



**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  
9:15 AM  
October 27, 2016

## STAFF REPORT

**TO:** Planning Commission

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

**DATE:** October 27, 2016

**SUBJECT:** La Monica Signs, five-year time extension for an off-site advertising sign;  
UP 16-06 (Supervisory District 4), at 255 Soda Bay Road.

**ATTACHMENTS:**

- ~~1. Previously approved Use Permits UP 96-05, UP 06-04, and UP 11-09. (BOS Exhibit D)~~
2. Initial Study IS 96-08. **Notice of Determination for Negative Dec.**
3. Planning Commission staff report recommending denial of Use Permit UP 11-09.
4. Memorandum to the Board of Supervisors for appeal AB 12-01.
5. Planning Commission staff report approving Use Permit UP 11-09.
6. Vicinity map, site plan, billboard elevation drawing.
7. ~~Pictures of sign and view from Highway 29. (BOS Exhibit E)~~
8. ~~Conditions of Approval for UP 16-06. (BOS Exhibit B)~~
9. Access Easement and Wetlands Illustration

### I. PROJECT DESCRIPTION

**Project name:** LaMonica Signs Use Permit Renewal on Unruh Property

**Application:** Major Use Permit (renewal)

**Applicant:** Trudy LaMonica

**Property Owner:** Peter Unruh

**Project Summary:** This is a request for a five-year extension to a previously approved Use Permit UP 11-09 for off-site advertising that expired on April 26, 2016

#### Timeline

- 1996: Use Permit UP 96-05 (see UP 96-05 conditions, attachment 1) and Initial Study IS 96-08 (see IS 96-08, attachment 2) approved for a time-period of ten (10) years.

- 2006: Use Permit renewal UP 06-04 (see UP 06-04 conditions, attachment 1), approved for a time period of five (5) years.
- 2011: Use Permit 11-09 was denied by the Planning Commission (see Planning Commission staff report, attachment 3), consistent with recent 2008 updates to the General Plan related to the amortization of billboards (Policy LU-7.19), and the updated Lake County Zoning Ordinance regulations for off-site outdoor advertising signs. The Planning Commission decision was appealed to the Board of Supervisors (see memo to the Board, attachment 4, AB 12-01), and findings were made for the approval of Use Permit UP 11-09 (see UP 11-09 conditions, attachment 1 and Planning Commission staff report attachment 5), for an additional five years.

Location: 255 Soda Bay Road (Supervisory District 4).

APN: 008-019-64

Parcel Size: 7.5 acres

Future/Existing Land Use: No known future plans. Undeveloped site.

Zoning: "M1-AA-DR-SC-WW" Commercial/Manufacturing-Airport Approach-Design Review-Scenic Combining-Waterway

Surrounding Zoning: North: "M1," Commercial/Manufacturing  
South: "RR," Rural Residential and Highway 29  
East: "A", Agriculture  
West: "SR" Suburban Reserve and Highway 29

General Plan: I - Industrial

Flood Zone: X – Areas determined to be outside the 0.2% annual chance (500-year) floodplain.

**II. ZONING ORDINANCE ARTICLE 55 – APPLICATION**

This application is for a Use Permit renewal. Since the original approval in 1996, the site has remained undeveloped and there have been no changes to the original site plan (see site plan, attachment 6).

**III. ZONING ORDINANCE ARTICLE 21 - REGULATIONS FOR THE COMMERCIAL/MANUFACTURING OR "M1 DISTRICT**

The project site has been zoned "M1" Commercial/Manufacturing since the original approval in 1996. Currently, there is no development proposed for this site and it remains vacant.

**IV. ZONING ORDINANCE ARTICLE 45.22 – OUTDOOR ADVERTISING AND OFF-SITE SIGNS**

- (a) No more than four hundred (400) square feet in per face. **Each face of the billboard is 400 square feet.**
- (b) One (1) sign per lot maximum. **There is one structure with two sign faces.**
- (c) Maximum sign height from ground level to bottom of sign: twelve (12) feet, unless down-sloping terrain from the road necessitates increasing the height. **Elevation drawings (see attachment 6), approved with UP 96-05 show legs of the the sign structure from grade to the bottom of the sign face, as being twelve (12) feet tall.**
- (d) Signs shall be non-illuminated or illuminated by indirect lighting. **The lighting fixtures are affixed at the top of the sign and are pointed down and inward toward the sign face.**
- (e) Billboard signs shall be located within Community Growth Boundaries, within one-thousand (1,000) feet of said boundaries or within an incorporated city's sphere of influence. **Does not comply. The billboard is located well outside both an incorporated city's Sphere of Influence and any Community Growth Boundary. However, the billboard was approved and constructed in 1996, prior to the establishment of the current Lakeport Sphere of Influence and Community Growth Boundaries.**
- (f) Use permits that are approved for billboard signs shall expire after five (5) years unless applications for renewals are filed and granted. Any subsequent use permit renewals may be approved for a maximum term of five (5) years. **Renewals for this billboard have occurred every five (5) years since 2006.**

**V. ZONING ORDINANCE ARTICLE 45.26 – PERFORMANCE STANDARDS: THE FOLLOWING PERFORMANCE STANDARDS SHALL APPLY TO ALL SIGNS PERMITTED IN THIS CHAPTER.**

- (a) *Signs permitted by this chapter shall conform to the size, location, height and other development and performance standards established for the zone in which they are located, except as may be modified herein. Signs permitted by Section 45.3 shall be permitted within any required yard area upon securing a minor use permit in each case, or as part of a major use permit, upon the finding that the location of the sign is necessary for visibility due to topographical, vegetative or other existing physical constraint.*

**The sign's location is not in compliance with the Zoning Ordinance because it is located outside the City of Lakeport Sphere of Influence and outside of any designated Community Growth Boundaries. However, the sign is considered a legal but non-conforming structure because it was approved and constructed prior to the establishment of such boundaries. Regarding sign height, the elevation drawing (attachment 6), approved in 1996, demonstrates that the height of the structure from the ground to the bottom of the sign face, as being twelve (12) feet.**

