

**LAKE COUNTY PLANNING COMMISSION**

**MINUTES**

**REGULAR MEETING**

**October 24, 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 Kevin Ingram, Principal Planner**  
**P Shanda Harry, Deputy County Counsel**  
**P Danae Bowen, Office Assistant III**

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**9:00 a.m.      CALL TO ORDER**

Pledge of Allegiance was led by Jeff Smith.

Comm. Sullivan moved, 2<sup>nd</sup> by Comm. Schoux to approve the minutes of September 26, 2013.

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

**9:05 a.m.      Public Hearing on consideration of an Initial Study (IS 12-29) for a Rezone (RZ 05-19) and General Plan of Development GPD 12-01. The project applicant is BROOKWOOD, LLC proposing the following: (1) a rezone from “RR-SC” Rural Residential – Scenic and “RL-WW” Rural Lands – Waterway to “PDR-SC-WW” Planned Development Residential; (2) a general plan of development of the establishment of a master-planned community with a maximum of 77 residential units clustered within the valley portion of the property. Additional project amenities include in agriculturally oriented commercial parcel for winery and/or equestrian uses, a vineyard, an equestrian center with pasture, park, and network of private and public non-motorized trails. The project is located at 8150 & 8300 E. State Highway 20; 7250 & 7270 Cindy Lane; and 836 Pearl Court, Lucerne and further described as APNS 006-005-24, 49, 50 & 51; and 006-006-65. (Brian Horn)**

Shanda Harry, Deputy County Counsel, disclosed for the record that her aunt and grandmother own houses in Kono Tayee and her parents own a house and live in Paradise Cove.

Comm. Sullivan and Comm. Martin Steele disclosed that they conducted a site visit on October 23, 2013.

Brian Horn, Senior Planner, provided background information and a power point presentation of the project application.

**9:28 a.m.      Opened Public Hearing**

Richard Carlile, of Carlile Macy representative for the applicant, spoke to the future development plans on this project application. He explained they wanted to do a quality development with an agricultural theme and it was important to get a 500 foot setback from the highway and to create a vineyard area in the front, which would give room for detention basins and other things that are necessary for drainage before stormwater goes across the highway, which would help protect the Paradise Cove owners below. Also

proposed was an equestrian center/pasture, boutique/winery/feed store and a public trailhead.

Comm. Martin Steele thought the general concept of this development is excellent, but asked Mr. Carlile about the practicality with the Clearlake Oaks Water District as it relates to a sufficient water supply. She asked about the proposed equestrian center and if this would be open to the general public.

Mr. Carlile said that there have been preliminary meetings with the Clearlake Oaks Water District and they have indicated that the water line can be extended to service the area. He said if they cannot get the extended service, they can do a surface water treatment facility. Mr. Carlilie said the equestrian center would be open to the general public.

Gigi Stahl, Lake County Trails Coordinator, asked Mr. Carlile about Phase I of this project with respect to the trail development.

Mr. Carlile said it was difficult to say how this would formulate and they said each phase would do its portion of trails. He said they would anticipate the initial development would include coming off the street system, developing the trailhead and perhaps start getting loops in the first phase to have an interim trail system in each phase to build on one another.

Kevin Ingram, Principal Planner, commented on Ms. Stahl's questions and noted that there have been issues on previous developments where the required open space does not get developed. He said in this General Plan of Development there are conditions for each phase to require 1/5 of all open space development be provided with each phase. He said the Specific Plan of Development will iron out problems, so that full build out would be done after all five phases.

Comm. Martin Steele expressed her concerns with the phases and said we could end up with a nice idea about public use, but there has to be proper motivation.

Mr. Horn pointed out condition 15 of the permit conditions, that a minimum of 35% of this site shall be maintained as open space, consistent with Section 13.24 of the Lake County Zoning Ordinance and as determined by the Planning Commission, through the use permit for Specific Plan of Development and Tentative Subdivision Map process. He added that Open Space improvements shall be developed in proportion to the residential improvements proposed for each Specific Plan of Development phase.

Comm. Martin Steele asked if there was a real assurance that it would not go from phase I to phase II without the proper tasks being completed.

