

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

February 22, 2018

Commission Members

P John Hess, District I
P Bob Malley, District II
P Eddie Crandall, District III
A Matt Levesque, District IV
P Daniel Suenram, District V

Staff Members

P Robert Massarelli, CDD Director
P Michalyn DelValle, Principal Planner
P Shanda Harry, Deputy County Counsel
P Danae Bowen, Office Assistant III

9:04 a.m. CALL TO ORDER

Pledge of Allegiance was led by Eddie Crandell.

9:04 a.m. CITIZENS INPUT - None

9:05 a.m. Public Hearing on consideration of a Categorical Exemption for Minor Modification (MMM 16-02) and Parcel Map Extension (PMX 16-02) to Tentative Parcel Map (PM 16-02). The project applicant is DENNIS LAWSON proposing reduction of total resulting parcels from approved Tentative Parcel Map and Parcel Map Extension. The project is located on 4945 Cole Creek Road, Kelseyville and further described as APN 007-028-15. (Mireya Turner)

Mireya Turner, Associate Planner, provided background information and a power point presentation on the project application.

9:12 a.m. Opened Public Hearing

No one present wished to speak.

9:12 a.m. Closed Public Hearing

Comm. Suenram said his concerns are with the access going through the middle of another parcel and asked if it could be avoided with this Parcel Map.

Ms. Turner said it was a pre-existing road.

Comm. Suenram thought it would be better to make the road on the property line to avoid conflict down the road and avoid these issues in the future if possible.

Ms. Turner explained when it was being divided into four parcels in the previous Tentative Parcel Map, the public dedication of that road was a requirement, but it was relieved from the conditions after the modification. She said if the Commission wishes, a title search could be done and this item can be continued to a future date.

Comm. Suenram said since this is an extension, could this be added to the extension as a contingency.

Ms. Turner said if she is understanding this correctly, the Commission would approve the project as proposed, contingent on an easement existing to give access to other parcels.

Comm. Suenram said to make sure that it is a deeded easement and he would hate to see it go across a property where one person has property on both sides of the easement.

Ms. Turner said as an alternative, it can be added as a condition, that access to the other parcels serviced by that road needed to acquire a deeded easement.

Shanda Harry, Deputy County Counsel, said her understanding is an easement over that road would require an agreement of multiple property owners and the problem is if you grant a Parcel Map contingent on the other property owners giving an easement, it would not be giving a Parcel Map, it would be a condition that is too far out in the future to possibly happen, so it probably could not be done as a condition of approval.

Comm. Suenram said other than this issue he does not have a problem with granting the extension.

Ms. Turner said there is an existing portion that remains, which requires all existing easements to be shown on the Final Parcel Map, so identification of existing easements is part of the process.

Comm. Suenram was satisfied with Ms. Turner's statement and said to go ahead with the extension and that can be addressed later.

Comm. Hess moved, 2nd by Comm. Malley that the Planning Commission find this Minor Modification (MMM 16-02) to Tentative Parcel Map (PM 06-10) is exempt from CEQA because it falls within Categorical Exemption Class 4 for Minor Alterations to Land, with the findings listed in the staff report dated January 23, 2018.

CATEGORICAL EXEMPTION 4 Ayes 0 Noes 1_absent (Comm. Levesque)

Comm. Hess moved, 2nd by Comm. Malley that the Planning Commission find that the Minor Modification (MMM 16-02) to Tentative Parcel Map (PM 06-10) applied for by Steve Bellah on behalf of Dennis Lawson on property located at 4945 Cole Creek Road, Kelseyville, 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 the findings in the staff report dated January 23, 2018.

MODIFICATION TO TENTATIVE PARCEL MAP 4 Ayes 0 Noes 1_absent (Comm. Levesque)

Comm. Hess moved, 2nd by Comm. Malley that the Planning Commission approve an extension of time for Tentative Parcel Map (PM 06-10) for a period of three years, amending the expiration date to February 8, 2021, with the findings listed in the staff report dated January 23, 2018.

TENTATIVE PARCEL MAP TIME EXTENSION 4 Ayes 0 Noes 1_absent (Comm. Levesque)

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

9:25 a.m. Public Hearing on reconsideration of a previously approved Mitigated Negative Declaration for a Subdivision Map Time Extension (SDX 17 -12) for Subdivision (04-01). The project applicant is CLEARLAKE ESTATES LLC, MITCH THURSTON proposing the division of a 55 acre parcel to create 12 residential lots and 1 remainder parcel. The project is located at 9555 State Highway 281 and 4619 Kaweah Road, Kelseyville and further described as APNs 009-004-22 & 009-017-07. (Eric Porter)

Eric Porter, Associate Planner, pointed out corrections in the staff report dated January 17, 2018. He said on page 1, in the first paragraph under the "Summary and Discussion" the date should be: "*January 13, 2005*" not "*January 27, 2005*" and if the Commission approves the extension it will be until January 13, 2021, which is also noted wrong in sample motion B on page 4 and should also reflect the January 13, 2021 date. He pointed out on page 4 of the staff report Recommendation B1 should be: "***Riviera Area Plan***" not the "*Lakeport Area Plan.*"

Mr. Porter provided background information and a power point presentation of the project application

9:31 a.m. Opened Public Hearing

No one present wished to speak.