- (b) *All lighted signs shall be so located or shielded to prevent glare to surrounding properties or public streets. No sign shall be so lighted as to in any way endanger public safety by causing distraction to operators of motor vehicles on the streets and highways. The lighting is affixed to the top of the sign pointing downward and inward toward the sign face.*
- (c) *All signs shall in no way endanger the health and safety by cause distraction to operators of motor vehicles on the streets and highways. Location, lighting and color of signs shall not cause confusion with public signs and traffic signals. The sign face is clearly distinguishable from the public signs located on Highway 29 and the traffic signals located approximately one-quarter mile north (see pictures of sign, attachment 7).*
- (d) *Except for awning signs and projecting signs reviewed and approved by the Department of Public Works, no sign shall be erected in such a manner that any portion of its surface or supports is located within, or hangs over, any public right-of-way including streets, roads, flood control or maintenance easements, and navigable waters. The Department of Transportation did not comment on the billboard, therefore it is likely there are no conflicts with State Highway 29 and required setbacks. According to County records, there are no easements or navigable waters located on the portion of the parcel the billboard is located on.*
- (e) *No sign shall be painted, marked, posted, fastened, or in any manner affixed to any curb, street sign post, or any sign or signal erected for the purpose of directing or warning traffic or to any telephone, telegraph or electric light pole, tree or shrub located in any park or public right-of-way. The sign is affixed to an infrastructure specifically designed to support a billboard.*

**VI. ZONING ORDINANCE ARTICLE 45.27 SIGN AMORTIAZATION, MAINTENANCE AND ABANDONMENT**

The Planning Commission may choose to deny the renewal of this use permit based on the finding for denial included in the staff report. The subject billboard is not in compliance with Section 45.22 of the sign ordinance and qualifies for amortization. Specifically, Article 45.27 provides that:

- (a) *Signs not in conformance with the provisions of this Chapter, and not specifically exempt therefrom or otherwise exempted by state or federal law, shall be made to conform to this Chapter or shall be removed within a period of seven (7) years of the effective date of this Section, unless additional time is granted by the Planning Commission, not to exceed two (2) years, on the finding that the amortization of the particular sign justifies a longer time period due to its location (Ord. No. 2886, 02/26/2009). This sign qualifies for amortization. The sign is located approximately 1,400 feet outside the City of Lakeport Sphere of Influence and is over three (3) miles away from any Community Growth Boundary. In addition, the sign has not been maintained.*
- (b) *Signs shall be maintained in a good state of repair. Sign copy that is faded, torn or peeling shall be replaced, repaired or repainted. (Ord. No. 2886, 02/26/2009). The sign face is peeling and warped. Weeds are growing throughout the infrastructure and in between the two sign faces.*
- (c) *Signs that are abandoned due to businesses relocated or closing shall be removed within ninety (90) days of the business no longer operating at the site. At a*

*minimum, sign copy shall be removed or painted over with an appropriate paint color to be determined by the Community Development Director, and the sign structure may remain for future use (Ord. No. 2886, 02/26/2009). The sign face of the billboard is blank. It has not been utilized for advertising this year (2016), and based on visual observation, the billboard was not utilized during the last quarter of 2015.*

## **VII. GENERAL PLAN**

**Policy LU-7.19 Billboards:** *“The County shall address, as part of a Zoning Ordinance update, commercial design guidelines on billboards, along with amortization provisions, as necessary to protect and preserve the beauty, character, economic and aesthetic value of the County. In 2009, the Zoning Ordinance was updated with Ordinance Number 2886 (see above).*

**Based on the provisions of Article 45.27, the Planning Commission has the authority to make findings for the amortization and removal of this particular billboard, calling for removal of the sign within two (2) years.**

**Alternatively, the Planning Commission may approve this billboard with the recommended conditions of approval (see UP 16-06 conditions, attachment 8) which will bring the billboard into compliance with the Zoning Ordinance.**

**Policy OSC-2.13 Control of Light and Glare:** *“The County shall require that all outdoor light fixtures including street lighting, externally illuminated signs, advertising displays, and billboards use low-energy, shielded light fixtures which direct light downward (i.e., lighting shall not emit higher than a horizontal level). Where public safety would not be compromised, the County shall encourage the use of low energy lighting for all outdoor light fixtures.” Complies. Lighting is affixed to the top of the billboard and directed downward and inward toward the face of the sign.*

## **VIII. ENVIRONMENTAL ANALYSIS – CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The original approval in 1996, (UP 96-05) included an initial study and negative declaration. The California Environmental Quality Act (CEQA) allows the decision making authority (the Planning Commission), to reconsider a previously approved Negative Declaration if the project meets the requirements of CEQA Statute Section 15162(a) that states:

*“When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*

- (2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
- (3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:*
  - (A) *The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
  - (B) *Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
  - (C) *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
  - (D) *Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

Use Permit (UP 16-06) meets all the requirements of CEQA Section 15162(a). The granting of this extension, with mitigating conditions of approval will not result in any physical change or expansion of the existing sign structure. The existing lighting will not change, resulting in the creation of a substantial change necessitating further review. No new information is available that would require additional mitigation measures to this already established use.

**IX. EXPIRATION, REVOCATION, OR MODIFICATION OF PERMITS AND REAPPLICATION - ARTICLE 60**

This Use Permit extension includes recommended conditions of approval that were not included in previous approvals for this particular billboard. These conditions include the requirement for a billboard sign maintenance plan, and the payment of an annual mitigation monitoring fee to ensure compliance with the Ordinance 45.20 for Outdoor Advertising and off-site signs. Article 60.33 gives the Planning Commission the authority to grant the extension, with additional conditions, to address issues that were not previously addressed , or new issues that have occurred during the period of time commencing after the previous extension was granted:

*“Any permit pursuant to this Chapter may be amended by the granting of a new permit of the same type and following the same procedure for adoption of the original permit, except as specifically provided for in this Chapter. Amendments to permits may include extensions of expiration periods, as provided for in Section 60.10 and changes in uses, structures, and conditions previously approved; however, any change in conditions must be approved by the Review Authority that originally adopted such conditions.*

**X. OTHER ISSUES**

The 1996 analysis for this billboard and the site it is located on identified a portion of the subject parcel, near the billboard, as wetlands and wildlife habitat. During the time between the original approval and this proposed renewal, it appears that the riparian habitat has increased in size, with dense vegetation growing inside the middle of the two sign faces and surrounding the billboard, in addition to blocking off the easement at the point of ingress/egress to the parcel (see easement/wetlands illustration, attachment 9). Staff recommends conditions of approval numbers 4, 5, and 6 to address the overall issue of sign maintenance due to the lack of access into the parcel and lack of internal circulation to the billboard.

