements to the cemetery and if these would address the concerns of the Johnsons.

Mr. Estrada said that he understands the concerns of the neighbors and they plan to put in new hedges and vegetation around the building.

Mr. Knoll suggested that the Planning Commission consider imposing a condition to require a landscaping plan.

Comm. Deuchar said that he had reservations about a commercial business without a restroom and a permitted septic system.

Mr. Knoll had concerns with septic feasibility and whether or not there is sufficient land area to install the septic system and the reserve area required for it. He suggested looking into an alternative approach that would satisfy the same end result.

Richard Coel, Community Development Director, drafted a proposed condition to read: "Prior to issuance of a building permit to construct a crematorium building an appropriately designed wastewater disposal system shall be reviewed and approved by the Lake County Environmental Health Division and/or the Lake County Community Development Department. The wastewater disposal system shall be constructed prior to occupancy of the building." He added that the proposed condition should include restroom facilities with hand washing shall be provided onsite, and give them the flexibility of how they come up with the system to treat that amount of wastewater.

Ken Wells, Chief of Lakeport Fire, said he reviewed the plans of the crematorium and there is no chance of any fire escaping and the propane tanks will be installed to County Code requirements.

10:00 a.m. Closed Public Hearing

Comm. Malley commented that he was also in favor of the landscaping plan, with the landowners and the applicant to discuss the plan and come up with something to help screen the crematory building.

Mr. Coel said that staff recommends adding a condition A7 to read: "*Prior to issuance of building permits, the permit holder shall submit for review and approval by the Community Development Department a detailed landscape plan to screen the crematory building from view along the State Highway 175 corridor. Landscaping shown on the approved Landscape Plan shall be installed prior to occupancy of the building.*" He also added a new condition E6 to read: "*Prior to issuance of building permits to construct the crematorium building, an appropriately designed wastewater disposal system shall be reviewed and approved by the Lake County Environmental Health Division and/or the Lake County Community Development Department. The wastewater disposal system shall be constructed/installed prior to occupancy of the building and shall include a unisex restroom facility.*"

Comm. Deuchar moved, 2nd by Comm. Schoux that the Planning Commission find that this project is exempt from CEQA because it falls within the Categorical Exemption Class 3, which exempts new construction of small structures.

MITIGATED NEGATIVE DECLARATION 5 Ayes 0 Noes

Comm. Deuchar moved, 2nd by Comm. Schoux that the Planning Commission find that the Use Permit UP 13-04 to construct a 576 square foot single story building to operate a crematory within applied for by Steve Estrada on property located at 3295 State Highway 175 does meet the requirements of Section 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 April 25, 2013 and as modified today.

USE PERMIT APPROVAL 5 Ayes 0 Noes

Comm. Malley noted that there is a seven (7) calendar day appeal period provided by the Lake County Zoning Ordinance.

10:05 a.m. Break

10:18 a.m. Back to Order

10:18 a.m. Public Hearing on consideration of the Draft Lakeport Area Plan Update proposing revisions to the zoning and general plan maps

within the Lakeport Planning Area (RZ 13-01) & (GPAP 13-01) and a Draft Addendum to the Environmental Impact Report previously prepared for the Area Plan. The Plan proposes to amend the general plan and rezone portions of the approximately 72 square miles of unincorporated territory of Lake County including the North Lakeport community area, unincorporated areas south and west of Lakeport, the Scotts Valley agricultural area and a portion of the Cow Mountain Recreational Area. It includes all or portions of Assessor's Parcel Books 003, 004, 005, 007, 008, 015, 028, 029 & 082. (Richard Coel)

Richard Coel, Community Development Director, provided history and background information of the Lakeport Area Plan and provided a power point presentation of what the Draft Lakeport Area Plan Update proposes for revisions to the zoning and general plan maps.

10:45 a.m. Opened Public Hearing.

The following people spoke to their properties: John Anton and Patricia Sylva.

Mr. Coel addressed/discussed the letters submitted in Attachment 2 of the Staff Report dated May 7, 2013.

Hamid Fatehi letter for 3985 Lakeshore Blvd., Lakeport, request to change to "R3" Multi-Family. Staff is supportive of the "R3" request. The Planning Commission concurred.

Gold-Nocella, Callaway and Tragni letter for 95 Rocky Point Road, Lakeport, request for residential zoning.

Cie Callaway, majority owner of the three contiguous parcels in question said that Paula Gold-Nocella would speak on behalf of all the owners.

Paula Gold-Nocella, gave a brief history of Rocky Point Cottages and explained that they are asking that these parcels be considered to be rezoned from "CR" Commercial Resort to "R1" or "R2". She provided a handout to the Planning Commission.

Roseanne Tragni, owner of Rocky Point Cottages, explained that financially they can not keep this property any longer as it is presently zoned. She asked the Commission for the opportunity to put this property back to where it should be as residential zoning not commercial resort.

Laura Hall Santerelli, co-listing Real Estate Agent on the properties in question, spoke to the two single family homes on individual lots at Rocky Point Road. She said in order to keep this zoned commercial resort the reality is, that there is not enough parking for boats, motor homes and extra vehicles.