9:31 a.m. Closed Public Hearing

Comm. Suenram asked if there have been any setback requirement changes for septic systems. He added that he would hate to see lots that would turn out to be unbuildable.

Michalyn DelValle, Principal Planner, said she did not know and Environmental Health would be able to answer that question.

Mr. Porter said the lots are averaging three acres per lot, so there is a big area for the septic systems. He said Environmental Health did not have any adverse comments.

Comm. Hess asked Comm. Suenram if the size of the lots alleviated those concerns at all.

Comm. Suenram said he is familiar with that area and he had concerns with the proximity to the lake, because some of the soils in the area are porous, which would mean chemicals would leach further versus dense soils.

Mr. Porter said Tina Rubin, from Environmental Health commented that the applicant must meet Lake County Environmental Health requirements regarding onsite wastewater treatment and potable water requirements, and they did not have any concerns at this time for the subdivision extension, if the project is completed according to the plans submitted.

Comm. Suenram moved, 2nd by Comm. Hess that the Planning Commission find that on the basis of the Initial Study IS 04-05 that a tentative subdivision map applied for by Mitch Thurston representing the Clearlake Estates LLC will not have a significant effect on the environment and therefore, a mitigated negative declaration shall be issued with the findings listed, and the conditions contained within the staff report dated January 17, 2018.

**RECONSIDERATION OF PREVIOUS MITIGATED NEGATIVE DECLARATION
4 Ayes 0 Noes 1 Absent (Comm. Levesque)**

Comm. Suenram moved, 2nd by Comm. Hess that the Planning Commission recommend that the Board of Supervisors approve an extension of time for SD 04-01 for a period of three (3) years to January 13, 2021, with the findings listed in the staff report dated January 17, 2018.

SUBDIVISION MAP TIME EXTENSION 4 Ayes 0 Noes 1 Absent (Comm. Levesque)

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

9:37 a.m. Public Hearing on consideration of a Mitigated Negative Declaration based on Initial Study (IS 16-21) for Parcel Map (PM 16-04). The project applicants are KEVIN & PATRICIA GROSS proposing to divide a 21.86 +/- acre property into two parcels: Parcel One, 14.77 gross acres and Parcel Two, 7.09 gross acres. The project is located at 10888 Bachelor Valley Road, Witter Springs and further described as APN 003-014-19. (Eric Porter)

Eric Porter, Associate Planner, provided background information and a power point presentation on the proposed project.

9:44 a.m. Opened Public Hearing

Linda Alexander, neighbor to the south side of the property, disagreed with the splitting of this property. She said when she bought her place she was under the understanding that it was 20 acre minimums in Whitter Springs. She said if they build a house on this parcel, it will look right down into her house and she is against this division.

Comm. Hess noted that the staff report noted that there has not been any development proposals submitted for either parcel, but a single family dwelling is anticipated.

Mr. Porter said that staff expects them to develop on parcel 2, but there has not been any indication of an immediate development.

Comm. Malley asked if there has been a change in requirements for the parcel size indicated by Ms. Alexander who said there was a twenty-acre minimum.

Mr. Porter said the underlying zoning for the property is Rural Residential, Scenic Corridor and Water Ways, because of canals. He said that he was not aware of any twenty-acre minimums according to the zoning, but there are some restrictions based on slope, and in the Rural Residential zoning if the slope is 10% on average the minimum lot size can be five acres. He added if it is over a certain percentage of slope, it then becomes a ten acre minimum. He said parcel 1 has to have ten acres according to the slope and parcel 2 can have five acres.

Michalyn DelValle, Principal Planner, stated that the twenty acre minimum is for Rural Land zoning and noted that in the staff report there is a portion of Rural Lands on parcel 1.

There was further discussion on the zoning of the property with the portion of "RL" zoning.

9:46 a.m. Closed Public Hearing

Comm. moved, 2nd by Comm. that the Planning Commission find that on the basis of the Initial Study No. 16-21 prepared by the Planning Division the parcel map as applied for by Patricia and Kevin Gross, 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 January 12, 2018.