**XI. FINDINGS – MAJOR USE PERMIT ARTICLE 51**

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. **Complies if recommended conditions of approval are applied.***
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. **Complies as mitigated with the recommended conditions of approval that will ensure the size, shape and physical conditions of the site are reasonably adequate to accommodate a billboard. There is no development proposed for this vacant parcel.***
3. *That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use. **Complies as mitigated with the recommended conditions of approval. Ingress and egress to the project site from an easement is blocked by dense riparian foliage. There is no designated internal circulation inside the site. Condition of Approval numbers 4, 5, and 6 requires the applicant to submit to the Planning Division a maintenance plan, implement the approved plan, and pay an annual mitigation monitoring fee.***
4. *That there are adequate public or private services, including but not limited to fire protection, water supply, and sewage disposal. **The billboard does not require public or private services such as fire, water supply or sewage disposal.***
5. *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. **Complies as mitigated with conditions of approval requiring a maintenance plan, implementation of that plan, and the payment of an annual mitigation monitoring fee.***

**XII. RECOMMENDATION**

The Planning Commission may take the following actions:

- A. Deny the Use Permit based on the amortization provisions of Article 45.27 (a) and (b), that the sign is not in conformance with the Zoning Ordinance because it has not been maintained in a good state of repair for the life of the project and its location is outside an incorporated city's Sphere of Influence and outside any Community Growth Boundaries.

OR

- B. Find that the previously approved negative declaration meets the requirements of Section 15162(a) of the State CEQA Guidelines, and that no additional environmental review need be prepared, with the following findings:

1. The project is an existing structure located in a developed industrial area and will not create any new impacts that will result in a significant adverse aesthetic impact. There is no Community Growth Boundary for the South Lakeport area, but had they been drawn, it is likely the location of the subject billboard sign would be within those boundaries.
2. As conditioned, the project is consistent with the Lake County General Plan and the Lake County Zoning Ordinance.
3. There has been no change in the project which would create new significant environmental impacts.
4. There has been no substantial change in circumstances resulting in new significant environmental impacts.
5. No new information of substantial importance to the project has become available.

- C. Approve UP 16-06 for a term of five years with the following findings consistent with the following Findings of Fact:

1. As mitigated, per the conditions of approval, the establishment, maintenance, or operation of the sign 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 sign be detrimental to properties and improvements in the neighborhood or the general welfare of the County.
2. There are adequate services to serve the project.
3. As mitigated, per the conditions of approval, this project will not result in any significant adverse environmental impacts and a negative declaration has been adopted.
4. As mitigated, per conditions of approval, the project site is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.

5. As mitigated, per the conditions of approval, no violation of Chapters 5, 17, 21, 23, or 26 of the Lake County Code currently exists on the property.

**XIII. SAMPLE MOTIONS:**

**Use Permit Extension Denial**

I move that the Planning Commission find that the Major Use Permit (UP 16-06) applied for by Trudy LaMonica for an existing billboard located at 255 Soda Bay Road, Lakeport, does not meet the requirements of Section 45.26 of the Zoning Ordinance and therefore qualifies for the amortization provisions of Section 45.27 of the Zoning Ordinance.

OR

**Reconsideration of a Previously Approved Mitigated Negative Declaration**

I move that the Mitigated Negative Declaration, which was previously prepared for UP 96-05, meets the requirements of Section 15162(a) of the CEQA Guidelines, and that no additional environmental review need be prepared with the findings listed in the staff report dated October 27, 2016.

**Use Permit Extension Approval**

I move that the Planning Commission find that the Major Use Permit (UP 16-06) applied for by Trudy LaMonica, on property located at 255 Soda Bay 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 Negative Declaration and grant the Major Use Permit extension subject to the conditions and with the findings listed in the staff report dated October 27, 2016.

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 Planning Commission, an appeal to the Board of Supervisors 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 Commission's final determination.

Reviewed by:           





To: Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

From: (Public Agency) Community Development Dept.  
Planning Division  
(Address)

X County Clerk  
County of LAKE  
255 N. Forbes St.  
Lakeport, CA 95453



**Subject:**

Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

**Project Title**

ANGELO A. LAMONICA IS 96-8/UP 96-5

State Clearinghouse Number  
(If submitted to Clearinghouse)

Lead Agency  
Contact Person

Area Code/Telephone/Extension

Jerry Bowden

707/263-2221

Project Location (include county)

at 255 Soda Bay Road, Lakeport, Lake County,  
and known as AP# Q08-019-64

Project Description:

CONSTRUCTION OF AN OFF-SITE, OUTDOOR  
ADVERTISING SIGN

This is to advise that the Lake County Planning Commission has approved the above described project on  
 Lead Agency  Responsible Agency  
April 25, 1996 and has made the following determinations regarding the above described project  
(Date)

1. The project  will  will not have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures  were  were not made a condition of the approval of the project.
4. A statement of Overriding Considerations  was  was not adopted for this project.
5. Findings  were  were not made pursuant to the provisions of CEQA.

