

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

May 9, 2013

Commission Members

**P Joseph Sullivan, District I
P Bob Malley, District II
P 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**

9:03 a.m. CALL TO ORDER

Pledge of Allegiance was led by Bob Malley

Comm. Martin Steele moved, 2nd by Comm. Sullivan to approve the minutes of April 23, 2012.

9:04 a.m. CITIZEN'S INPUT – None

9:05 a.m. Public Hearing on consideration of a negative declaration for General Plan Amendment (GPAP 11-02) and Rezone (RZ 11-02) proposing a General Plan Amendment and Rezone that encompasses the following properties:

APN 002-024-20, 12560 Bachelor Valley Rd., Witter Springs. Rezone from “O” Open Space to “RL” Rural Lands, and General Plan Amendment from Public Lands to Rural Lands.

Keith Gronendyke, Associate Planner, provided an overview of this item.

9:07 a.m. Opened Public Hearing

No one present wished to speak.

The Planning Commission unanimously had no objection to the General Plan Amendment and Rezone.

APN 002-047-19, 11856 Elk Mountain Rd., Upper Lake. Rezone from “O” to “RL” and General Plan amendment from Public Lands to Rural Lands.

Keith Gronendyke, Associate Planner, provided an overview of this item.

No one present wished to speak.

The Planning Commission unanimously had no objection to the General Plan Amendment and Rezone.

APN 003-045-48, 6880 Scotts Valley Rd. Lakeport. Rezone from “O” to “RL” and General Plan amendment from Public Lands Rural Lands.

Keith Gronendyke, Associate Planner, provided an overview of this item.

No one present wished to speak.

The Planning Commission unanimously had no objection to the General Plan Amendment and Rezone.

APN 006-560-16 & 17; 13555 & 13655 E. State Hwy. 20, Clearlake Oaks. General Plan amendment from High Density Residential to Commercial Resort.

Richard Coel, Community Development Director, provided an overview of this item.

No one present wished to speak.

The Planning Commission unanimously had no objection to the General Plan Amendment and Rezone.

APN 007-005-28 & 29; 4500 & 4330 State Hwy. 175, Lakeport. Rezone from "APZ-B3" Agricultural Preserve Special Lot Size, to "RL" Rural Lands.

Keith Gronendyke, Associate Planner, provided an overview of this item.

No one present wished to speak.

The Planning Commission unanimously had no objection to the General Plan Amendment and Rezone.

APN 007-006-27, 7527 Highland Springs Rd., Lakeport. Rezone from "O" to "RL" and General Plan amendment from Public Lands to Rural Lands.

Keith Gronendyke, Associate Planner, provided an overview of this item.

No one present wished to speak.

The Planning Commission unanimously had no objection to the General Plan Amendment and Rezone.

APN 008-002-03, & 008-003-07; 960 & 988 Soda Bay Rd., Lakeport. Rezone from "APZ" to "O".

Keith Gronendyke, Associate Planner, provided an overview of this item.

No one present wished to speak.

The Planning Commission unanimously had no objection to the General Plan Amendment and Rezone.

APN 010-009-31, 19896 E. State Hwy 20, Clearlake Oaks. Rezone from "O" to "RL" and a General Plan amendment from Public Facilities to Rural Lands.

Keith Gronendyke, Associate Planner, explained that this property was inadvertently placed within the Open Space Zoning and Public Facilities General Plan Designation with the adoption of the Shoreline Area Plan in 2009. He said staff recommends rezoning of this parcel to "RL" and Rural Lands General Plan Designation and private ownership.

Comm. Malley asked if this had changed in ownership and how did the designation come up?

Richard Coel, Community Development Director, said staff believes it was a mapping error and was picked up with the adjacent public land.

Richard Sanders, owner of the property since 1985, explained that when he purchased the property it was zoned Ag. and a few years later it was changed to Rural Residential. He said he now has two homes on the property and felt "RR" was the proper classification for this property. He said without notification in 2009, the property was rezoned to Open Space "O" and he would like this property to go back to "RR", which was the original designation.

Mr. Coel explained that legal notices were sent out to all property owners for the Shoreline Area Plan before it was adopted. He explained the differences between "RR" and "RL".

Comm. Malley stated if it was "RR" before the error was made, then why it doesn't go back to "RR".

