



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Planning Department · Building Department · Code Enforcement
707/263-2221 · FAX 707/263-2225

STAFF REPORT

TO: Zoning Administrator

FROM: Mary Darby, Community Development Director
Prepared by: Eric Porter, Associate Planner

SUBJECT: **Minor Use Permit, MUP 22-05;** Categorical Exemption, CE 22-40
Supervisory District 1

DATE: July 6, 2022

ATTACHMENTS: 1. Vicinity Map
2. Proposed Conditions of Approval
3. Site Plan
4. Agency comments
5. Public Comments

I. EXECUTIVE SUMMARY

The applicant, Ken Eaton, has applied for a Minor Use Permit (MUP 22-05) and a categorical exemption to CEQA (file no. CE 22-40) in behalf of the Hill Family to reduce setbacks to a creek and a front property line on a triangularly shaped lot that partially contains Anderson Creek.

Project Description

Applicant: Ken Eaton

Owner: David Hill

Location: 11580 Anderson Springs Road, Middletown, CA

APN: 050-394-26

Parcel size: 0.18 acres

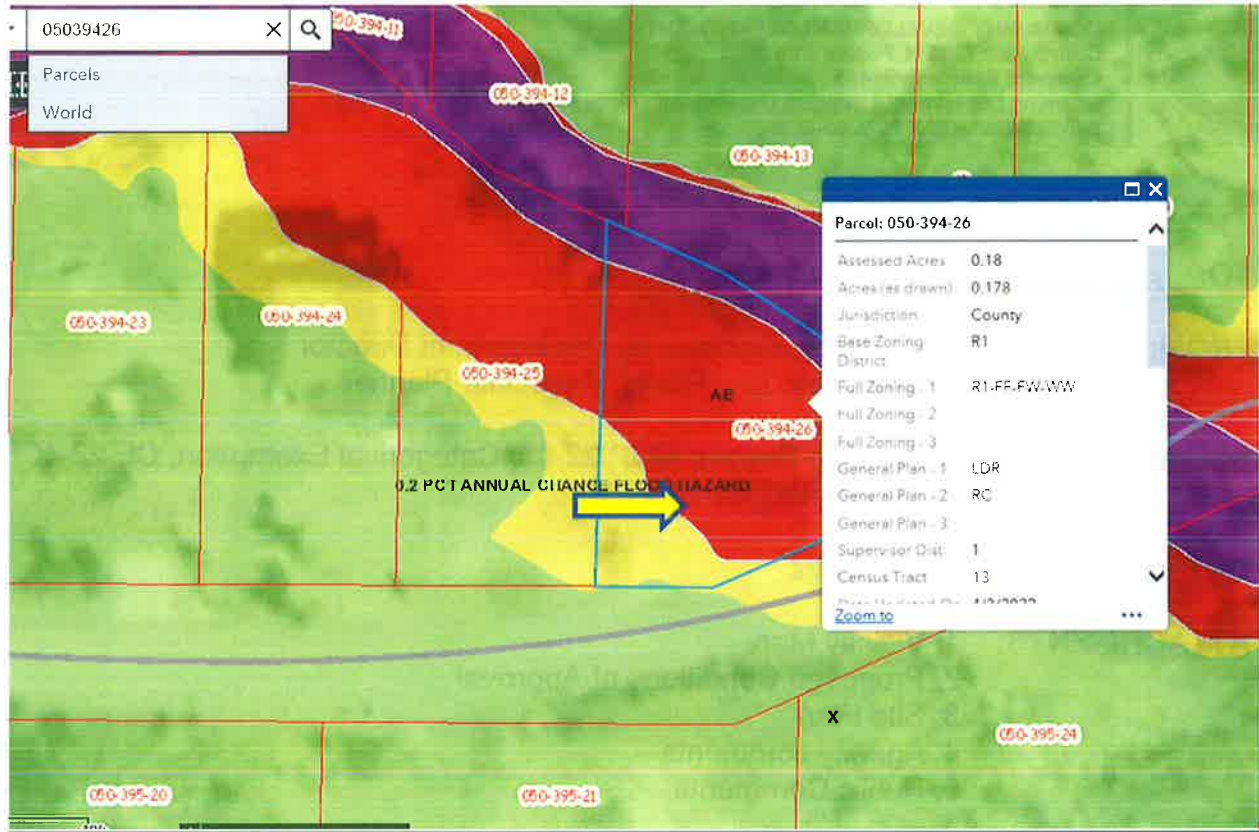
General Plan: Low Density Residential

Zoning: 'R1-FF-FW-WW', Low Density Residential - Floodway Fringe - Floodway-Waterway

Fire District: South Lake Fire District (CalFire)

Flood Zone: AE

FLOOD PLAIN MAP OF SITE AND SURROUNDING AREA



Source: Lake County GIS Mapping

Project Setting

Existing Uses and Improvements: The property is undeveloped and contains a portion of the Anderson Creek waterway.

Surrounding Zoning and Land Uses:

- *North, East, South and West:* 'R1' Low Density Residential; small lots, mostly developed with single family dwellings.

Topography: Generally flat near Anderson Springs Road; steep next to Anderson Creek.

Soils: According to the soil survey of Lake County, prepared by the U.S.D.A, the site contains soil type 172. This unit is suited for homesite development.

Water Supply: Public water system

Sewage Disposal: Public sewer system

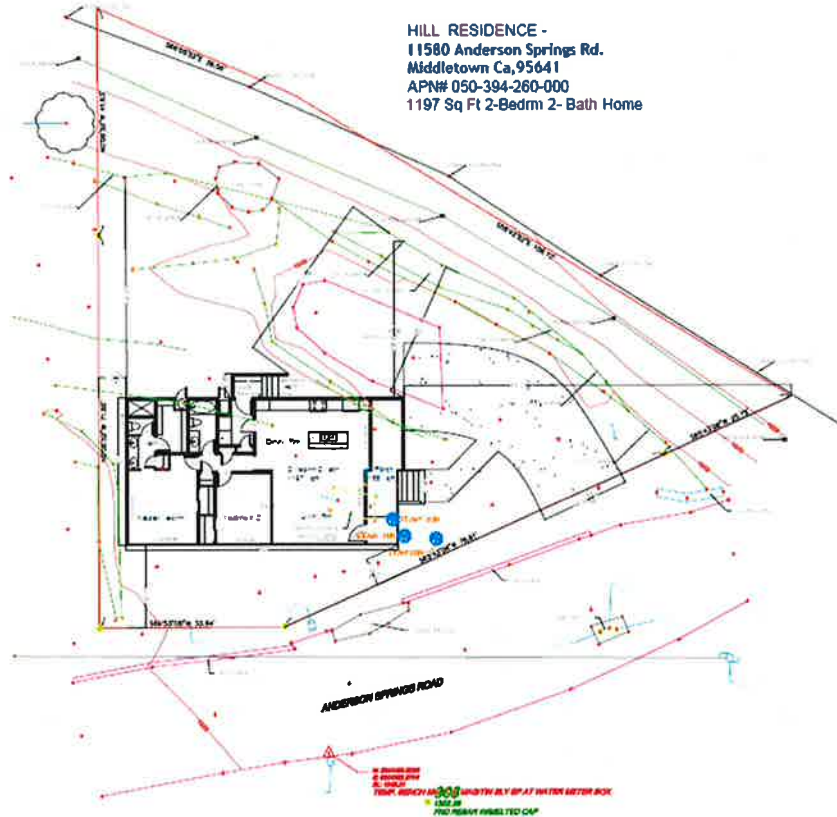
Vegetation: Native oaks; native grasses and shrubs

