

**RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CLEARLAKE**

RESOLUTION NO. PC 26-06

**APPROVAL OF MAJOR SUBDIVISION SUB-02-05 (BURNS VALLEY), LOCATED AT 2890
OLD HIGHWAY 53, CLEARLAKE; APN 010-048-08.**

WHEREAS, the Clearlake Community Development Department received a request for a major subdivision (SUB-02-05: Burns Valley) and

WHEREAS, the Clearlake Community Development Department prepared Initial Study IS-03-05 and circulated it for public review; and

WHEREAS, in the time, form and manner provided by law, notice of public hearing by the Commission was sent; and

WHEREAS, at its regular scheduled public meeting on June 20, 2006 and as continued to the July 18, 2006 Planning Commission held a public hearing and considered testimony from affected property owners, public and staff on Initial Study IS-03-05, and Major Subdivision SUB-02-05; and

WHEREAS, the Planning Commission adopted a mitigated negative declaration by separate resolution based upon Initial Study IS-03-05 for Major Subdivision SUB-02-05; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF CLEARLAKE AS FOLLOWS:

Based upon testimony received at the public hearings from the public and staff, the Planning Commission makes the following findings:

1. The property is zoned rural residential.
2. The property is bounded by compatibly zoned property.
3. The property is bounded by similarly subdivided parcels.
4. That substantial improvement above and beyond those included as conditions of project approval are not necessary for public health and safety or for the orderly development of the property and the surrounding area.
5. This project is consistent with the City of Clearlake General Plan, Zoning Ordinance and Land Division Ordinance.
6. This project is consistent with the State Subdivision Map Act.
7. As mitigated, this project will not result in any significant adverse environmental impacts and a Mitigated Negative Declaration has been adopted.

And subject to the following conditions:

General

1. Prior to building permit issuance, the developer/contractor shall submit building, landscaping, lighting and maintenance plans to the Community Development Department for design and zoning review and approval consistent with adopted regulations.
2. All construction shall be consistent with the approved plans and have Community Development and Engineering Department approvals prior to commencement of work.
3. The tentative map shall be valid for two years from date of approval, unless the applicant applies for and receives an extension in accordance with provisions of the Clearlake Municipal Code or receives an extension by State legislation. If the project applicant does not file a final map before the expiration of the tentative map, the project applicant must file a new tentative map in accordance with the Subdivision Map Act and applicable provisions of the Clearlake Municipal Code.
4. The owner shall allow City of Clearlake representatives or designees to make inspections as deemed necessary in order to assure that the activity being performed under authority of the tentative map and associated permits is in accordance with the terms and conditions prescribed herein.
5. Prior to construction, the applicant shall submit to the Regional Water Quality Control Board a Notice of Intent (NOI) and a Storm Water Pollution Prevention Plan (SWPPP) to comply with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit issued by the Regional Water Quality Control Board applicable to development over one acre in size.

Aesthetics

6. The project/applicant shall submit all information to the City for review, approval and incorporation into each deed as a restriction for all lots of record for formation and maintenance of Lighting, Landscaping and Maintenance (curb, gutters, streets and any other hard improvements) Districts. District Assessments are required to be maintained in accordance with the terms and imposed conditions.
7. The project shall incorporate existing oak trees into the landscaping design whenever feasible, as reviewed by an expert and accepted by the Community Development Director. Removal of any oak tree shall receive prior approval from the Director prior to removal, in addition to securing all necessary permits.
8. The project shall avoid the removal of oak trees within 100 feet of the centerline of State Route 53 whenever feasible. If oak trees must be removed, the project applicant shall conform to condition #6 above and submit plans and replace removed oak trees at a ratio of 1.5 trees planted for every one tree removed. Replacement trees shall be no less than 15 gallon and shall be incorporated into the Landscaping Assessment District. The City, in consultation with the project applicant, shall determined the location of planting the replacement trees, with preference to be given to on-site planting if feasible. A monitoring plan shall be prepared and implemented to ensure that planted trees remain viable for one year and remain in a live and healthy condition as required with the Landscaping Assessment document. Alternatively, the City and project applicant may establish an oak mitigation fund in which the project applicant shall contribute an established amount for every

tree or for every inch of dbh that is removed from the project site. The City may use the funds for the replanting of oak trees at a 1.5:1 ratio at a site determined by the City.