**Initial Study**

This is to certify that the ~~findings~~ with comments and responses and record of project approval is available to the General Public at  
Community Development Dept./Planning Division, 255 N. Forbes St., 3rd Floor, Lakeport, CA

Irene L. McCarley  
Signature (Public Agency)

May 3, 1996 Secretary to the Planning Commission

Date

Title

Irene L. McCarley

Date received for filing at OPR:

ATTACHMENT 2

FILED  
COUNTY OF LAKE  
JUDY MURRAY, Co. Clerk  
BY Jenny  
DEPUTY CLERK  
MAY 6 1996

LAKE COUNTY PLANNING DIVISION  
255 N. Forbes Street  
Lakeport, California 95453

NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

APPLICANT: ANGELO A. LAMONICA IS 96-8/UP 96-5

DATE OF APPLICATION: February 9, 1996 DATE OF FINDING: April 25, 1996

General description of proposed project: CONSTRUCTION OF AN OFF-SITE, OUTDOOR  
ADVERTISING SIGN

Location of proposed project: at 255 Soda Bay Road, Lakeport, Lake County,  
and known as AP# 008-019-64

The proposed project has been evaluated by the:

                     Board of Supervisors                        X   Planning Commission  
                     Subdivision Committee                                           Other agency

FINDING: NO SIGNIFICANT IMPACT WILL RESULT TO THE ENVIRONMENT FROM THE PROPOSED PROJECT.

Reasons for finding: #See Page 2

Study prepared by: Community Development Dept./Planning Division

Location of study for review: 255 N. Forbes St., 3rd Floor, Lakeport, CA

DATE May 3, 1996

Irene L. McCarley  
CHAIRMAN and/or SECRETARY  
Irene L. McCarley, Secretary

FILED

COUNTY OF LAKE  
JUDY MURRAY, Co. Clerk

BY Judy Murray  
MAY 16 1996  
COUNTY CLERK

NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

Angelo A. LaMonica: IS 96-8/UP 96-5

Reasons for Finding:

- 1) The project is located on a light industrially zoned parcel near other billboard signs and will not result in any significant adverse aesthetic impact.
- 2) The project is consistent with the Lake County General Plan and Zoning Ordinance.
- 3) The project will not result in any significant adverse environmental impacts.
- 4) There is no evidence that this project will result in any adverse impacts to wildlife and it therefore qualifies for the de minimis exemption with regard to any State Fish and Game fee.

ilm

FILED

COUNTY OF LAKE  
JUDY MURRAY, Co. Clerk

BY *Jenny Murray*  
DEPUTY CLERK

MAY 6 1996





**STAFF REPORT**

**TO:** Planning Commission

**FROM:** Richard Coel, Community Development Director  
Prepared by: Kevin M. Ingram, Senior Planner *[Signature]*

**DATE:** January 6, 2012

**SUBJECT:** UP 11-09 for La Monica Signs for a five year time extension of an off-site advertising sign.

- ATTACHMENTS:**
1. ~~Vicinity Map (Lakeport Sphere of Influence Noted)~~
  2. Site Plan & Building Elevations
  3. Site Photos
  4. Previously Approved Use Permit UP 96-05 & UP 06-04 Conditions

**I. SUMMARY**

On April 25, 1996, the Planning Commission approved a billboard for off-site advertising, located at 255 Soda Bay Road, for a period of 10 years. A subsequent 5 year renewal request was approved by the Planning Commission on April 13, 2006. Since the previously approved renewal in 2006, the Lake County Zoning Ordinance regulations and requirements for off-site outdoor advertising signs have been amended. As a result of these amendments, the current location of this billboard sign no longer meets the regulations and requirements outlined in Section 45.22 of the Lake County Zoning Ordinance and Planning Staff recommends that the Planning Commission deny the request for a five year extension of this use permit.

**II. PROJECT DESCRIPTION**

Applicant: La Monica Outdoor Advertising, 2226 Kelley Creek Lane,  
Rescue, CA 95672

Owner: Peter & Michelle Unruh, P.O. Box 284, Angwin, CA 94508

Location: 255 Soda Bay Road, Lakeport

APN: 008-019-64

General Plan: Industrial; Resource Conservation

Zoning: "M1-DR-AA" Commercial/Manufacturing—Design Review—  
Airport Approach

Original Approval Date: April 25, 1996

Requested Extension: Five Years to April 25, 2016

### III. DISCUSSION

The applicant is requesting a renewal of a use permit to allow an additional five years for a previously approved billboard. The original use permit (UP 96-05) was approved by the Planning Commission on April 25, 1996 per section 45.22 of the Lake County Zoning Ordinance which, at that time, allowed "Off-site outdoor advertising (billboard) signs" in the "C3", "M1", "M2" and "PDC" zoning districts to be permitted for a period of ten (10) years with approval of a major use permit. Section 45.22(f) of the Lake County Zoning Ordinance currently allows for previously approved use permits for billboard signs to be renewed for a maximum term of five (5) years. A Use Permit for a five year extension of time (UP 06-04) was approved by the Planning Commission on April 13, 2006. A Use Permit application for an additional five-year extension of time (UP 11-09) was received by the Planning Division on September 2, 2011. The extension request was permitted to be submitted after the expiration date due to the pending appeal of a similar billboard permit located directly to the north (item 1 on this agenda).

The existing sign is double-faced, with 400 square feet of area per face and is indirectly lit by lights placed at the bottom of the sign. The sign is visible from both directions on Highway 29. The applicant is not proposing any changes to the sign as a part of this use permit renewal.

