



**COUNTY OF LAKE**  
COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Division  
Courthouse - 255 N. Forbes Street  
Lakeport, California 95453  
Telephone 707/263-2221 FAX 707/263-2225

Item #2  
2:05 p.m.  
July 6, 2022

## STAFF REPORT

**TO:** Zoning Administrator

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

**SUBJECT:** Design Review for Mar Val Market Solar; DR22-03, CE22-37

**DATE:** July 6, 2022

**ATTACHMENTS:**

1. Vicinity Map
2. Agency Comments
3. Site Plan
4. Proposed Conditions

This staff report includes five sections (Sections I through V). Section I provides an executive summary of the proposed project; Section II provides an analysis of the proposed project, including how the proposed project is in conformance with different plans that provide a blueprint for development within the County, and the regulations that implement those plans. Section III provides a summary of compliance with the California Environmental Quality Act (CEQA). Section IV includes recommendations on actions that the Zoning Administrator can take for approval of the proposed project; and Section V provides staff's recommendations for sample motions.

### I. EXECUTIVE SUMMARY

The applicant is requesting approval of Design Review for a 238.8 kW roof-mounted solar array including three 86.4 kW solar panels. The site presently contains the Mar Val Market. The project would also include three 39'-6" by 119'-8" carports. See next page for aerial photo.

Staff recommends **approval** of DR 22-03 and **adoption** of Categorical Exemption to CEQA review under CEQA section 15301(e)(2); file no. CE 22-37.

### **Project Description**

Owner: Larry and Frances Montgomery

Applicant: K12 Solar Inc., 4821 Golden Foothill Pkwy, #220; El Dorado Hills

Location: 2265 E. Highway 20, Nice, CA

A.P.N.: 004-055-46

**EXISTING BUILDING AS SEEN FROM INTERIOR PARKING AREA**



**Source: Google Earth Pro**

**Site Plan**



**Source: Material Submitted by Applicant**

General Plan: Community Commercial  
Zoning: "C2- DR", Service Commercial-Design Review  
Parcel Size: 4.39 acres  
Fire District: Northshore Fire Protection District  
Flood Zone: X (very low flood risk)  
School District: Lucerne Elementary School District.  
Supervisory District: 3  
Water Supply: California Water Company  
Sewage Disposal: Lake County Special Districts

***Project Setting***

Existing uses and improvements: Large grocery store building and parking lot

Surrounding Zoning / Land Uses (see Zoning Map, next page):

North: "PDC" vacant and Highway 20  
East: "C3-DR" vacant; one to three acres in size  
South: "M2" Heavy Industrial, vacant; 5+ acres  
West: "RR" Rural Residential; vacant large lots

Topography: Flat  
Vegetation: Some introduced trees  
Access: Nice – Lucerne Cutoff