9. The project applicant shall identify heritage oak trees on the final map. If heritage oak trees must be removed, the project applicant shall plant replacement trees at a ratio of two trees planted for every one tree removed, at a minimum of 15 gallon ratio, to be planted and maintained in a live and healthy condition for every one heritage oak tree removed. Identical to condition #8, prior approval and permit is required prior to removal of any trees. The City, in consultation with the project applicant, shall determine the location of planting the replacement trees, with preference to be given to on-site planting if feasible. A monitoring plan shall be prepared and implemented to ensure that planted trees remain viable for one year and remain in a live and healthy condition as required within the Landscaping Assessment documents. Alternatively, the City and project applicant may establish an oak mitigation fund in which the project applicant shall contribute an established amount for every tree or for every inch of dbh that is removed from the project site. The City may use the funds for the replanting of oak trees at a 2:1 ratio at a site determined by the City.

Air Quality

10. Construction activities shall be conducted with adequate dust suppression methods, including watering during grading and construction to limit the generation of fugitive dust, or other methods approved by the Lake County Air Quality Management District. Prior to initiating soil removing activities for construction purposes, the applicant shall pre-wet affected areas with at least 0.5 gallons of water per square yard of ground area to control dust.
11. The applicant shall secure a grading permit from the Community Development Department and shall adhere to all grading permit conditions, including Best Management Practices. All areas disturbed by grading shall be either paved with concrete or asphaltic concrete, landscaping or erosion control hydroseed mixture, as approved by the Director.
12. The burning of construction debris is prohibited. Any disposal of vegetation removed as a result of lot clearing shall be lawfully disposed of, in an acceptable recycling practice, or as authorized by the Lake County Air Quality Management District and Lake County Fire Protection District.
13. During construction activities, the applicant shall remove daily accumulation of mud and dirt on paved access lanes that serve the project site.
14. The project applicant shall include CC&R's on the project site, and make a notation on the subdivision map, that prohibit residential open burning and the keeping of large or non-domestic animals within the subdivision. For purposes of clarification, domestic animals include cats, dogs, limited indoor birds and other acceptable types of small domestic animals normally maintained at a single family residence as approved by the Director, or if uncertain, Planning Commission.

Biological Resources

15. No buildings or accessory structures shall be placed within 40 feet of the bank of the seasonal creek. No construction or grading activities, including the placement of equipment and materials, shall occur within 40 feet of the bank of the seasonal creek, except for any flood control facilities that may be installed as part of Condition #28. No vegetation within this buffer shall be removed unless it poses a safety hazard, as approved by the Community Development and/or Fire Departments.
16. Per California Department of Fish and Game (DFG) regulations, the project is not considered to have a *de minimus* impact on the environment. Therefore, the project applicant shall pay the fee required by DFG for Negative Declarations on projects.

Cultural Resources

17. In the event that archaeological remains or artifacts are uncovered during construction activities, work shall be stopped and a qualified archaeologist shall survey the site. The archaeologist shall submit a report with recommendations on the disposition of the site. Disposition may include, but is not limited to, excavation and documentation, capping the site, or leaving the site in an open space area. The recommendations of the archaeologist shall be incorporated in the project.

Geology and Soils

18. The proposed development shall be designed and constructed in accordance with the most current applicable Building Codes, including the Uniform Building Code (UBC) and the California Building Code (CBC), as determined by the Community Development Department of the City of Clearlake.
19. Design and construction associated with the project shall adhere to the recommendations made in the Preliminary Geotechnical Investigation prepared by PJC & Associates dated January 19, 2006.
20. Prior to issuance of building permits, the project applicant shall demonstrate to the Lake County Environmental Health Department and the City Engineer that proposed septic systems shall function satisfactorily. The City Engineer and contractual Lake County Environmental Health Departments shall approve all septic systems and the applicant shall receive all necessary approvals and permits, according to applicable standards. Per Clearlake Municipal Code Section 18-5.503, discharge of liquid waste into creeks or ditches is prohibited.