Rick Coel, Community Development Director, stated that condition 16 of the use permit conditions covers that and before the specific plan is approved, the trails plan needs to be understood and determined what the exact routes/phasing will be.

Comm. Sullivan asked what the anticipated build out will be and how long it will take to finish these phases. He also asked who would be responsible for maintaining the trails.

Mr. Carlile said it depends on the economy, but he thought it would be completed in eight to ten years.

Mr. Ingram pointed out condition 7 of the permit conditions, which discusses the need for CC&R's for the maintenance of various elements of this project and a trails maintenance plan would need to be included.

Carol Schepper, Paradise Cove Homeowners Association President, said they are in support of this project and spoke to the coordination of creating a joint water system. She had concerns with the riparian access and the pedestrian underpass.

Bob Sullivan, Kono Tayee Homeowners Association President, had concerns with traffic issues. He said he submitted a letter and Mr. Carlile has addressed their questions and hope that they fulfill what they have responded to.

Jeff Smith, Pearl Court property owner, questioned the trail system, which will be on the other side of the fence of Pearl Court. He wanted to know if there would be traffic and trail access from the Pearl Court area. He said he was in favor of the retention basin on the creek, which will help with sediments and nutrients. He asked staff where the pedestrian underpass is going to be and does it access property that they already own.

Mr. Carlile said that they have prepared an under passing for utilities primarily for a surface treatment facility to get to the lake to pull the water out to treat it. He said the homeowners of Paradise Cove and Kono Tayee have concerns with traffic and traffic calming. He explained that Caltrans initially requested the underpass to get access for utilities and a safe way to get pedestrians across the highway and calm traffic down to make it safe. He said there could be a locked gate system under the freeway.

Mr. Smith asked if the sphere of influence for Clearlake Oaks already extended out that way and is there enough capacity for Clearlake Oaks District to take on another 150 homes. He felt it was a great project if it was mitigated correctly.

Anna Ravenwood, Kelseyville resident, stated that her research on this project is centered on the equestrian center and the trailheads. She said she is a lifetime equestrian and recreational trail rider in Sonoma and Lake County. She said she was in support of all trails following the Konocti Regional Trails plan and suggested that the CC&R's adopt the minimum standards of horse care as published by the University of California at Davis School of Veterinarian Medicine for shelter and management of horses.

There was further discussion on public/private trails; land dedicated to parking for horse trailers; paved roads inside the development and vineyard maintenance.

Jan Coppinger, Lake County Special Districts Compliance Coordinator, spoke to the CSA #16 Task Force and water capacity issues in Clearlake Oaks and noted that the California Department of Public Health is involved in discussions and negotiations and they are supportive of it. She said the possibility of a collaboration of this development and CSA #16 in Clearlake Oaks would be mutually beneficial for all three parties.

Jerry Pope, Al Drive resident, spoke to his concerns with his area being affected with trail access.

Mr. Smith asked about the notation of commercial nodes on the map.

Mr. Ingram explained that it was identified as flat ridge top areas that have views and appropriate for development, but it was removed, because it was confusing.

Jim Berger, a partner with Brookwood, LLC, spoke to a one foot non-access strip and said that they do not have access to the trail from Pearl Court.

Mr. Ingram said that it was his understanding that the one foot non-access strip does not make a distinction between motorized and non-motorized access. He said if access were to be allowed from Pearl Court, a modification to the Kono Tayee Heights Subdivision map would be needed.

Richard Nickel, Paradise Cove property owner, asked about the surface treatment plant/water issues and how it will be dealt with along with the streets and roads, which he felt was more important than the trail system.

Comm. Malley said they are in negotiations with Clearlake Oaks Water Company and they are trying to work it out and extend Clearlake Oaks water. He said what is before the Planning Commission is a General Plan of Development, so there are not specific outlines/details of what will happen and those specifics will be worked out in the future.

He said the preference would be to initially go with the water company and secondly, to put in their own water treatment plant to draft water from the lake directly.

### **10:36 Closed Public Hearing**

Comm. Martin Steele said it was a good project and agreed that the issue of water needs to be addressed and she was satisfied that proper care was taken to design this project with the open space and trail/equestrian facilities. She had concerns with moving from one phase to the next and it should be clear as this is built out, that each phase is done with proper concern for how to continue with the trail system. She said in approving this general concept means that they are buying into the big picture.