**II. PROJECT ANALYSIS**

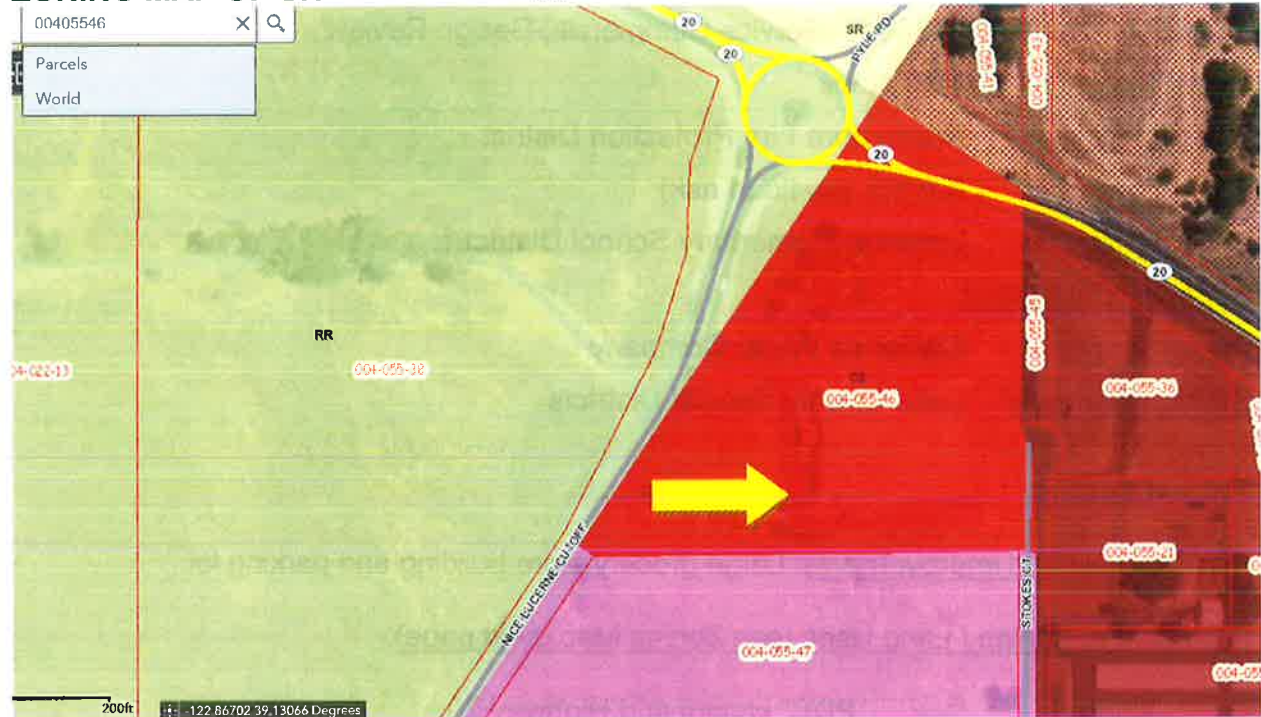
**GENERAL PLAN CONFORMANCE**

**Community Commercial**

The purpose of this land use category is to provide a full range commercial retail and service commercial establishments serving multiple neighborhoods or the entire community. These districts should include or enable a variety of convenience and shopping opportunities. Typical uses that would be permitted include gasoline service stations, hardware stores, eating and drinking establishments, food and beverage sales, public buildings, general merchandise stores, professional offices, and finance offices. Multi-family residential uses are permitted as secondary uses on upper floors of multi-story buildings. This designation is located primarily within Community Growth Boundaries, and may be allowed outside of the boundaries for purposes of expanding existing commercial developments that are already located outside of said boundaries.



### ZONING MAP OF SITE AND VICINITY



Source: Lake County GIS Mapping

#### Policy LU-1.1 Smart Growth

The County shall promote the principles of smart growth, including:

- directing growth toward existing communities;
- discouraging sprawl;
- encouraging infill

**Response:** The site is located within the Nice Urban Growth Boundary on land with an existing market and parking lot. This project does not require expansion of the building or any changes to the footprint on the site.

#### UPPER LAKE - NICE AREA PLAN CONFORMANCE

The project is within the upper Lake - Nice Area Plan boundary. Certain policies apply to this proposal, as follows:

##### Energy Conservation

- When solar panels are proposed, it is encouraged that they be integrated into the roof design, flush with the roof slope. Frames should match the roof color. Support solar equipment should be enclosed and screened from view.

**Response:** According to the application materials submitted, the proposed roof-mounted solar array will not be visible from the Highway or from neighboring lots due to

*the configuration of the existing roof on the market, which has parapets that extend up above the flat roof surface by several feet. Elevations of the carports were not provided, however the solar panels are roof-mounted and not visible from the highway.*

## **ZONING ORDINANCE CONFORMANCE**

### **Article 54.5, Design Review – Findings Required for Approval**

(a) The Review Authority shall only approve or conditionally approve a design review permit if all of the following findings are made:

1. That the proposed use is a permitted use in the district where located.

***Response:*** *The retail use is established. The solar panels are permitted in the C2 zoning district if they are screened from view as is the case with this proposal.*

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 site is about 4.4 acres in size and is developed with the market and parking lot. The project would add three new carports with roof mounted solar; each carport would have a footprint of 39'-6" by 119'-8" (4824 sq. ft.), and would enable 20 cars to park under each carport.*

3. That there are adequate public or private services, including but not limited to fire protection, water supply, and sewage disposal.