Hazards and Hazardous Materials

21. Equipment fueling and service shall be conducted at a per approved/designated location other than the project site, including local gas stations or repair shops, by the City.
22. Any spills resulting from fueling or hydraulic line breaks will be contained and cleaned up immediately, according to applicable standards.
23. During construction activities, equipment shall be maintained and kept in good operating condition to reduce the likelihood of line breaks and leakage.
24. No refueling or servicing shall be done without absorbent materials (i.e., absorbent pads, mats, socks, pillows and granules) or drip pans underneath to contain spilled materials.

Hydrology and Water Quality

25. The project applicant shall secure a NPDES General Stormwater Permit for construction activities prior to their start. As part of the NPDES permit process, the project applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) that outlines the Best Management Practices (BMPs) to be employed during construction activities to minimize storm water pollution. The SWPPP also shall include Best Construction Practices to be employed in the clearing and grading of the project site and for other scheduled construction activities.
26. Prior to the commencement of any grading activity on-site, the applicant/contractor shall install structural control measures to reduce erosion and retain sedimentation. Measures may include, but are not limited to, stabilization of control entrance, temporary gravel and construction entrance, installation of a temporary gravel construction entrance, and installation of filter fabric fences. These measures shall be listed in the required SWPPP for the project. The applicant shall remove all temporary erosion control facilities upon stabilization of the entire project site, as approved by the City Engineer.

27. During construction, the applicant and the contractor of record shall exercise BMPs, such as daily street sweeping and the placement of erosion control measures on-site, to minimize storm water pollution. The BMPs shall be listed in the required SWPPP for the project. The contractor shall designate a primary contact person who shall be available to the City of Clearlake in the event of noted storm damage or storm event. Said person shall be responsible for inspection of all erosion control facilities.
28. The proposed project shall be constructed in accordance with the Lake County Clean Water Program Storm Water Management Plan and/or applicable standards, whichever are the most restrictive.
29. Prior to the issuance of building permits, the project applicant shall submit a plan to control potential flooding of residences from the seasonal creek traversing the project site. The flood control plan may include, but is not limited to, the construction of berms or other structures to hold back flood waters. The flood control plan shall provide adequate flood protection in accordance with the standards set forth in the City's Storm Water Drainage Plan, and shall not conflict with its objectives and programs. It also shall include a mechanism to finance any constructed improvements and their maintenance.

Noise

30. The hours of construction shall be limited to 7:00 A.M to 6:00 P.M. Monday through Friday, and 9:00 A.M. to 4:00 P.M. on Saturday. Construction is prohibited on Sundays and holidays.
31. Prior to issuance of building permits, the project applicant shall submit to the City an acoustical study demonstrating that proposed residences on the project site would have interior noise levels that do not exceed 45 dB CNEL. All design and construction measures cited in the study that will enable the residences to meet the required interior noise levels shall be incorporated in the project.

Public Services (Lake County Fire Protection District)

32. Per the recommendation of the Lake County Fire Protection District, the project applicant also shall include an additional fire hydrant on Road A, halfway between Old Highway 53 and the cul-de-sac. The fire hydrant shall comply with applicable City and Fire District standards.
33. The project applicant shall include CC&R's, and make a notation on the subdivision map, that prohibit parking on both sides of the roads extending onto the project site. Signs indicating no street parking shall be posted at appropriate locations on both roads to the satisfaction of the Community Development Department, as enforceable by the Police Department.

Transportation/Traffic

34. The project/applicant shall submit all information to the City for review, approval and incorporation into each deed as a restriction for all lots of record for formation of a Maintenance District (curb, gutters, storm drains, streets and any other hard improvements). District Assessments are required to be maintained in accordance with the terms and imposed conditions.
35. Old Highway 53 shall be widened to provide a 40-foot curb-to-curb section. The right of way should be provided equally on both sides of the street, therefore an additional 5 feet shall be dedicated along the east side of Old Highway 53 in association with this development. The street improvements shall include the widening of the existing street to provide a 20-foot street section from centerline to face of curb, the installation of curb, gutter, sidewalk, storm drainage, street lighting and signage in conformance with the City of Clearlake's Street Standards. Repaving and

re-stripping of the easterly half of Old Highway 53 is required to provide a uniform paving transition from the existing center of Old Highway 53 to the new curb and gutter.