Zoning Map of Site and Surrounding Area



Source: Lake County GIS Mapping

Site Plan



Source: Application Material Submitted with Application

II. PROJECT ANALYSIS

General Plan Conformance. *Compliance with the Lake County General Plan is required by land use regulations in the County and in the State. Certain portions of the General Plan typically apply to most or all land use review processes. The following text identifies the category for Low Density Residentially-designated land.*

Low Density Residential

This land use category is designed to establish areas suitable for single family residences at relatively low densities. Typical uses permitted by right include single family homes – both attached and detached. This designation is appropriate where the traditional neighborhood character of single-family units prevail and where the level of services including roads, shopping, and recreation does not justify higher densities. This designation is only located within Community Growth Boundaries.

Response: *The lot is a triangularly-shaped lot that is partially encumbered with a perennial stream, Anderson Creek. The lot has very limited buildable area. The applicant has applied for setback relief through a minor use permit, which allows up to 25% reduction in setbacks. This property also requires a determination of 'front' to be made based on the positioning of the house entry, which faces the creek. The side yard is the portion of yard that abuts Anderson Springs Drive.*

Middletown Area Plan Conformance

The project site is located within the boundary of the Middletown Area Plan. The Plan has no specific policies regarding residential structures that require reduced setbacks.

Lake County Zoning Ordinance, Article 42, Exceptions

Section 42.4, Yard Exceptions

(d) In the case of odd-shaped lots where the required yard definitions set forth in this Chapter are not applicable, the Planning Director shall determine the required yards which shall approximate the required yards of a rectangular lot in the same base zoning district.

(i) The yard requirements of this Article and Chapter may be reduced by up to twenty-five (25) percent upon securing a minor use permit in each case.

Response: *The applicant has applied for a minor use permit to enable this lot to be development with a single family dwelling. The lot is odd shaped, and due to the location of Anderson Creek coupled with the shape of the lot, the intended manufactured home only can be sited on the property with relief to the creek setback, and with a determination that 'front' is the portion of the lot facing the creek, making the Anderson Creek Road portion of the lot the side yard.*

Lake County Zoning Ordinance, Article 50.4, Minor Use Permit Required Findings

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.

Response: *The site is presently vacant, and is encumbered in part by Anderson Creek, which has a floodway that extends 13 feet into the lot, and which requires a 30' setback from top of bank. These encumbrances combined with the triangular shape of the lot caused the applicant to apply for a minor use permit to obtain relief to certain setbacks, thus enabling the house to be built on a lot that is intended for single family dwelling development.*

2. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.

Response: *The project parcel is approximately 0.18 acres (about 7,800 sq. ft.) in total size. The floodway, which is unbuildable land, extends into the site by 13 feet at its widest point. The 30' setback from top of bank further encumbers much of what would otherwise be buildable area. The applicant has applied for a minor use permit, which allows up to 25% reduction in setbacks to the creek and the road, and requires a determination that the 'front' is the portion of the lot facing the creek, thus making the Anderson Springs Road portion of the property a side yard.*

3. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use.

Response: *The site is accessed by Anderson Springs Road, a paved, County-maintained road at this location.*

4. That there are adequate public or private services, including but not limited to fire protection, water, supply, sewage disposal, and police protection to serve the project.

Response: *The project parcel has adequate fire protection services through the South Lake Fire District (CalFire). The Lake County Sheriff's Department provides law enforcement services. The project parcel is currently served by public water and sewer. Power is provided via power lines that are along the road in front of the site.*

5. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.

Response: The subject site is zoned R1, Low Density Residential, which allows dwellings as a 'by right' use. The General Plan designation for the site is Low Density Residential. When a lot that is odd-shaped and encumbered by a creek seeks to develop as is the case with this lot, and when the house cannot fit on the lot without some relief to setbacks, then a minor use permit is required.

6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property.

Response: Currently there are no violations of Chapters 5, 17, 21, 23 or 26 of the Lake County Code on the subject site.

Lake County Zoning Ordinance, Article 10, Low Density Residential Zoning District.