Comm. Malley noted that the consensus of the Planning Commission is that they agree that this property on Rocky Point Road needs to go to the designation of residential zoning, as the surrounding properties are already. He added that the Planning Commission does not make the final determination and this will be forwarded to the Board of Supervisors.

Wilbur Anderson's letter, 810 Scotts Valley Road, Lakeport, currently zoned "C2" Community Commercial and a request to change to Residential. Staff proposes no change to this parcel. The Planning Commission concurred.

John Anton's letter, 2995 Hill Road, Lakeport, request that the entire parcel be zoned rural residential with 5 acre minimum. Staff proposes "RL" and the front piece of this parcel to a 5 acre minimum "RR" and in the back will be the designation for the 20 acre Rural Lands.

Kim McKee's letter, 3955 Hill Road, Lakeport, currently zoned Rural Residential request to zone this property to "C3". Staff supports this request. The Planning Commission concurred.

11:50 a.m. Closed Public Hearing

Comm. Deuchar moved, 2nd by Comm. Schoux that the Planning Commission certify that the Addendum to the Environmental Impact Report prepared by the County of Lake for the Lakeport Area Plan Update has been completed in compliance with CEQA and Section 15164 of the State CEQA Guidelines, with the findings listed in the staff report dated May 8, 2013.

ADDENDUM TO EIR 5 Ayes 0 Noes

Comm. Malley offered the resolution recommending that the Board of Supervisors approve the General Plan Amendment with the modifications approved today.

GENERAL PLAN AMENDMENT BY ROLL CALL VOTE: 5 Ayes 0 Noes

Comm. Deuchar moved, 2nd by Comm. Schoux that the Planning Commission has reviewed and considered the environmental effects of this rezoning as set forth in the Environmental Impact Report and the Addendum which has been prepared for this project that the Planning Commission recommends approval of the proposed rezoning prepared by the Community Development Department on property located within the Lakeport Planning Area, with the findings listed in the Staff Report dated May 8, 2013.

11:55 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. (Continued from April 25, 2013) (Keith Gronendyke)

Comm. Malley announced that the applicant has asked for a further continuance to the June 27, 2013 hearing.

11:58 a.m. Opened Public Hearing

Robert Hall, Middletown resident, provided a handout to the Planning Commission. He presented a power point presentation of this project application and reviewed the history/violations to the code on this project. He objected to the continuation of this project application.

Glennis Dunbar, neighbor, said that the project applicant continues to operate this retreat without the proper permits and objected to the continuation of this project application.

Comm. Martin Steele asked staff when an extension is requested, in the meantime, when they continue to violate the code/ordinances, what is the protocol for this.

Richard Coel, Community Development Director, said the information that staff has is that Mr. Skwira relocated to the Four Springs Retreat off of Sheveland Road, north of his site. He said typically, the Planning Commission and the Board of Supervisors will grant a one time extension with no questions asked. He suggested that if the Planning Commission chooses to continue this application this time, he would like to renote it at the owner's expense, due to the complaints from the neighbors. He said because of a number concerns staff does not support this project.

Comm. Sullivan said that he is in support of denying the request for continuance.

Richard Lacy, owner of the property that everyone accesses through, asked staff if there was an Environmental Impact Report done on this project.

Mr. Coel said that the Zoning Ordinance does not require legal notification for a zoning permit for a Bed and Breakfast Inn and there is not a requirement for an EIR for a two room Bed and Breakfast Inn.

Mr. Lacy referenced the Air Quality Report for this project and stated that the road that is made out of serpentine soil and that this poses many health issues.

Mr. Coel said that the issues have to do with the air Quality Management District regulations. He said staff has been dealing with the enforcement aspect of this project for several years. He added that it is the Planning Commissions call on whether to continue it or make a decision on this today. He said if it is continued, staff still recommends that it be denied, so that the building construction can be dealt with.

12:33 a.m. Closed Public Hearing

Comm. Malley asked the Commission if they were going to grant or deny the continuance of this item. All were in favor of denying the continuance.

Comm. Sullivan moved 2nd by Comm. Martin Steele that the Major Use Permit UP 12-04 applied for by Andrzej Skwira to operate a retreat serving a maximum of five guests along with the onsite preparation of meals, and a reduction in "WW" Waterway Combining District and "RL" rear yard setback requirements on property located at 16235 Roberts Road does not meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and deny the Major Use Permit with the findings listed in the staff report dated April 11, 2013.

USE PERMIT DENIAL 5 Ayes 0 Noes

Comm. Malley noted that there is a seven (7) calendar day appeal period provided by the Lake County Zoning Ordinance.

Mr. Coel noted that staff will notify Mr. Skwira that his application was denied, so he is aware of the legal seven calendar day appeal period.

UNTIMED STAFF UPDATE

Robert Bridges, Sr. Deputy County Counsel updated the Planning Commission on the court ruling in favor of the Board of Supervisors decision on Rattle Snake Island.

12:39 ADJOURNED



Bob Malley, Chair
Lake County Planning Commission

Respectfully Submitted,



By: Danae Bowen
Danae Bowen
Office Assistant III