36. The street widening on Old Highway 53 shall include the widening of the existing bridge north of Road A, within the subdivision's boundaries.
37. Proposed roads A & B should be fully improved with curb, gutter, sidewalk, storm drainage, streetlights and signage in conformance with the City of Clearlake's Street Standards or more restrictive applicable standards.
38. Prior to the start of grading or any land disturbance, a storm drain study shall be prepared by a registered civil engineer for this subdivision to determine what drainage improvements, size and location are needed, and what if any downstream impacts may need to be mitigated.
39. The Burns Valley Creek 100-year flood plain shall be depicted on the tentative map.
40. The developer/builder shall pay traffic impact fees that are in place at the time the building permit is applied for and granted.

Utilities and Service Systems


41. Prior to the start of construction, the project applicant shall submit three sets of site plans to Highlands Water Company for review by its engineer and manager. The project applicant also shall submit a flow analysis to Highlands Water Company to determine if the existing distribution system can adequately serve the project.

As a point of clarification and prior to recordation of the final subdivision map, the applicant is responsible for, in cooperation with the City, for the formation of a lighting, landscape and maintenance assessment district for the installation and maintenance of street lighting, landscaping and maintenance of common areas and public right of way associated with this project. The assessment district shall be based on an engineering study to determine construction, installation and ongoing maintenance costs. The formation of the assessment district shall include an annual cost of inflation based on an approved index method as determined by the city engineer and the city finance director. The formation of the district and the language shall be reviewed and approved by the City Attorney prior to the recordation of the Final Map.

PASSED AND ADOPTED by the Planning Commission of the City of Clearlake, County of Lake, State of California on this 18th day of July, 2006, by the following vote:

AYES: 4
NOES: 0

ABSENT OR NOT VOTING: 1 vacant seat



Bob Gordon, Chairman

ATTEST:



Judith L. Mayjoffo, Recording Secretary

ATTACHMENT 6

Conditions of Approval for SUB-02-05 (Burns Valley)

General

1. Prior to building permit issuance, the developer/contractor shall submit building, landscaping, lighting, and maintenance plans to the Community Development Department for design and zoning review and approval consistent with adopted regulations.
2. All construction shall be consistent with the approved plans and have Community Development and Engineering Department approvals prior to commencement of work.
3. The tentative map shall be valid for two years from date of approval, unless the applicant applies for and receives an extension in accordance with provisions of the Clearlake Municipal Code or receives an extension by State legislation. If the project applicant does not file a final map before the expiration of the tentative map, the project applicant must file a new tentative map in accordance with the Subdivision Map Act and applicable provisions of the Clearlake Municipal Code.
4. The owner shall allow City of Clearlake representatives or designees to make inspections as deemed necessary in order to assure that the activity being performed under authority of the tentative map and associated permits is in accordance with the terms and conditions prescribed herein.
5. Prior to construction, the applicant shall submit to the Regional Water Quality Control Board a Notice of Intent (NOI) and a Storm Water Pollution Prevention Plan (SWPPP) to comply with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit issued by the Regional Water Quality Control Board applicable to development over one acre in size.