Purpose: To establish areas for individual residential dwelling units at relatively low densities where the traditional neighborhood character of single-family units prevail. The following regulations shall apply in all "R1" districts.

Response: The R1 zoning district allows single family dwellings as a 'by right' use. The minor use permit is required per Article 42.4(i) for setback reduction. .

ENVIRONMENTAL EVALUATION

This project is exempt from CEQA through a Class 3 categorical exemption, subsection 15303(c), which exempts residential development from undergoing a CEQA review.

SAMPLE MOTIONS:

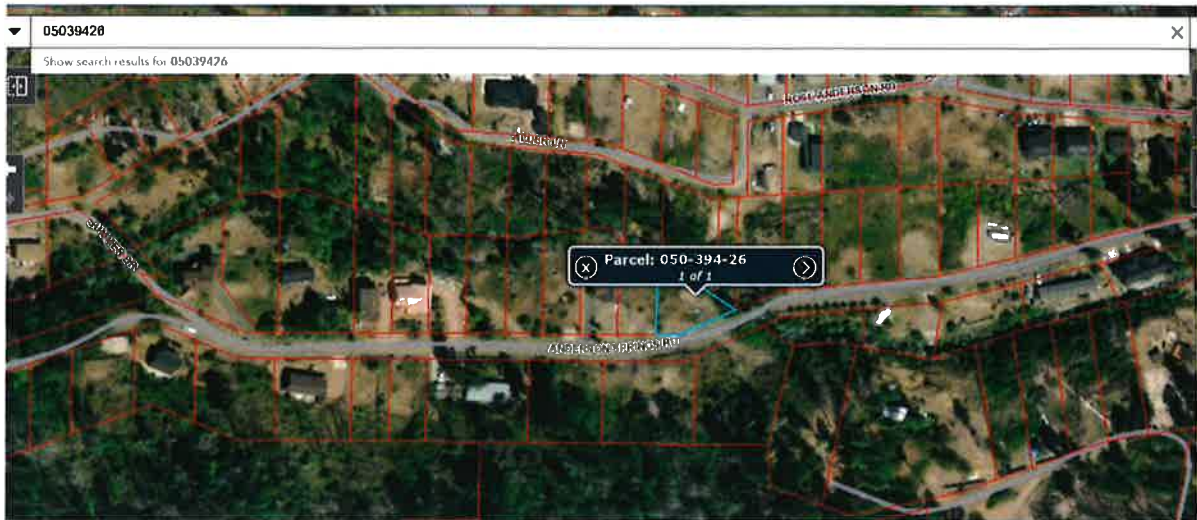
Categorical Exemption (CE 22-40):

I find that the **Minor Use Permit, MUP 22-05** applied for by **Ken Eaton** on property located at **11580 Anderson Springs Drive, Middletown**, further described as **APN: 050-394-26** is exempt from CEQA because it falls within Categorical Exemption Class 3, subsection 15303(c), based on the findings set forth in the Staff Report dated **July 6, 2022**.

Minor Use Permit Approval:

I find that the **Minor Use Permit, MUP 22-05** applied for by **Ken Eaton** on property located at **11580 Anderson Springs Drive, Middletown**, further described as **APN: 050-394-26** does meet the requirements of §42.4(i), §10 and §50.4 of the Lake County Zoning Ordinance and that the Zoning Administrator has reviewed and considered the Categorical Exemption which was adopted for this project and the Minor Use Permit be granted subject to the conditions and with the findings listed in the Staff Report dated **July 6, 2022**.

NOTE: The applicant or any interested person is reminded that the Zoning Ordinance provides for a seven (7) calendar day appeal period. If there is a disagreement with the Zoning Administrator's decision, an appeal to the Planning Commission may be filed. The appropriate forms and applicable fee must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Zoning Administrators final determination.