***Response:*** *The California Water Company oversees the public water serving this site, and County of Lake Special Districts oversees sewer lines serving this site. Police protection is provided by the Lake County Sheriff's Department, Fire protection is provided by the Northshore fire district. The solar array will not have any effect on public or private services.*

4. That the project is in conformance with the applicable provisions and policies of this Chapter, the Lake County General Plan and any approved zoning or land use study or plan.

***Response:*** *The project was evaluated for compliance with the Lake County General Plan, the Upper Lake - Nice Area Plan, and the applicable portions of the Lake County Zoning Ordinance. The project complies with the applicable goals, policies, standards and criteria found in each of the referenced Plans.*

5. That the placement and design of buildings and structures are compatible with existing development and will not detract from the visual setting.

***Response:*** *The project is located in the Service Commercial "C2" zoning district and is a permitted use in the district. The solar array will not be visible from either the highway*

*or from neighboring lots due to the height of the building coupled with the height of the parapet that will shield the array from view.*

6. That the project is in conformance with any applicable community design manual criteria.

**Response:** *The proposed solar arrays are permitted at this location.*

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

**Response:** *The site fronts the Nice-Luceme Cutoff. CalTrans and the Lake County Road Department was notified of this proposal and had no adverse comments.*

8. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.

**Response:** *There are no violations of Chapters 5, 17, 21, 23 or 26 of the Lake County Code.*

### **Article 19.3, C2 Service Commercial Zoning District; Uses permitted**

**Response:** *Solar arrays are identified as 'commercial accessory uses', which are a 'by right' use in the C2 zoning district but subject to Design Review approval.*

### **III. ENVIRONMENTAL EVALUATION**

A project is required to be analyzed for potential environmental impacts before a determination of 'exemption' can be made. The portion of the building to be used for the new solar array has parapets that will conceal the array from view from the highway and from neighboring properties. The project qualifies as a Class 1 exemption under the following subsection:

#### **15301. EXISTING FACILITIES**

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use. In this case the only change is the addition of solar panels on the roof of the existing building. The three new carports will be built on top of what is now existing pavement. No new site disturbance is needed for these carports.

**IV. RECOMMENDATION**

Staff recommends that the Zoning Administrator take the following actions:

- A. Find that the project is categorically exempt from CEQA under CEQA section 15301(e)(2).
- B. Approve DR 22-03 with the following findings:
  - 1. The project is in substantial conformance with the Lake County Zoning Ordinance, the Lake County General Plan and the Upper Lake - Nice Area Plan.
  - 2. The project is compatible with surrounding land uses.
  - 3. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood nor will the project be detrimental to properties and improvements in the neighborhood or the general welfare of the County.
  - 4. The parcel is adequate size to support the proposed roof-mounted solar array.
  - 5. The existing roads and pedestrian facilities are adequate to support the proposed solar array.
  - 6. There are adequate water, sewer and power services to serve the project.
  - 7. This project will not result in any significant adverse environmental impacts and a Categorical Exemption is under consideration.
  - 8. That no violation of Chapters 5, 17, 21, 23, or 26 of the Lake County Code currently exists on the property.

**V. RECOMMENDED MOTIONS**

**A. Categorical Exemption Approval CE 22-37**

I find that this project, applied for by K12 Solar Inc. on property located at 2265 E. Highway 20, Nice, CA, and identified as Assessor Parcel Number 004-055-46 is exempt from CEQA because it falls within Categorical Exemption under CEQA section 15301(e)(2) and with the findings listed in the staff report dated July 6, 2022.