Mr. Coel reviewed the zoning history of this parcel and said it was originally zoned agriculture and in 1987 it was rezoned to Rural Residential with the "B3" Combining District, fifteen acre

minimum parcel size. He said that carried through until the adoption of the Shoreline Area Plan, where it was accidentally zoned Open Space. He said if it is rezoned straight Rural Residential without any increased acreage minimum, then it will qualify to be split into three parcels. He said if it is reverted back to the prior zoning of "RR B3", then it is locked in to a fifteen minimum per parcel.

There was discussion about the rock quarry located near this property and valid concerns with dust and noise issues, with designating this parcel back to the original "RR" zoning. It was pointed out that the owner of the rock quarry was not present at the hearing today and that he should have proper notification of the zoning change from "RL" as proposed in this item on the agenda, back to the original "RR" zoning.

Mr. Sanders said he was aware of the quarry and said if the property were to be sold, he would disclose that there was a quarry next door. He asked that it return to the original "RR" designation, which would allow it to be split into three, five acre lots.

Comm. Martin Steele understood the concerns about the quarry and felt this was not a reason to not grant this request. She asked staff if this could be brought back to the Commission after properly noticing Mr. Van Pelt, the owner of the rock quarry.

Robert Bridges, Sr. Deputy County Counsel, said the theory of this rezone is correcting mistakes and not creating anymore development potential. He said to rezone this, as the property owner is asking, this would be a density increase, which is kind of a spot zoning to be able to put five acre parcels out in the middle of nowhere. He said this is a significant deviation from what is being presented and what was noticed to the neighbors.

Comm. Malley felt it should be put back to where it was, and at such time Mr. Sanders would like to come back to rezone it to separate it into three parcels, then that could be done at that time. So it would be "RR-B3".

Mr. Coel said there are a limited number of General Plan Amendments that can be done per year. He said staff would need to look at the potential growth inducing impacts in changing this to five acres.

Comm. Sullivan pointed out that all that would need to happen, would be for this to be changed back to where it was and then Mr. Sanders could prepare an application to change the zoning, to be evaluated before the Planning Commission. He said if the Planning Commission circumvents that procedure now, it could be precedent setting.

Mr. Bridges said it sounds like the applicant is amenable to the "B3" 7 ½ acre minimum and all that does is confirm what is currently on the ground and would not change anything to the neighbors and allow him in the future to split it for purposes of financing.

Mr. Coel said the compromise is reasonable because it matches the development that is already established on the property. He said if there were not two houses on it already, staff would recommend Rural Lands. He said the issue with this is the potential for growth inducing impacts in an area where there is not any other rural residential within a mile of this site.

Comm. Malley said it needs to go back to at least where it was.

Mr. Coel said it can not be left zoned Open Space; it would not be fair to Mr. Sanders and it was an error on staff's part. He said staff would need to change the land use designation to Rural Residential, but set the zoning with the "B3" Combining District, which is what it was to begin with, but it would be changed from 15 acres to 7 acres.

Comm. Malley confirmed the change to be Rural Residential with "B3" zoning, with seven acres.

The Planning Commission unanimously had no objection to the change back to the original zoning with the seven acres.

APN 010-012-04, 21755 E. State Hwy 20, Clearlake Oaks. Rezone from "O" to "RL" and a General Plan amendment from Public Lands to Rural Lands.

Keith Gronendyke, Associate Planner, provided an overview of this item.

No one present wished to speak.

The Planning Commission unanimously had no objection to the General Plan Amendment and Rezone.

APN 011-002-11, 13 & 14; 12319 & 12075 & 11998 Adobe Creek Rd., Lakeport. Rezone from "O" to "RL" and General Plan amendment from Public Lands to Rural Lands.

Keith Gronendyke, Associate Planner, provided an overview of this item.

No one present wished to speak.

The Planning Commission unanimously had no objection to the General Plan Amendment and Rezone.

APN 011-003-45 & 46; 10600 Peterson Ln. and 9815 Adobe Creek Rd. Kelseyville. Rezone from "O" to "RL" and General Plan amendment from Public Lands to Rural Lands.

Keith Gronendyke, Associate Planner, provided an overview of this item.

No one present wished to speak.

The Planning Commission unanimously had no objection to the General Plan Amendment and Rezone.

APN 011-004-49 & 50; 9244 & 9250 Kelsey Creek Dr., Kelseyville. Rezone from "O" to "RL" and General Plan amendment from Resource Conservation to Rural Lands.

Keith Gronendyke, Associate Planner, provided an overview of this item.

No one present wished to speak.

The Planning Commission unanimously had no objection to the General Plan Amendment and Rezone.