VICINITY MAP

**COUNTY OF LAKE
MINOR USE PERMIT; MUP 22-05
CATEGORICAL EXEMPTION; CE 22-40
KEN EATON ON BEHALF OF THE HILL FAMILY**

Pursuant to the approval of the Lake County Zoning Administrator on July 6, 2022, there is hereby granted to **Ken Eaton on behalf of the Hill Family** a minor use permit to allow reduced setbacks on a property located at **11580 Anderson Springs Drive, Middletown, CA** and being Assessor Parcel No. **050-394-26**, with the following findings and subject to the following terms and conditions:

Findings:

1. The project is compatible with surrounding land uses.
2. The project is exempt from CEQA pursuant to §15303(c), Categorical Exemptions Class 3, which exempts construction of small residential facilities or structures.
3. The project is consistent with the Lake County General Plan, the Middletown Area Plan, and all applicable sections of the Lake County Zoning Ordinance.
4. All of the findings of §42.4(i), §10 and §50.4(a) of the Lake County Zoning Ordinance have been made.

Conditions:

1. This permit authorizes (1) the reduction of setbacks between the house and Anderson Creek from 30' to 22.5' measured at top of bank; (2) the reduction in side yard setback from 10' to 7.5' on the lot line adjacent to Anderson Springs Drive, and (3) a determination that 'front' for this property is that portion of the dwelling facing the creek. Minor modifications that do not result in increased environmental impacts may be approved in writing by the Community Development Director.
2. Prior to construction, an encroachment permit shall be obtained through Lake County Public Works Department. No commercial activity is authorized by this permit.
3. The permit holder shall permit the County of Lake or its representatives or designees to make periodic inspections at any reasonable time deemed necessary in order to assure that the activity being performed under the authority of this permit is in accordance with the terms and conditions prescribed herein.
4. This permit shall be null and void if not used by July 6, 2024, or if the use is abandoned for a period of two (2) years.
5. This permit may be revoked if the use for which the permit was granted is conducted as to be detrimental to the public health, safety or welfare, or as to be a nuisance. This permit shall be valid until it expires or is revoked pursuant to the terms of this permit and/or Chapter 21 of the Lake County Code.