**B. Design Review Approval DR 22-03**

I find that the Design Review Permit (file no. DR 22-03) applied for by K12 Solar Inc. on property located at 2265 E. Highway 20, Nice, CA, and identified as Assessor Parcel Number 004-055-46 meets the requirements of Section 54.5 of the

Lake County Zoning Ordinance and hereby approve the Design Review Permit 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 Lake County 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 Administrator's final determination.*

Staff Report Reviewed By: \_\_\_\_\_  
Mary Darby, CDD Director





VICINITY MAP

## Eric Porter

---

**From:** Lori Baca  
**Sent:** Friday, May 13, 2022 1:18 PM  
**To:** Eric Porter  
**Subject:** RE: DR 22-03, Mar Val Market, roof-mounted solar array

Eric,

The parcel 004-055-46 is an actively billed account within LACOSAN, however, the proposed project will not impact the Districts ability to continue to provide services.

Have a great day!

### Lori A. Baca

Customer Service Supervisor

[Lori.Baca@lakecountyca.gov](mailto:Lori.Baca@lakecountyca.gov)

Office Number (707) 263-0119

Fax (707) 263-3836



**From:** Eric Porter  
**Sent:** Friday, May 13, 2022 10:54 AM  
**To:** William Collins <William.Collins@lakecountyca.gov>; Jack Smalley <Jack.Smalley@lakecountyca.gov>; ROBERTSON, JESSE GRAHAM@DOT <jesse.robertson@dot.ca.gov>; Mike Ciancio <chief800@northshorefpd.com>; Tina Rubin <Tina.Rubin@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Cara Salmon <cara.salmon@lakecountyca.gov>; Mary Darby <Mary.Darby@lakecountyca.gov>; Michael McGinnis <Michael.McGinnis@lakecountyca.gov>; Susan Parker <Susan.Parker@lakecountyca.gov>  
**Subject:** DR 22-03, Mar Val Market, roof-mounted solar array

Hi all,

The applicant had to apply for Design Review because the property is in the DR combining district. This is a small project to allow roof-mounted solar on an existing market and three existing car ports.

Please have any comments back to me within two weeks of receipt of this notice.

Thanks,

## Eric Porter

---

**From:** Jack Smalley  
**Sent:** Friday, May 13, 2022 3:13 PM  
**To:** Eric Porter; William Collins; ROBERTSON, JESSE GRAHAM@DOT; Mike Ciancio; Tina Rubin; Lori Baca; Cara Salmon; Mary Darby; Michael McGinnis; Susan Parker  
**Subject:** RE: DR 22-03, Mar Val Market, roof-mounted solar array

Hey Eric I talked to Chief Ciancio from Northshore Fire and he has seen this project and told me he does not need to review the project any further and I have an email verifying that.



**Jack Smalley**  
**Plans Examiner II**  
Department of Community Development  
255 N. Forbes St.  
Lakeport, CA 95453  
Phone: (707) 263-2382  
Fax: (707) 262-1843  
Email: [jack.smalley@lakecountyca.gov](mailto:jack.smalley@lakecountyca.gov)

STAY CONNECTED:



### CONFIDENTIAL OR PRIVILEGED:

This communication contains information intended only for the use of the individuals to whom it is addressed and may contain information that is privileged, confidential or exempt from other disclosure under applicable law. If you are not the intended recipient, you are notified that any disclosure, printing, copying, distribution or use of the contents is prohibited. If you have received this in error, please notify the sender immediately by telephone or by returning it by reply e-mail and then permanently deleting the communication from your system.