MITIGATED NEGATIVE DECLARATION 4 Ayes 0 Noes 1 Absent (Comm. Levesque)

Comm. moved, 2nd by Comm. that the Planning Commission find that the tentative parcel map PM 16-04 applied for by Patricia and Kevin Gross on property located at 10945 Bachelor Valley Road, Witter Springs CA is in conformity with the provisions of the Lake County General Plan, 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 January 12, 2018 as modified today.

TENTATIVE PARCEL MAP APPROVAL 4 Ayes 0 Noes 1 Absent (Comm. Levesque)

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

9:55 a.m. Public Hearing on consideration of a Mitigated Negative Declaration based on Initial Study (IS 17-18) for Major Use Permit (UP 17-07). The project applicant is AT&T proposing a 100 foot tall unmanned self-supporting lattice telecommunications tower consisting of eight (8) panel antennas and fourteen (14) remote radio heads/units, a 499 gallon propane tank, a 35 kilowatt emergency backup generators and 11.5' x 12' pre-manufactured equipment shed. The proposed use would be contained within a leased area approximately 1,500 square feet 30'x50') in size and would be fenced in with a seven (7) foot chain link fence with anti-climbing barriers. The project is located at 6755 Highland Springs Road, Lakeport and further described as APN 007-008-05. (Mark Roberts)

Mark Roberts, Associate Planner, provided background information and a power point presentation on the proposed project. He pointed out added condition B6 to read: *"Prior to the issuance of building permits the tower shall be redesigned as a broad leaf mono tree."* He also pointed out in the permit conditions: Mitigation Monitoring and Expiration; and read into the record K2, 3 & 4.

Sara King, AT&T Representative, referenced page 20, 71:10 (d) of the staff report and read into the record: *"Directional or panel communications antennas shall not exceed 5 feet in height and 3 feet in width, unless the cumulative visual impact of an array can be reduced by using a different size."* She said in this case they have planned for a 6 feet in height by approximately 1+foot in width. She said the reason for that is to reach a certain coverage objective.

Mr. Roberts said that staff is agreeable with the suggested change.

Ms. King expressed her concerns with mono pines, particularly with this site is that they find that trees look best when they blend in with other trees. She said putting a standalone mono pine in a big field by itself will stand out and look like a fake tree. She suggested a lattice tower that would have a red light on top instead of the mono pine, maintenance would be easier on a tower than a tree and colocation would be more feasible.

Mr. Roberts said the conditions can be modified to change from the mono pine to a lattice tower.

10:14 a.m Closed Public Hearing

No one present wished to speak.

10:14 a.m Closed Public Hearing

Comm. Suenram agreed that the lattice tower would be less obtrusive.

All Commissioners were in agreement.

Mr. Roberts said staff will strike condition B6 and modify condition B18 to read: *“Directional or panel communications antennas shall not exceed **six (6) feet** in height and **one (1) foot in width**, unless the cumulative visual impact of an array can be reduced by using a different size.”*

Comm. Suenram moved, 2nd by Comm. Malley that the Planning Commission find on the basis of the *Initial Study No. 17-18* prepared by the Planning Division and the mitigation measures which have been added and as modified today to the project, that the use permit as applied for by AT&T Mobility, LLC 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 January 29, 2018.

MITIGATED NEGATIVE DECLARATION 4 Ayes 0 Noes 1 Absent (Comm. Levesque)

Comm. Suenram moved, 2nd by Comm. Malley that the Planning Commission find that the *Major Use Permit, UP 17-07* applied for by AT&T Mobility, LLC located at 6755 Highland Springs Road, Lakeport does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and that the Planning Commission has reviewed and considered the Mitigated Negative Declaration which was adopted for this project and the Use Permit be granted subject to the conditions and with the findings listed in the staff report dated January 29, 2018 as modified today.

USE PERMIT APPROVAL 4 Ayes 0 Noes 1 Absent (Comm. Levesque)

find that the Wireless Communication facility applied for by AT&T Mobility, LLC located at 6755 Highland Springs Road, Lakeport does meet the requirements of Section 71.13 of the Lake County Zoning Ordinance and that the Planning Commission has reviewed and considered the Mitigated Negative Declaration which was adopted for this project and the Wireless Communication Facility be granted subject to the conditions and with the findings listed in the staff report dated January 29, 2018 as modified today.

WIRELESS COMMUNICATIONS FACILITY APPROVAL 4 Ayes 0 Noes 1 Absent (Comm. Levesque)

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

10:22 a.m. Public Hearing on consideration of a Mitigated Negative Declaration based on Initial Study (IS 17-19) for Major Use Permit (UP 17-08). The project applicant is AT&T proposing an unmanned ninety (90) foot tall green mono pine tower top with foliage within a leased area approximately 900 (30'x30') square feet in size. The mono pine tower would consist of nine (9) panel antennas and nineteen (19) remote radio heads/units. Also a 11'5" x 12' equipment shed with backup generator and a 499 gallon propane tank within the proposed leased area that would be fenced with a six (6) foot high chain link fence with a twelve (12) foot wide access gate. The project is located at 15087 spruce Grove Road, Middletown and further described as APNs 013-060-10 & 12. (Mark Roberts)

Mark Roberts, Associate Planner, provided background information and a power point presentation on the proposed project.