Prepared by: EJP

Mary Darby, Director
COMMUNITY DEVELOPMENT DEPARTMENT

By: _____
Jim Feenan, Office Assistant III

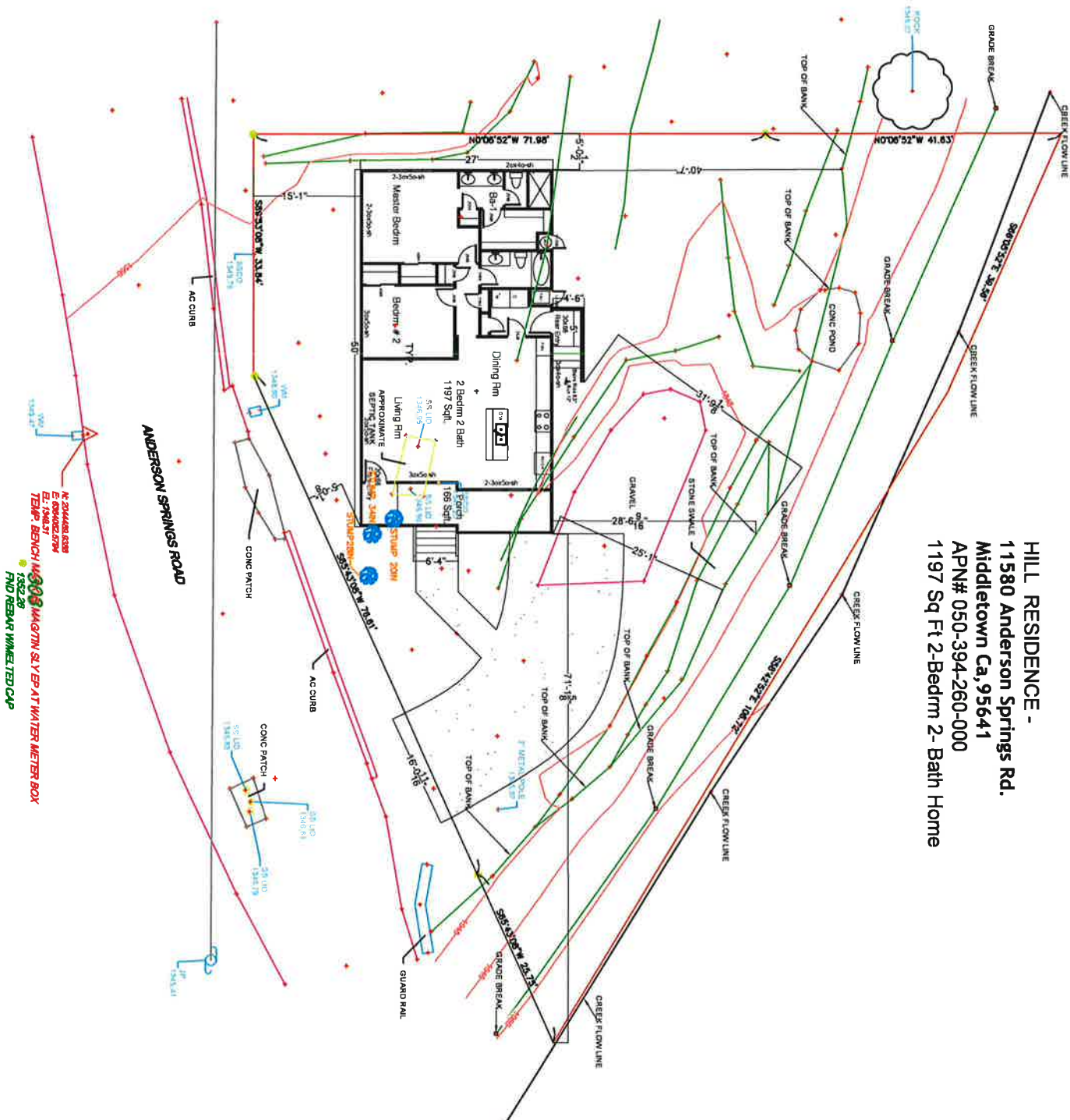
ACCEPTANCE

I have read and understand the foregoing Minor Use Permit and agree to each and every term and condition thereof.

Applicant or Authorized Agent

Printed Name

HILL RESIDENCE -
 11580 Anderson Springs Rd.
 Middletown Ca, 95641
 APN# 050-394-260-000
 1197 Sq Ft 2-Bedrm 2- Bath Home



Eric Porter

From: Scott DeLeon
Sent: Tuesday, May 24, 2022 1:01 PM
To: Eric Porter
Subject: RE: RFR - MUP 22-05, Hill; setback relief due to creek, slope and shape of lot

The Department of Public Works has no objection to the setback reduction. The driveway for the proposed residence shall be constructed (or upgraded) to County Standards, and an encroachment permit will be required from the Department of Public Works.

Scott De Leon
Director of Public Works

From: Eric Porter
Sent: Tuesday, May 24, 2022 12:44 PM
To: Ryan Lewelling <Ryan.Lewelling@lakecountyca.gov>; William Collins <William.Collins@lakecountyca.gov>; Jack Smalley <Jack.Smalley@lakecountyca.gov>; Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Tina Rubin <Tina.Rubin@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Cara Salmon <cara.salmon@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; Mary Darby <Mary.Darby@lakecountyca.gov>; Michael McGinnis <Michael.McGinnis@lakecountyca.gov>; Laura Hall <Laura.Hall@lakecountyca.gov>; Susan Parker <Susan.Parker@lakecountyca.gov>
Subject: RFR - MUP 22-05, Hill; setback relief due to creek, slope and shape of lot