APN 016-032-07, 22320 Bartlett Springs Rd., Lucerne. Rezone from "APZ" to "RL" and General Plan amendment from Agricultural to Rural Lands.

Keith Gronendyke, Associate Planner, provided an overview of this item.

No one present wished to speak.

The Planning Commission unanimously had no objection to the General Plan Amendment and Rezone.

APN 024-171-08, 5250 State St., Kelseyville. Rezone from "O" Open Space to "R1" Single-Family Residential and General Plan amendment from Public Lands to Low Density Residential.

Keith Gronendyke, Associate Planner, provided an overview of this item.

No one present wished to speak.

The Planning Commission unanimously had no objection to the General Plan Amendment and Rezone.

APN 032-182-04, & 032-265-01; 3826 & 3796 Lakeshore Blvd. Nice. Rezone from "CR" Commercial Resort, to "R3" Multi-Family Residential and General Plan amendment from Commercial Resort to High Density Residential.

Keith Gronendyke, Associate Planner, provided an overview of this item.

Richard Coel, Community Development Director, reviewed the history on both these properties and said when the Upper Lake-Nice Area Plan was adopted; there was a Redevelopment Agency and a plan for this whole area to be resort related uses. He said prior to the Area Plan adoption it was a hodge podge of residential and resort zoned sites. He said one of these sites had been zoned "R2", two family residential, up until the adoption of the Area Plan in 2002 and has a questionable history of what is grandfathered in (resort or housing). The other site was formally Tally's Resort, he said staff decided to include these two requests, because staff fell behind in the processing of them and is limited on how many General Plan Amendments can be made.

Robert Riggs, Legal Counsel, representing the owners of these properties, said the main point that the Planning Commission needs to be aware of is that what is going on at these properties is nothing different than what has been going on for the last 30 years. He said it was possible on a few summer months, one or two of their units was rented to someone who came up from the Bay Area on a temporary basis, but these facilities have always been primarily for local people that are in the area. He said this needs to get off the problem list.

Comm. Malley asked if the proposal that was in front of the Planning Commission was good for both of his clients.

Mr. Riggs said yes.

The Planning Commission unanimously had no objection to the General Plan Amendment and Rezone.

APN 032-321-20, 3946 E. State Hwy 20, Nice. General Plan amendment of a portion of the lot from Resource Conservation to Local Commercial.

Keith Gronendyke, Associate Planner, provided an overview of this item.

No one present wished to speak.

The Planning Commission unanimously had no objection to the General Plan Amendment and Rezone.

10:24 a.m. Closed Public Hearing

Comm. Martin Steele moved, 2nd by Comm. Sullivan that the Planning Commission find that on the basis of the Initial Study No. 11-19 prepared by the Lake County Community Development Department, that the General Plan Amendment and Rezone as applied for by the County of Lake will not have a significant effect on the environment and, therefore, recommend to the Board of Supervisors that it approve a negative declaration with the findings listed in the staff report dated March 30, 2013 and as modified today.

NEGATIVE DECLARATION 5 Ayes 0 Noes

Comm. Martin Steele offered the resolution recommend that the Board of Supervisors approve the General Plan Amendment as modified today.

GENERAL PLAN AMENDMENT APPROVAL 5 Ayes 0 Noes

Comm. Martin Steele moved, 2nd by Comm. Sullivan that the Planning Commission has reviewed and considered 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 rezoning for the reasons listed in the staff report dated March 30, 2013 and as modified today.

REZONE APPROVAL 5 Ayes 0 Noes

UNTIMED STAFF UPDATE

Robert Bridges, Sr. Deputy County Counsel, announced that that the Supreme Court, in what people are calling the City of Riverside case, basically held that the local Counties and Cities have local zoning to ban dispensaries if they want to. He said basically what the case held was, that the two state marijuana laws; The Compassionate Use Act and the Medical Marijuana Program Act do not preempt the zoning and puts the zoning of these things back into the hands of local entities and restores without question, the police power authority, with respect to the rezoning of marijuana items. He said it was a very good case for local control.

Emily Gonsalves, Principal Planner, announced that she was resigning from her position as of May 10, 2013.

Richard Coel, Community Development Planner, said that Ms. Gonsalves will be sorely missed by everyone in the Department. He said she has done an incredible job for the County with her writing skills, personality and approach to things.

ADJOURNED 10:30



Bob Malley, Chair
Lake County Planning Commission

Respectfully Submitted,

By: 

Danae Bowen
Office Assistant III