In 2008, the Board of Supervisors reviewed amendments to the billboard sign provisions of the Zoning Ordinance proposed by the Community Development Department. In a memo to the Board of Supervisors, dated December 17, 2008, the Community Development Director summarized those recommendations as follows:

*"In brief, these revisions to Section 45.22 of the Zoning Ordinance would limit the term of approved major use permits for billboard signs to five (5) years, with the ability to re-apply. Also proposed are restrictions on where these signs can go to limit them to heavy commercial or industrial zoned parcels within, or in close proximity to Community Growth Boundaries."*

Article 45.22 of the Zoning Ordinance was amended on January 27, 2009 and it allows for off-site outdoor advertising (billboard) signs in the "M1" district subject to first obtaining a major use permit in each case and subject to the following regulations:

*"Off-site outdoor advertising (billboard) signs may be permitted in the "C3", "M1", "M2" and "PDC" districts subject to first obtaining a major use permit in each case; and subject to the following regulations:*

- (a) *No more than four hundred (400) square feet in the area per face.*
- (b) *One (1) sign per lot maximum.*
- (c) *Maximum sign height from ground level to bottom of sign: twelve (12) feet, unless down-sloping terrain from the road necessitates increasing the height.*

- (d) *Signs shall be non-illuminated or illuminated by indirect lighting.*
- (e) *Billboard signs shall be located within Community Growth Boundaries, within one-thousand (1,000) feet of said Boundaries or within an incorporated city's sphere of influence.*
- (f) *Use permits that are approved for billboard signs shall expire after five (5) years unless applicants for renewals are filed and granted. Any subsequent use permit renewals may be approved for a maximum term of five (5) years."*

The location of the existing billboard is not in conformance with sub-section (e) above, as the sign is not located in or within 1,000 feet from an established Community Growth Boundary nor is it located within the established Sphere of Influence of the City of Lakeport, as adopted by the 2010 City of Lakeport General Plan (see Attachment 1). The Board of Supervisors recently upheld an appeal for an outdoor advertising sign located directly to the north of this project site, at 131 Soda Bay Road, based upon the following findings:

*"This appeal presents a unique situation, which requires the Board to consider the spirit and intent of subdivision (e) of Section 45.22 of the Zoning Ordinance. There are no actual Community Growth Boundaries, but had they been drawn, it is likely the location of the subject billboard sign would be within 1000 feet of those boundaries. Further, the sign is located in an intensively developed industrial area and is located very close to the sphere of influence of the City of Lakeport. Given all of these factors, the location of Appellant's billboard sign is in compliance with the spirit and intent of subdivision (e) of Section 45.22 of the Lake County Zoning Ordinance."*

Although located in the same general area as the 131 Soda Bay Road billboard north of this site, Planning Staff believes that this billboard falls outside of the scope of the Board of Supervisor's findings. Specifically, this billboard is located more than 1,400 feet from the City of Lakeport Sphere of Influence, twice the distance of the billboard located to the north. Additionally, this billboard is located on a parcel, although zoned for industrial use, does not have an established industrial use. Furthermore, it is likely that future development of this parcel would be hindered by the likely presence of wetlands and vernal pools.

As a result, the request is not consistent with the provisions outlined within the Zoning Ordinance, nor does Staff believe that it meets the spirit and intent of the Zoning Ordinance as described in the adopted Findings of Fact by the Board of Supervisors for the billboard located at 131 Soda Bay Road. The Planning Division recommends that this renewal request be denied and that the permit holder remove the non-conforming sign within 90 days of the Planning Commission's decision (unless an appeal to the Board of Supervisors is filed) consistent with the sign amortization procedures outlined in Section 45.27(c) of the Lake County Zoning Ordinance:

*"Signs that are abandoned due to business relocated or closing shall be removed within ninety (90) days of the business no longer operating at the site. At a minimum, sign copy shall be removed or painted over with an appropriate paint color to be determined by the Community Development Director, and the sign structure may remain for future use."*

As this location is no longer eligible for the placement of an off-site outdoor advertising sign, the Community Development Director would not permit the sign face to be painted over or allow the sign structure to remain in place.

**IV. RECOMMENDATION**

Staff recommends that the Planning Commission:

- A. Deny the Use Permit (UP 11-09) requesting a renewal of a previously approved billboard sign for a term of five years with the following finding:
1. This request is inconsistent with Section 45.22(e) and 51.4 of the Lake County Zoning Ordinance in that the existing sign is located more than 1,000 feet from the Lakeport Sphere of Influence.
  2. The proposal does not meet the spirit and intent of the Zoning Ordinance.
  3. Projects that are denied are exempt from CEQA.

**SAMPLE MOTION:**

**Use Permit Denial**

I move that the Planning Commission find that the Use Permit (UP 11-09) applied for by La Monica Outdoor Signs on property located 255 Soda Bay Road, Lakeport does not meet the requirements of Sections 45.22(e) and 51.4 of the Lake County Zoning Ordinance and therefore the Use Permit be denied with the findings listed in the staff report dated January 6, 2012.

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 Planning Commission, an appeal to the Board of Supervisors 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 Commission's final determination.

Reviewed by: \_\_\_\_\_



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

## MEMORANDUM

**TO:** Board of Supervisors

**FROM:** Richard Coel, Community Development Director  
Prepared by: Kevin M. Ingram, Senior Planner *K.M.*

**DATE:** July 11, 2012

**SUBJECT:** La Monica Signs Appeal (AB 12-01) of a Use Permit (UP 11-09) for a five-year time extension of an off-site advertising sign.  
Supervisory District 4

### I. SUMMARY

During the course of discussion at the June 12, 2012 appeal hearing there appeared to be a desire to allow for the existing billboard located at 255 Soda Bay Road to be granted a five-year extension of use. As the sign is no longer in compliance with existing Zoning Ordinance standards, the Board of Supervisors requested that staff investigate options that would allow the existing billboard at this site to operate for an additional five years. Staff believes that three options are available: 1) temporarily postpone the appeal hearing and provide La Monica Signs an opportunity to apply for a Variance, for Planning Commission consideration; 2) amend the Zoning Ordinance to accommodate this billboard; or, 3) make specific findings that due to unique circumstances this existing billboard meets the spirit and intent of the Zoning Ordinance. Staff recommends that the Board of Supervisors pursue option three (3) and consider the adoption of proposed findings outlined in this memorandum.