Hi all,

Ken Eaton (kc properties) has applied for a minor use permit for the Hill family, who own a lot in Anderson Springs. The lot has a floodway due to the creek, and is steep. The minor use permit will enable the lot to be developed by allowing 25% setback reduction due to slope, proximity of the floodway and shape of the lot. Please have any comments you have back to me by June 9 if possible. Thanks, Eric Porter

Eric Porter

From: Lori Baca
Sent: Tuesday, June 7, 2022 8:36 AM
To: Eric Porter
Subject: RE: RFR - MUP 22-05, Hill; setback relief due to creek, slope and shape of lot

Eric,

Parcel 050-394-26 is within the new Anderson Springs Sewer service area. The proposed request should not impact the Districts ability to provide sewer service to the parcel.

Have a great day!

Lori A. Baca
Customer Service Supervisor
Lori.Baca@lakecountyca.gov
Office Number (707) 263-0119
Fax (707) 263-3836



From: Eric Porter
Sent: Tuesday, May 24, 2022 12:44 PM
To: Ryan Lewelling <Ryan.Lewelling@lakecountyca.gov>; William Collins <William.Collins@lakecountyca.gov>; Jack Smalley <Jack.Smalley@lakecountyca.gov>; Wink, Mike@CALFIRE <Mike.Wink@fire.ca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Tina Rubin <Tina.Rubin@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Cara Salmon <cara.salmon@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; Mary Darby <Mary.Darby@lakecountyca.gov>; Michael McGinnis <Michael.McGinnis@lakecountyca.gov>; Laura Hall <Laura.Hall@lakecountyca.gov>; Susan Parker <Susan.Parker@lakecountyca.gov>
Subject: RFR - MUP 22-05, Hill; setback relief due to creek, slope and shape of lot

Hi all,

Ken Eaton (kc properties) has applied for a minor use permit for the Hill family, who own a lot in Anderson Springs. The lot has a floodway due to the creek, and is steep. The minor use permit will enable the lot to be developed by allowing 25% setback reduction due to slope, proximity of the floodway and shape of the lot. Please have any comments you have back to me by June 9 if possible. Thanks, Eric Porter

Jim Feenan

From: classyis13@aol.com
Sent: Sunday, June 12, 2022 4:10 PM
To: Eric Porter
Subject: [EXTERNAL] 11580 Anderson Springs Rd

Dear Mr. Porter,

I received a letter in the mail regarding a hearing for new setbacks for this property. I was wondering if you can explain what sort of setbacks the property owner is requesting? The reason for my concern is I own the house at 11550 Anderson Springs Rd. and I am sure if you have driven by you know exactly what house I am referring to. When we were trying to get a building permit the county was very strict blaming FEMA and their 100 year flood is why we had to go up 13 feet. At the time of the build we had to go up 10 feet, but if we wanted to be grandfathered in we had to go up another 3 feet if we wanted to build before the new map came out and the county warned us the new map would probably **not** be in our favor so we decided to proceed forward and start building. As you go up and down Anderson Springs Rd. on the creek side you can clearly see the county is not being consistent to the setbacks. It cost us a fortune to build piers going up 13 feet. In fact, we wanted to put our water heater under the house and they were very clear that we had to be clear of any electrical or anything that is under our build to not obstruct the flow of water when we do get that 100 year flood. As you can see this was totally ridiculous, but this was the only way we were allowed to build. Then 6 months later they approved another build up the road to have flood vents and they were allowed to build to make it look enclosed and did not have to do the expensive piers that we had to do. As the buildings got approved you can see we are all over the place as far as set backs go. In fact they allowed a modular to build right on the ground just a few properties up.

I will be at this hearing because I am interested to see what has happened over the past 3 years and the decisions the county is allowing. It saddens me because we have older folks who can't make the stairs so therefore can't even visit us or stay in our cabin.

Thank you so much in advance for any feedback you can give me.