Mr. Ingram suggested additional language to be added to condition 16 of the use permit conditions: *“Prior to approval of the initial specific plan of development the permit holder shall work with the County of Lake Trails Coordinator to develop a master trails plan addressing trail locations, public access, construction phasing, trail financing and trail maintenance. Trail development shall strive to reduce mechanical and hydrological impacts to nature, as well as maintenance cost and time.”* He said the key here is there would be a trails master plan developed in the initial specific plan of development, which includes phasing and what needs to be constructed for each additional phase going forward.

Comm. Deucher thought it was an excellent project, but was confused on the common area, which is an obvious interest for everyone. He said the General Plan of Development calls for parcels A and B to be merged on the final subdivision map, but the project description identifies one as private and one as public.

Mr. Ingram said the developers had entertained the option that perhaps BLM would be interested in obtaining parcel B, so that is how it appears on the map. He said staff is recommending that final subdivision show A and B as one lot of record and if BLM is interested, they can purchase that land without having to go through a subdivision process. He said staff felt more comfortable requesting that they be merged to one to ensure it is compatible with the Subdivision Ordinance and the General Plan of Development.

Comm. Malley said he was in favor of this project moving forward and congratulated the developer for being proactive with the surrounding properties with getting them on board.

Comm. Martin Steele moved, 2<sup>nd</sup> by Comm. Sullivan that the Planning Commission find on the basis of initial Study IS 12-29 that the rezone and General Plan of Development as applied for by Brookwood, LLC as modified will not have a significant effect on the environment and, therefore, recommend to the Board of Supervisors that they approve a mitigated negative declaration for the proposed rezone and general Plan of Development with the findings listed in the staff report dated October 8, 2013.

### **MITIGATED NEGATIVE DECLARATION 5 Ayes 0 Noes**

Comm. Martin Steele moved, 2<sup>nd</sup> by Comm. Sullivan that the Planning Commission has reviewed and considered the environmental effects of this rezoning as set forth in the proposed mitigated negative declaration, which has been prepared for this project and that the Planning Commission recommends approval of the proposed rezoning from “PDR”, “RL” and “RR” to “PDR” as set forth on the Exhibit “A” zoning map, applied for by Brookwood, LLC on property located at 8150 and 8300 East State Highway 20, 7250 and 7270 Cindy Lane, and 836 Pearl Court, Lucerne for the reasons listed in the staff report dated October 8, 2013.

### **REZONE APPROVAL 5 Ayes 0 Noes**

Comm. Martin Steele moved, 2<sup>nd</sup> by Comm. Sullivan that the Planning Commission has reviewed and considered the environmental effects of this General Plan of Development as set forth in the proposed Mitigated Negative Declaration which has been prepared for this project and that the Planning Commission recommends approval of the General Plan

of Development applied for by Brookwood, LLC as modified with the findings listed in the staff report dated October 8, 2013.

**GENERAL PLAN OF DEVELOPMENT APPROVAL 5 Ayes 0 Noes**

Comm. Malley noted that there is an automatic five (5) calendar day appeal period provide by the Lake County Zoning Ordinance.

**10:45 BREAK**

**10:56 BACK TO ORDER**

**10:56 a.m. Consideration of DENIALS WITHOUT PREJUDICE ONLY for the following properties:**

**A. ROBERT ROUMIGUIERE – Voluntary Merger 01-65**, proposal to merge two (2) properties adjacent properties together. The project is located at 3630 & 3640 Lakeshore Boulevard, Lakeport and further described as APN’s 028-041-47 and 48. (Kevin M. Ingram)

Kevin Ingram, Principal Planner, provide background information.

Comm. Schoux moved, 2<sup>nd</sup> by Comm. Sullivan that the Planning Commission deny without prejudice Robert Roumiguere’s Voluntary Merger 01-65 with the findings listed in the memo dated October 9, 2013.

**DENIAL WITHOUT PREJUDICE 5 Ayes 0 Noes**

**B. MICHAEL KELLEY – Use Permit 05-05**, to allow the conversion of all or a portion of an eight (8) bed assisted living facility to professional offices. The project is located at 15850 Armstrong Street, Middletown, and further described as APN 024-391-02. (Kevin M. Ingram)

Kevin Ingram, Principal Planner, provide background information.