### II. DISCUSSION

Each of the three options, noted above, is discussed here in greater detail:

#### Option 1: Variance

The Lake County Zoning Ordinance permits the granting of variances from established standards when it is found that due to special circumstances the strict application of the development standards are found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The granting of a variance requires that the following findings, as listed in Section 21-52.5a-c, can be made:

- (a) *That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the development*

*standards of this Chapter are found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications;*

- (b) That any variance granted subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situate; and*
- (c) That the granting of the variance is in accordance with the intent of this Chapter, is consistent with the General Plan and will not be detrimental to the public safety, health and welfare, or injurious to other properties in the vicinity.*

The greatest difficulty in the use of the variance procedure, for this billboard, is the specificity in the required findings that make it difficult to establish intent. Special circumstances must be focused upon the uniqueness in the physical conditions of the site rather than special circumstances created by the language of the Zoning Ordinance. The establishment of a procedure requiring the renewal of existing billboard use permits every five years was put in place precisely to review billboards that are deemed to be out of compliance with development standards. Thus it would be difficult to find that the granting of a variance in this case does not constitute a granting of special privilege. Also, granting a variance can set a precedent, and there is another commercially zoned parcel further south whose owner could request a billboard.

#### Option 2: Amendment to the Zoning Ordinance

It is possible to amend the existing ordinance language to establish development standard exceptions for existing permitted billboards, which would allow for the continuing use of this subject sign. The danger in amending the Zoning Ordinance is the possibility that such an amendment may unintentionally make it impossible to abate other existing signs located in more rural and scenic areas. A number of billboard signs exist along the State Highways that have not been permitted by the County, but have been issued operational permits from CalTrans and may in some instances pre-date Zoning Ordinance standards.

If the Board of Supervisors does decide to pursue this option and direct the Community Development Department to prepare a Zoning Ordinance amendment, staff requests that a stay be granted for this appeal for at least six months and the required text amendment be processed as a part of the Zoning Ordinance update currently in process. This would allow for a more comprehensive review of billboard standards that would take into consideration other issues necessary to be resolved prior to abating other out of compliance billboard signage, such as permitting procedures for off-site way-finding signage for commercial resorts and other tourist attractions. Presently, these types of signs are subject to the same provisions as general billboard sign types.

#### Option 3: Granting of Findings of Fact

For this particular billboard, based on the unique location and physical constraints of the site, Staff believes that the Board of Supervisors could make findings to allow for this billboard to continue operating for an additional five-years. Specific findings could be made that would be similar to the issuance of a variance except that it allows for consideration of beyond the physical boundaries of the property, such as the original intent of the Zoning Ordinance, the proximity to Lakeport, and the fact that had a CGB been established for South Lakeport it would have included this parcel. Unlike

a Zoning Ordinance amendment, the granting of specific findings will not run the risk of unintentionally allowing other existing billboards in more rural locations to continue to exist inadvertently.

Based upon the Board of Supervisors discussion during the June 12<sup>th</sup> appeal hearing, Staff has prepared findings that address the unique environmental constraints of the site, the lack of an established Community Growth Boundary in the South Lakeport area, that this is an existing billboard which has been properly authorized by the issuance of previous Use Permits and that a limited amount of off-site advertising is available to local business in the area. Given all of these factors Staff believes it can be found that this billboard is in compliance with the spirit and intent of the Zoning Ordinance.

### **III. PROPOSED FINDINGS**

Due to the unique situation presented by this appeal, Staff recommends that the Board of Supervisors grant the appeal of La Monica signs based upon the following findings:

- A. Due to special circumstances applicable to this subject property, including the presence of wetlands and vernal pools which have effectively made access to this billboard sign, for the purpose of removal, difficult without negatively impacting potentially sensitive biological resources.
- B. The strict application of subdivision (e) of Section 45.22 of the Lake County Zoning Ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under identical zone classification. There are no actual Community Growth Boundaries for the South Lakeport area, but had they been drawn, it is likely the location of the subject billboard sign would be within those boundaries.
- C. The granting of this appeal does not represent a granting of special privilege as the billboard located at this subject property is an existing structure, legally authorized by Use Permit (UP 96-05) together with the adoption of a Negative Declaration based upon Initial Study (IS 96-08) finding that this project will not result in any significant adverse environmental impacts.
- D. Due to limited outdoor advertising space in this area and the current economic emergency, an economic need exists for the retention of this existing billboard sign for use of local business.
- E. Given all of these factors, the location of Appellant's billboard sign is in compliance with the spirit and intent of subdivision (e) of Section 45.22 of the Lake County Zoning Ordinance and will not be detrimental to the public safety, health and welfare, or injurious to other properties in the vicinity.
- F. The previously approved negative declaration meets the requirements of Section 15162(a) of the State CEQA Guidelines, and that no additional environmental review need be prepared, with the following findings:

**IV. SAMPLE MOTION**

I move that the Board of Supervisors make a motion to uphold the appeal (AB 12-01) by La Monica Signs based upon the findings listed in the prepared memorandum by the Community Development Department, dated July 11, 2012.

Reviewed by: AC



# COUNTY OF LAKE

## Board of Supervisors

### Agenda Transmittal Form

Request Item be Placed on:\*

- Regular Agenda  
 Timed? Yes  No   
 Consent Agenda

The original and 9 copies of this form and accompanying back-up material must be submitted to the Clerk of the Board's Office for agenda items. Attach this form as the **last page** of each copy of your back-up material.

Department: CDD	Meeting Date Requested: July 17, 2012	If timed, estimated time needed:
Contact: Kevin M. Ingram	Phone: 263-2221	Previous BOS Discussion Dates: June 12, 2012

Suggested Title for this Agenda Item: **La Monica Signs Appeal**

#### Summary and Requested Board Action:

La Monica Signs Appeal (AB 12-01) of Use Permit (UP 11-09) for a five-year time extension of an off-site advertising sign. (continued from June 12, 2012)

Fiscal Impact:  None  Budgeted  Non-Budgeted

Estimated Cost: \$ \_\_\_\_\_

Amount Budgeted: \$ \_\_\_\_\_

Budget Unit and Account Number: \_\_\_\_\_

Additional Requested: \$ \_\_\_\_\_

Annual Cost (if planned for future years): \$ \_\_\_\_\_

Source of Additional Funds:

Budget Unit: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

Budget Unit: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

Unanticipated Revenue: \$ \_\_\_\_\_

Revenue Code: \_\_\_\_\_

Budget Transfer Attached:  Yes  No  N/A

Staffing Impact:  None  Additional Full-time  Additional Extra Help

Comments: \_\_\_\_\_

Reviewed by:

Human Resources \_\_\_\_\_

Risk Management \_\_\_\_\_

Auditor \_\_\_\_\_

Co. Counsel \_\_\_\_\_

Co. Administration \_\_\_\_\_

Agreement Attached:  Yes  No  N/A

Resolution Attached:  Yes  No  N/A

Ordinance Attached:  Yes  No  N/A

Comments: \_\_\_\_\_

Requested Distribution of Approved Documents by Clerk's Office:

All County Departments

County Administration

Human Resources

Auditor

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\*The Board Chair will make the final decision on whether the item will be scheduled for the regular or consent agenda.