Sharon Orr

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2110111

LAKE COUNTY- COMMUNITY DEVELOPMENT DEPAR
ATTN: JIM FEENAN
255 NORTH FORBES ST
LAKEPORT, CA 95453

**Affidavit of Publication
STATE OF CALIFORNIA
County of Lake**

I, Molly E. Lane, being first duly sworn, depose and say: That at and during all the dates and times herein mentioned I was, and now am the legal clerk of the Lake County Record-Bee, a newspaper published for the dissemination of local or telegraphic news and intelligence of a general character, having a bona fide subscription list of paying subscribers, and which is, and has been, established, printed and published at regular intervals, to-wit: Daily (except Sunday and Monday) in the City of Lakeport, County and State aforesaid, for more than one year preceding the date of the publication below mentioned, a newspaper of general circulation, as that term is defined by Section 6,000 et al, of the Government Code of the State of California, and is not and was not during any said times, a newspaper devoted to the interests or denomination, or for any members of such classes, professions, trades, callings, races or denominations.

That at, and during all of said dates and times herein mentioned, affiant had and now has knowledge and charge of all notes and advertisements appearing in said newspaper; that the notice of which the annexed is printed copy, was published each week in the regular and entire issue of one or more number of the said newspaper during the period and times of publication thereof, to-wit:

For 1 issue published therein on the following date, viz: 06/16/2022;

that said notice was published in said newspaper proper and not in a supplement; that said notice, as so published, was set in type not smaller than nonpareil, and was preceded with words printed in black face type not smaller than nonpareil, describing and expressing in general terms the purport and character of said notice, as fully appears from the exact copy of said notice, which is hereto annexed as aforesaid.

Executed this 6th day of July, 2022 at Lakeport, California. I hereby declare under penalty of perjury that I have read the foregoing and that it is true and correct.



Molly E. Lane, Legal Clerk

RECEIVED

JUL 06 2022

LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT.

Legal No. 0006674852

RB22472

**NOTICE OF A PUBLIC HEARING FOR A MINOR
USE PERMIT AND CONSIDERATION OF THE
ADOPTION OF A CATEGORICAL EXEMPTION
TO THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT (CEQA)**

NOTICE IS HEREBY GIVEN that the County of Lake Zoning Administrator will hold a public hearing on Wednesday, July 6, 2022, at 2:00 p.m. in Conference Room C, located on the 3rd floor of the Lake County Courthouse, 255 N. Forbes Street, Lakeport, California, 95453, to consider approving a Minor Use permit application for David Hill (file no. MUP 22-05 and a Categorical Exemption to CEQA, CE 22-40). The proposed project is located at 11580 Anderson Springs Road, and is APN 050-394-26.

PROJECT DESCRIPTION: Minor use permit to reduce setbacks to property lines and to the creek. The project will be reviewed to be in accordance with Lake County Zoning Ordinance Article 50, Part 50.4; Article 42.4, Setback Exceptions, and Article 10, 'Low Density Residential' zoning district.

NOTICE IS FURTHER GIVEN that a determination has been made that this project is categorically exempt from CEQA review under CEQA §15303(c), and that this project would not trigger any of the circumstances that would require preparation of an EIR, or Negative Declaration under Public Resource Code section 21166 (14. Cal. Regulations. §15162 and 15164).

ALL INTERESTED PERSONS are invited to be present at the public hearing. All persons may provide public comment at the time and place indicated above. Additional information regarding this project may be obtained from Eric Porter, Associate Planner with the Community Development Department at (707) 263-2221 or eric.porter@lakecountyca.gov.

A staff report is available for review prior to the hearing upon request. If you challenge the action of the Planning Commission on any of the above stated items in court, it may be limited to only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Lake County Planning Commission at, or before, the public hearing. The following is a link to the Planning Commission Agenda posted 72 hours before the hearing: <https://countyoflake.legistar.com/Calendar.aspx>. Zoom information can be found on the Agenda.

Mary Darby, Director
COMMUNITY DEVELOPMENT DEPARTMENT
By: Jim Feenan, Office Administrator III
Publish: 6/16/22