Comm. Hess asked if there was a reason that two towers needed to be so close to each other.

Sara King, AT&T Representative, pointed out on page 21, 71:10 (d) of the staff report and read into the record: *"Directional or panel communications antennas shall not exceed 5 feet in height and 3 feet in width, unless the cumulative visual impact of an array can be reduced by using a different size."* She said in this case they have planned for a 6 feet in height by approximately 3 feet in width. She said the reason for that is to reach a certain coverage objective.

Mr. Roberts said that condition B16 on page 3 of the Use Permit Conditions can be modified to reflect that request.

10:33 a.m. Opened Public Hearing

No one present wished to speak

10:33 a.m. Closed Public Hearing

Comm. Hess moved, 2nd by Comm. Malley that the Planning Commission find on the basis of the *Initial Study No. 17-19* prepared by the Planning Division and the mitigation measures which have been added to the project, that the use permit as applied for by AT&T Mobility, LLC 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 as modified dated January 29, 2018.

MITIGATED NEGATIVE DECLARATION 4 Ayes 0 Noes 1 Absent (Comm. Levesque)

Comm. Hess moved, 2nd by Comm. Malley that the Planning Commission find that the *Major Use Permit, UP 17-08* applied for by AT&T Mobility, LLC located at 15087 Spruce Grove Road, Middletown does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and that the Planning Commission has reviewed and considered the Mitigated Negative Declaration which was adopted for this project and the Use Permit be granted subject to the conditions as modified and with the findings listed in the staff report dated January 29, 2018.

USE PERMIT APPROVAL 4 Ayes 0 Noes 1 Absent (Comm. Levesque)

Comm. Hess moved, 2nd by Comm. Malley that the Planning Commission find that the Wireless Communication facility applied for by AT&T Mobility, LLC located at 15087 Spruce Grove Road, Middletown does meet the requirements of Section 71.13 of the Lake County Zoning Ordinance and that the Planning Commission has reviewed and considered the Mitigated Negative Declaration which was adopted for this project and the Wireless Communication Facility be granted subject to the conditions as modified and with the findings listed in the staff report dated January 29, 2018.

WIRELESS COMMUNICATION FACILITY APPROVAL 0 Ayes 0 Noes

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

10:36 a.m. Public Hearing on consideration of a Major Use Permit (UP 17-05) for Specific Plan of Development and Tentative Subdivision Map (SD 06-01), prior projects GPD 06-01, GPAP 06-02, RZ 04-23 and Certified Final Environmental Impact Report (FEIR) based on Initial Study (IS 06-11). The project applicant is KIMCO DEVELOPMENT proposing a planned

residential development of approximately 380 detached single family homes, three-acre medium density residential parcels having a density of up to fifteen units per acre, two and one-half acre multi-family residential care and/or assisted living facility, and approximately 31 acres of commercial development. A Major Use Permit is also required for Subdivisions of land that include more than three parcels within the Floodway Fringe Combining District. The project location is 18196 & 18426 South State Highway 29, Middletown and further described as APNs 014-260-36 & 014-260-51. Environmental Evaluation: Certified Final Environmental Impact Report. (Continued from December 14, 2017, January 4th and January 25, 2018) (Robert Massarelli)

Robert Massarelli, Community Development Director, informed the Commission that he had met with the Valley Oaks applicant and they have hired an attorney to work on this project and staff felt that significant progress could be made on the conditions of approval. He said Ken Porter the applicant has requested a continuance of this item to the March 8, 2018 hearing at 9:05 a.m.

10:39 a.m. Opened Public Hearing

No one present wished to speak.

10:39 a.m. Closed Public Hearing

The Planning Commission confirmed the continuance this item to March 8, 2018 at 9:05 a.m.

UNTIMED STAFF UPDATE

Robert Massarelli, Community Development Director, announced that Associate Planner, Keith Gronendyke has given notice and has accepted a position in Mendocino County. He said the Department is now down three planners and he will continue to work on filling those positions. He said the Board of Supervisors held a workshop on the Cannabis Ordinance and directed staff to move forward with the Ordinance and County Counsel has recommended a series of technical changes to the Ordinance, which will be going to the Board of Supervisors on March 13, 2018.

ADJOURNED 10:45

Eddie Crandell, Chair
Lake County Planning Commission

Respectfully Submitted,

By: _____
Danae Bowen
Office Assistant III