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

Item #2  
9:10 AM  
October 25, 2012

## STAFF REPORT

**TO:** Planning Commission

**FROM:** Richard Coel, Community Development Director  
Prepared by: Kevin M. Ingram, Senior Planner *KI*

**DATE:** October 10, 2012

**SUBJECT:** UP 11-09 & AB 12-01 for La Monica Signs for a five year time extension of an off-site advertising sign.

**ATTACHMENTS:**

1. Vicinity Map (Lakeport Sphere of Influence Noted)
2. Site Plan & Building Elevations
3. Board of Supervisors Appeal Findings of Fact & Decision
4. Site Photos
5. Previously Approved Use Permit UP 96-05 & UP 06-04 Conditions
6. Recommended Use Permit Extension Conditions

### **I. SUMMARY**

This request for a five year extension to a previously approved Use Permit for an off-site advertising sign was denied by the Planning Commission on January 26, 2012. The Planning Commission found that the sign was in violation of Section 45.22(e) of the Lake County Zoning Ordinance as the sign was not located within one thousand (1,000) feet of an established Community Growth Boundary or within the City of Lakeport's sphere of influence. The Planning Commission denial was appealed to the Board of Supervisors (BOS), who granted the appeal on July 17, 2012. The BOS found that due to special circumstances applicable to the subject property, including the presence of wetlands and vernal pools, that the removal of the sign would likely result in negative impacts to potentially sensitive biological resources. Furthermore, the BOS found the strict application of Section 45.22(e) of the Lake County Zoning Ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity under identical zone classification. The BOS further determined and that had a Community Growth Boundary been drawn for the South Lakeport area that the subject property would have likely been located within its boundaries and thus compliant with Section 45.22(e) of the Lake County Zoning Ordinance. Please refer to Attachment 3 for additional information.

In order to comply with the decision issued by the Board of Supervisors, Planning Staff has prepared conditions and reviewed the previously adopted negative declaration for the Planning Commission's consideration. If the Planning Commission approves this project, there is no need for this project to again be reviewed by the Board of Supervisors, unless an appeal is filed consistent with Zoning Ordinance requirements.

## II. PROJECT DESCRIPTION

Applicant: La Monica Outdoor Advertising, 2226 Kelley Creek Lane, Rescue, CA 95672

Owner: Peter & Michelle Unruh, P.O. Box 284, Angwin, CA 94508

Location: 255 Soda Bay Road, Lakeport

APN: 008-019-64

General Plan: Industrial; Resource Conservation

Zoning: "M1-DR-AA" Commercial/Manufacturing—Design Review—Airport Approach

Original Approval Date: April 25, 1996

Requested Extension: Five Years to April 25, 2016

## III. DISCUSSION

The applicant is requesting a renewal of a use permit to allow an additional five years for a previously approved billboard. The original use permit (UP 96-05) was approved by the Planning Commission on April 25, 1996 per section 45.22 of the Lake County Zoning Ordinance which, at that time, allowed "Off-site outdoor advertising (billboard) signs" in the "C3", "M1", "M2" and "PDC" zoning districts with approval of a major use permit. Section 45.22(f) of the Lake County Zoning Ordinance allows for previously approved use permits for billboard signs to be renewed for a maximum term of five (5) years. A Use Permit for a five year extension of time (UP 06-04) was approved by the Planning Commission on April 13, 2006.

The existing sign is double-faced, with 400 square feet of area per face and is indirectly lit by lights placed at the bottom of the sign. The sign is visible from both directions on Highway 29. The applicant is not proposing any changes to the sign as a part of this use permit renewal.

The Planning Commission, during its regular meeting on January 26, 2012 denied the request for a five-year extension of time based upon the finding that changes to the Zoning Ordinance provisions guiding the allowance of off-site outdoor advertising signs, adopted in 2009, would no longer permit a billboard to be placed at this location, based upon the terms of Section 45.22(e). Section 45.22 of the Zoning Ordinance reads as follows:

*"Off-site outdoor advertising (billboard) signs may be permitted in the "C3", "M1", "M2" and "PDC" districts subject to first obtaining a major use permit in each case; and subject to the following regulations:*

- (a) No more than four hundred (400) square feet in the area per face.*
- (b) One (1) sign per lot maximum.*
- (c) Maximum sign height from ground level to bottom of sign: twelve (12) feet, unless down-sloping terrain from the road necessitates increasing the height.*

- (d) *Signs shall be non-illuminated or illuminated by indirect lighting.*
- (e) *Billboard signs shall be located within Community Growth Boundaries, within one-thousand (1,000) feet of said Boundaries or within an incorporated city's sphere of influence.*
- (f) *Use permits that are approved for billboard signs shall expire after five (5) years unless applicants for renewals are filed and granted. Any subsequent use permit renewals may be approved for a maximum term of five (5) years."*

The applicants appealed this decision to the Board of Supervisors. The Board of Supervisors approved the appeal following its consideration of the matter during public hearings held on June 12, 2012, and July 17, 2012, finding that the continued operation of the existing outdoor advertising sign was consistent with the spirit and intent of Section 45.22(e) of the Lake County Zoning Ordinance.