Aesthetics

6. The project/applicant shall submit all information to the City for review, approval and incorporation into each deed as a restriction for all lots of records for formation of Landscaping, Lighting and Maintenance (curb, gutters, streets, storm drains and any other hard improvement) District. District Assessments are required to be maintained in accordance with the terms and imposed conditions.
7. The project shall incorporate existing oak trees into the landscaping design whenever feasible, as reviewed by an expert and accepted by the Community Development Director. Removal of any oak trees shall receive prior approval from the Director, in addition to securing necessary permits.
8. The project shall avoid the removal of oak trees within 100 feet of the centerline of State Route 53 whenever feasible. If oak trees must be removed, the project applicant shall conform to condition #6 and submit plans and shall plant replacement trees at a ratio of 1.5 trees planted for every one tree removed. Replacement trees shall be at no less than 15 gallons and a guarantee shall be incorporated into the Landscaping Assessment District. The City, in consultation with the project applicant, shall determine the location of planting the replacement trees, with preference to be given to on-site planting if feasible. A monitoring plan shall be prepared and implemented to ensure that planted trees remain viable for one year and remain in a live and healthy condition as required within the Landscaping Assessment documents. Alternatively, the City and project applicant may establish an oak mitigation fund in which the project applicant shall contribute an established amount for every

tree or for every inch of dbh that is removed from the project site. The City may use the funds for the replanting of oak trees at a 1.5:1 ratio at a site determined by the City.

9. The project applicant shall identify heritage oak trees on the final map. If heritage oak trees must be removed, the project applicant shall plant replacement trees at a ratio of two trees planted for every one tree removed, at a minimum gallon ratio of 15 gallons, to be planted and maintained in a live and healthy condition. The City, in consultation with the project applicant, shall determine the location of planting the replacement trees, with preference to be given to on-site planting if feasible. A monitoring plan shall be prepared and implemented to ensure that planted trees remain viable for one year and remain in a live and healthy condition as required within the Landscaping Assessment document. Alternatively, the City and project applicant may establish an oak mitigation fund in which the project applicant shall contribute an established amount for every tree or for every inch of dbh that is removed from the project site. The City may use the funds for the replanting of oak trees at a 2:1 ratio at a site determined by the City.

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11. The applicant shall secure a grading permit from the Community Development Department and shall adhere to all grading permit conditions, including Best Management Practices. All areas disturbed by grading shall be either paved with concrete or asphaltic concrete, landscaping or erosion control hydroseed mixture, as approved by the Director.
12. The burning of construction debris is prohibited. Any disposal of vegetation removed as a result of lot clearing shall be lawfully disposed of in an acceptable recycling practice to the City, or as authorized by the Lake County Air Quality Management District and the Lake County Fire Protection District.
13. During construction activities, the applicant shall remove daily accumulation of mud and dirt on paved access lanes that serve the project site.
14. The project applicant shall include CC&R's on the project site, or make a notation on the subdivision map, that prohibit residential open burning and the keeping of large or non-domestic animals within the subdivision. For purposes of clarification, domestic animals include cats, dogs, limited indoor birds and other acceptable types of small domestic animals normally maintained at a single family residence, as approved by the Director, or if uncertain, Planning Commission.

Biological Resources

15. No buildings or accessory structures shall be placed within 40 feet of the bank of the seasonal creek. No construction or grading activities, including the placement of equipment and materials, shall occur within 40 feet of the bank of the seasonal creek, except for any flood control facilities that may be installed as part of Condition #28. No vegetation within this buffer shall be removed unless it poses a safety hazard, as approved by the Community Development and/or Fire Departments.
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26. Prior to the commencement of any grading activity on-site, the applicant/contractor shall install structural control measures to reduce erosion and retain sedimentation. Measures may include, but are not limited to, stabilization of control entrance, temporary gravel and construction entrance, installation of a temporary gravel construction entrance, and installation of filter fabric fences. These measures shall be listed in the required SWPPP for the project. The applicant shall remove all temporary erosion control facilities upon stabilization of the entire project site, as approved by the City Engineer.

27. During construction, the applicant and the contractor of record shall exercise BMPs, such as daily street sweeping and the placement of erosion control measures on-site, to minimize storm water pollution. The BMPs shall be listed in the required SWPPP for the project. The contractor shall designate a primary contact person who shall be available to the City of Clearlake in the event of noted storm damage or storm event. Said person shall be responsible for inspection of all erosion control facilities.
28. The proposed project shall be constructed in accordance with the Lake County Clean Water Program Storm Water Management Plan and/or applicable standards, whichever is the most restrictive.
29. Prior to the issuance of building permits, the project applicant shall submit a plan to control potential flooding of residences from the seasonal creek traversing the project site. The flood control plan may include, but is not limited to, the construction of berms or other structures to hold back floodwaters. The flood control plan shall provide adequate flood protection in accordance with the standards set forth in the City's Storm Water Drainage Plan, and shall not conflict with its objectives and programs. It also shall include a mechanism to finance any constructed improvements and their maintenance.

