



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

**MEMO**

**TO:** Board of Supervisors

**FROM:** Robert Massarelli, Community Development Director  
Prepared by: Tricia Shortridge, Assistant Planner

**DATE:** February 14, 2017

**SUBJECT: Appeal of Planning Commission Approval of Use Permit (UP 16-06)  
Conditions of Approval for a Billboard; AB 16-07, APN 008-019-64  
Supervisor District 4**

- EXHIBITS:**
- A. Appeal Form and Applicant's Appeal Plea
  - B. Use Permit UP 16-06 Conditions of Approval
  - C. Use Permit UP 96-05, UP 06-04, UP 11-09 Conditions of Approval
  - D. Site visit photos
  - E. Draft Planning Commission Minutes dated October 27, 2016
  - F. Planning Commission Staff Report dated October 27, 2016

**I. BACKGROUND**

The timely appeal (Exhibit A) was filed by the applicant's representative Andre Ross. The applicant is appealing the Planning Commission's October 27, 2016 unanimous decision to approve Use Permit (UP 16-06), specifically conditions of approval numbers 4, 5, and 6 (Exhibit B) for a five year renewal of an existing billboard located at 255 Soda Bay Road in the Commercial/Manufacturing zoning district. This is the fourth renewal since the Billboards original approval in 1996. A site visit revealed that the sign had not been adequately maintained as required by conditions of approval from previous renewals (Exhibit C) and as required by Section 45.27(b) of the Lake County Zoning Ordinance, "*Signs shall be maintained in a good state of repair. Sign copy that is faded, torn or peeling shall be replaced, repaired or repainted.*"



## II. APPEAL DISCUSSION

A summary of the appellant's plea is as follows:

- "Renewed Major Use Permit now incorporates new annual fees".
- "Conditions of use unsupported by facts or law".
- "New fees were imposed by Planning Department in relation to issues that have not yet arisen, e.g. future maintenance of existing signage".
- "New conditions of use have been imposed regarding site access and property owners' agreement to waive legal protections against non-consensual entry onto private property".

### Mitigation Monitoring Fee

The applicant is appealing Condition of Approval number six (6) (Exhibit B). The Planning Commission has the authority to assess a mitigation monitoring fee because the applicant has not followed the Conditions of Approval for previous renewals (Exhibit C) requiring ongoing maintenance of the sign. The fee is justified through Ordinance 3037, passed by the Board of Supervisors on March 22, 2016. Based on the long standing unmaintained condition of the sign infrastructure, it appears that the sign is not monitored for maintenance. Staff determined that an annual inspection of the billboard was necessary to verify the maintenance of the sign and to contact the owner if a maintenance issue arises. This mitigation monitoring fee will compensate the County for staff time spent in ensuring consistent sign maintenance for the life of the project as required by conditions of approval.

**Sign Maintenance Plan**

The applicant is appealing Conditions of Approval numbers four (4) and five (5) (Exhibit B). The Planning Commission has the authority to require a sign maintenance plan because as discussed in section I of this memo, the applicant has not followed the Conditions of Approval for past renewals requiring sign maintenance for the life of the project. There is a mapped wetland area near the access point from the easement into the subject property. The condition requiring a maintenance plan which needs to include the location of the ingress and egress into the subject parcel is required to ensure that the wetland is not being disturbed.

Illustration from 2011



**III. RECOMMENDATION**

Staff recommends that the Board of Supervisors deny the appeal and uphold the previously approved renewal with the new conditions 4, 5, and 6 (Exhibit B). With these new conditions of approval, this sign will meet consistently the requirements of Section 51.4 of the Lake County Zoning Ordinance.

**Sample Motions:**

**Appeal Denial**

I move that the Board of Supervisors make an intended decision to deny Appeal AB 16-07, applied for by LaMonica Signs, and sustain the Planning Commission's adoption of the negative declaration and approval of Major Use Permit UP 16-06 conditions of approval four (4), five (5), and six (6) from the October 27<sup>th</sup>, 2016 Planning Commission hearing for a five year time extension of a billboard located at 255 Soda Bay Road, Lakeport, and direct County Counsel to prepare findings of fact supporting the conditions of approval requiring an annual mitigation monitoring fee and a sign maintenance plan demonstrating ingress and egress to the site the billboard is located upon.

Reviewed by: MD