**From:** Eric Porter  
**Sent:** Friday, May 13, 2022 10:54 AM  
**To:** William Collins <William.Collins@lakecountyca.gov>; Jack Smalley <Jack.Smalley@lakecountyca.gov>; ROBERTSON, JESSE GRAHAM@DOT <jesse.robertson@dot.ca.gov>; Mike Ciancio <chief800@northshorefpd.com>; Tina Rubin <Tina.Rubin@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Cara Salmon <cara.salmon@lakecountyca.gov>; Mary Darby <Mary.Darby@lakecountyca.gov>; Michael McGinnis <Michael.McGinnis@lakecountyca.gov>; Susan Parker <Susan.Parker@lakecountyca.gov>  
**Subject:** DR 22-03, Mar Val Market, roof-mounted solar array

Hi all,

The applicant had to apply for Design Review because the property is in the DR combining district. This is a small project to allow roof-mounted solar on an existing market and three existing car ports.

Please have any comments back to me within two weeks of receipt of this notice.





**COUNTY OF LAKE  
CONITIONS OF APPROVAL  
DESIGN REVIEW PERMIT (DR 22-03)  
K12 Solar Inc.**

**Expires if not used by: July 6, 2024**

Pursuant to the approval of the Zoning Administrator on **July 6, 2022**, there is hereby granted to **K12 Solar, Inc., representing Mar Val Market**, a **Design Review Permit to allow a roof-mounted solar array** on an existing building, a Grocery Store, and on three new 39'-6" by 119'-8" carports (each being 4824 sq. ft.) at a property located at **2265 E. Highway 20, Nice, CA**, further described as Assessor Parcel Number **004-055-46** subject to the following terms and conditions.

**A. GENERAL**

1. The use hereby permitted shall substantially conform to the **Project Description** and any conditions of approval imposed by the Design Review Permit and Review Authority for the **installation of the 238.8 kW solar array with solar panels** on the existing market building and on three new 39'-6" by 119'-8" carports. The Community Development Director may approve, in writing, minor changes that do not result in increased environmental impacts.
2. This permit does not abridge or supersede the regulatory powers or permit requirements of any federal, state, local agency, special district or department which may retain a regulatory or advisory function as specified by statute or ordinance. The applicant shall obtain permits as may be required from each agency.
3. The permit holder shall adhere to all California Fire Code regulations and/or requirements. For further information, please the Community Development Department-Building Division at (707) 263-2382.
4. The permit holder is responsible for insuring that all project workers are informed of, understand, and agree to abide by the approved plans and project conditions.

**B. TIMING & MITIGATION MONITORING**

1. The permit holder shall permit the County of Lake or representative(s) or designee(s) to make periodic and/or annual inspections at any reasonable time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
2. 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.
3. Prior to any final occupancy being issued, the applicant shall merge the two lots through the Lake County Planning Department via Voluntary Merger.
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.

Mary Darby, Director  
COMMUNITY DEVELOPMENT DEPARTMENT

Prepared by: EJP

By: \_\_\_\_\_  
Jim Feenan, Office Assistant III

---

**ACCEPTANCE**

I have read and understand the foregoing Development Review and agree to each and every term and condition thereof.

Date: \_\_\_\_\_

\_\_\_\_\_  
Applicant or Authorized Agent Signature

\_\_\_\_\_  
Printed Name of Authorized Agent

Lake County Publishing  
**Lake County Record-Bee**  
2150 S. Main St., PO Box 849  
Lakeport, CA 95453  
(707) 263-5636  
advertising@record-bee.com

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. 0006674869

RB22475

### 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 2:05 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 Design Review application for roof-mounted solar and three car ports on a commercially development lot (file no. DR 22-03 and a Categorical Exemption to CEQA, CE 22-37). The project is located at 2265 E. Highway 20, Nice, CA, and is APN 004-055-46. PROJECT DESCRIPTION: Design Review to allow roof-mounted solar and three new carports. The project will be reviewed to be in accordance with Lake County Zoning Ordinance Article 54, Part 54.5, Design Review - Required Findings for Approval; and Article 19.2, C2 Service Commercial Zoning District.

NOTICE IS FURTHER GIVEN that a determination has been made that this project is categorically exempt from CEQA review under CEQA §15301, 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