Noise

30. The hours of construction shall be limited to 7:00 A.M to 6:00 P.M. Monday through Friday, and 9:00 A.M. to 4:00 P.M. on Saturday. Construction is prohibited on Sundays and holidays.
31. Prior to issuance of building permits, the project applicant shall submit to the City an acoustical study demonstrating that proposed residences on the project site would have interior noise levels that do not exceed 45 dB CNEL. All design and construction measures cited in the study that will enable the residences to meet the required interior noise levels shall be incorporated in the project.

Public Services (Lake County Fire Protection District)

32. Per the recommendation of the Lake County Fire Protection District, the project applicant also shall include an additional fire hydrant on Road A, halfway between Old Highway 53 and the cul-de-sac. The fire hydrant shall comply with applicable City and Fire District standards.
33. The project applicant shall include CC&R's, and make a notation on the subdivision map, that prohibit parking on both sides of the roads extending onto the project site. Signs indicating no street parking shall be posted at appropriate locations on both roads, to the satisfaction of the Community Development Department, as enforceable by the Police Department.

Transportation/Traffic

34. Old Highway 53 shall be widened to provide a 40-foot curb-to-curb section. The right of way should be provided equally on both sides of the street, therefore an additional 5 feet shall be dedicated along the east side of Old Highway 53 in association with this development. The street improvements shall include the widening of the existing street to provide a 20-foot street section from centerline to face of curb, the installation of curb, gutter, sidewalk, storm drainage, street lighting and signage in conformance with the City of Clearlake's Street Standards. Repaving and re-stripping of the easterly half of Old Highway 53 is required to provide a uniform paving transition from the existing center of Old Highway 53 to the new curb and gutter.
35. The street widening on Old Highway 53 shall include the widening of the existing bridge north of Road A, within the subdivision's boundaries.

36. Proposed roads A & B should be fully improved with curb, gutter, sidewalk, storm drainage, streetlights and signage in conformance with the City of Clearlake's Street Standards.
37. Prior to the start of grading or any land disturbance, a storm drain study shall be prepared by a registered civil engineer for this subdivision to determine what drainage improvements, size and location are needed, and what if any downstream impacts may need to be mitigated.
38. The Burns Valley Creek 100-year flood plain shall be depicted on the tentative map.
39. The developer/builder shall pay any traffic impact fees that are in place at the time the building permit is applied for and granted.

Utilities and Service Systems

39. Prior to the start of construction, the project applicant shall submit three sets of site plans to Highlands Water Company for review by its engineer and manager. The project applicant also shall submit a flow analysis to Highlands Water Company to determine if the existing distribution system can adequately serve the project.
40. Prior to recordation of the final subdivision map, the applicant is responsible for, in cooperation with the City, the formation of a lighting and landscape assessment district for the installation and maintenance of street lighting and landscaping of common areas and public right of way associated with this project. The assessment district shall be based on an engineering study to determine construction, installation and ongoing maintenance costs. The formation of the assessment district shall include an annual cost of inflation based on an approved index method as determined by the city engineer and the city finance director. The formation of the district and the language shall be reviewed and approved by the City Attorney prior to the recordation of the Final Map.

As a point of clarification and prior to recordation of the final subdivision map, the applicant is responsible for, in cooperation with the City, for the formation of a lighting, landscape and maintenance assessment district for the installation and maintenance of street lighting, landscaping and maintenance of common areas and public right of way associated with this project. The assessment district shall be based on an engineering study to determine construction, installation and ongoing maintenance costs. The formation of the assessment district shall include an annual cost of inflation based on an approved index method as determined by the City Engineer and the City Finance Director. The formation of the district and language shall be reviewed and approved by the City Attorney prior to the recordation of the Final Map.