Comm. Sullivan moved, 2<sup>nd</sup> by Comm. Martin Steele that the Planning Commission deny without prejudice Michael Kelley’s Use Permit 05-05 with the findings listed in the memo dated October 9, 2013.

**DENIAL WITHOUT PREJUDICE 5 Ayes 0 Noes**

**C. JEREMIAH CIUDAJ – Minor Use Permit 05-62**, to legalize existing and to allow for additional road building on property primarily located at 23167 Jerusalem Grade Road, Middletown, and further described as APN 013-015-41. Requested road building activities would also include the following properties: 23119, 23071, 23023, 23131, 23083, 23035, 23191, 23143, 23095, 23047, 23203, 23155, 23107 and 23059 Jerusalem Grade Road, Middletown. (Kevin M. Ingram)

Kevin Ingram, Principal Planner, provide background information.

Comm. Sullivan moved, 2<sup>nd</sup> by Comm. Schoux that the Planning Commission deny without prejudice Jeremiah Ciudaj’s Minor Use Permit 05-62 with the findings listed in the memo dated October 9, 2013.

**DENIAL WITHOUT PREJUDICE 5 Ayes 0 Noes**

**D. JEANETTE HARRIS – Minor Use Permit 07-29**, requesting approval of a 25% front yard setback reduction in order to legalize the location of an existing carport structure. The property is located at 13197 Ebttide Village, Clearlake Oaks, and further described as APN 035-802-08. (Kevin M. Ingram)

Kevin Ingram, Principal Planner, provide background information.

Comm. Martin Steele moved, 2<sup>nd</sup> by Comm. Sullivan that the Planning Commission deny without prejudice Jeanette Harris' Minor Use Permit 07-29 with the findings listed in the memo dated October 9, 2013.

**DENIAL WITHOUT PREJUDICE 5 Ayes 0 Noes**

**E. ELIZABETH LONG – Variance 05-03**, requesting a setback reduction to allow a commercial building to be built up to the front property line. The project is located at 9745 and 9751 State Highway 281, Kelseyville, and further described as APNs 430-072-06 and 07. (Kevin M. Ingram)

Kevin Ingram, Principal Planner, provide background information.

Comm. Schoux moved, 2<sup>nd</sup> by Comm. Sullivan that the Planning Commission deny without prejudice Elizabeth Long's Variance 05-03 with the findings listed in the memo dated October 9, 2013.

**DENIAL WITHOUT PREJUDICE 5 Ayes 0 Noes**

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

**11:06 a.m. Discussion of possible Infill and Mixed Use development standards in the Lake County Zoning Ordinance Update. (Richard Coel and Kevin M. Ingram)**

Kevin Ingram, Principal Planner, and Richard Coel, Community Development Director, provided an overview of Infill & Mixed Use Development Strategies in the Lake County Zoning Ordinance Update. Mr. Ingram said this is intended to be a discussion for input/thoughts and direction the Planning Commission may have as far as creating new Zoning Ordinance amendments related to Infill & Mixed Use Development into the Zoning Ordinance update. He reviewed definitions; potential strategies; and projects where parking is an issue.

Comm. Martin Steele asked if fees were a barrier to development.

Mr. Coel stated that the problem is generally lack of infrastructure.


Mr. Ingram stated that updated Zoning Ordinance provisions will not be a fix all, but some small corrections to County parking requirements and alternative options for financing public improvements can assist in creating more sustainable and functioning community centers.

Alan Flora, Deputy County Administrator, said that some consideration should be given to the idea of allowing for the establishment of Community Service Areas to address community parking needs. The County can provide a loan, which could be paid back with fees from development.


Comm. Martin Steele complemented staff in its ability to be flexible on projects and wants to be sure that flexibility remain with any future update.

Mr. Coel suggested that it might be appropriate to have a minor variance process with less stringent findings then a standard variance. The variance could be tied to design theme and commitment to community goals and vision.

**ADJOURNED 12:00**

  
Bob Malley, Chair  
Lake County Planning Commission

Respectfully Submitted,

By:   
Danae Bowen  
Office Assistant III