Planning Staff recommends that a new condition be added to the use permit, consistent with other recent billboard renewal permits, to change upheld requiring sign lighting to be upgraded to be consistent with the Lake County General Plan policy OSC-2.13, which reads as follows:

*"The County shall require that all outdoor light fixtures including street lighting, externally illuminated signs, advertising displays, and billboards use low-energy, shielded light fixtures which direct light downward (i.e., lighting shall not emit higher than a horizontal level). Where public safety would not be compromised, the County shall encourage the use of low energy lighting for all outdoor light fixtures."*

The existing lighting on the billboard is located at the bottom of the sign and directs light upward onto the sign. Therefore, for consistency with the Lake County General Plan and with those conditions approved for other recently approved billboard signs, Planning Staff recommends that the conditions of approval require that the existing lighting either be removed or replaced with lighting at the top of the sign and directed downward. If lighting is proposed to be placed at the top of the sign, Staff is recommending a condition be included with the permit that all lighting be hooded, shielded or opaque and that no unobstructed beam of light be directed beyond the billboard face and that Lighting fixtures shall not extend more than one foot above the top of the sign. Staff is recommending that the applicant be given 60 days to make these changes. The applicant has been informed and has agreed to make the change.

#### **IV. RECOMMENDATION**

The Planning Commission may take the following actions:

- A. Find that the previously approved negative declaration meets the requirements of Section 15162(a) of the State CEQA Guidelines, and that no additional environmental review need be prepared, with the following findings:
  - 1. The project is an existing structure located in a developed industrial area and will not create any new impacts that will result in a significant adverse aesthetic impact. There is no Community Growth Boundary for the South Lakeport area,

but had they been drawn, it is likely the location of the subject billboard sign would be within those boundaries.

2. The project is consistent with the spirit and intent of the Lake County General Plan, the Lake County Zoning Ordinance, and the Lakeport Area Plan.
  3. There has been no change in the project which would create new significant environmental impacts.
  4. There has been no substantial change in circumstances resulting in new significant environmental impacts.
  5. No new information of substantial importance to the project has become available.
- B. Approve UP 11-09 for a term of five years with the following findings consistent with the Findings of Fact adopted by the Lake County Board of Supervisors on August 28, 2012:
1. Due to special circumstances applicable to this subject property, including the presence of wetlands and vernal pools which, for purposes of removal, have effectively made access to this billboard sign difficult without negatively impacting potentially sensitive biological resources.
  2. The strict application of subdivision (e) of Section 45.22 of the Lake County Zoning Ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under identical zone classification. There are no actual Community Growth Boundaries for the South Lakeport area, but had they been drawn, it is likely the location of the subject billboard sign would be within those boundaries.
  3. The granting of this Use Permit time extension does not represent a granting of special privilege as the billboard located at this subject property is an existing structure, legally authorized by Use Permit (UP 96-05) together with the adoption of a Negative Declaration based upon Initial Study (IS 96-08) finding that this project will not result in any significant adverse environmental impacts.
  4. Due to limited outdoor advertising space in this area and the current economic emergency, an economic need exists for the retention of this existing billboard sign for use by local business.
  5. The location of this billboard sign is in compliance with the spirit and intent of subdivision (e) of Section 45.22 of the Lake County Zoning Ordinance to allow a billboard sign beyond this southern point.
  6. This site is commercially zoned and represents the most southern commercially zoned parcel in the South Lakeport area, and the only existing commercial development likely to be practical on this site.

7. As mitigated, the establishment, maintenance or operation of the sign 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 sign be detrimental to properties and improvements in the neighborhood or the general welfare of the County.
8. There are adequate services to serve the project.
9. As mitigated, this project will not result in any significant adverse environmental impacts and a mitigated negative declaration has been adopted.
10. The project site is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.
11. No violation of Chapters 5, 17, 21, 23, or 26 of the Lake County Code currently exists on the property.

**SAMPLE MOTIONS:**

**Reconsideration of Previously Approved Negative Declaration:**

I move that the Negative Declaration, which was previously prepared for UP 96-05, does meet the requirements of Section 15162(a) of the CEQA Guidelines, and that no additional environmental review need be prepared with the findings listed in the staff report dated October 10, 2012.

**Use Permit Approval**

I move that the Planning Commission find that the Use Permit (UP 11-09) for a five-year time extension applied for by La Monica Outdoor Advertising on property located at 255 Soda Bay Road, Lakeport, does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and grant the Use Permit for time extension subject to the conditions, and with the findings listed in the staff report dated October 10, 2012.

**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 Planning Commission, an appeal to the Board of Supervisors 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 Commission's final determination.

Reviewed by: \_\_\_\_\_



1 BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

2  
3 In the Matter of the Appeal  
4 of La Monica Outdoor Advertising  
5 [La Monica Outdoor Advertising -  
6 AB 12-01]

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FINDINGS OF FACT AND DECISION

8 This proceeding was commenced by virtue of an appeal by La Monica Outdoor Advertising (the "Appellant") of the Planning Commission's determination on January 26, 2012 to deny the Appellant's request for a Use Permit (UP 11-09) allowing a five-year extension of time for an existing off-site advertising sign located at 255 Soda Bay Road in Lakeport, California.

13 A duly noticed public hearing on the appeal was held before this Board on June 12, 2012, and July 17, 2012, and on those dates, evidence, both oral and documentary, was presented. Based upon the evidence and applicable law, we find the following:

- 16 1. That on January 26, 2012, the Appellant requested that the Planning Commission  
17 approve a renewal of a previously-approved Use Permit for off-site advertising  
18 located at 255 Soda Bay Road. The Planning Commission had originally approved  
19 a Use Permit for this purpose for a ten-year period on April 25, 1996. The  
20 Planning Commission approved a renewal of the Use Permit on April 13, 2006.  
21 On January 26, 2012, the Planning Commission denied Appellant's request for a  
22 further renewal of the Use Permit on the basis that the subject sign did not conform  
23 to the location requirements of Section 45.22, subdivision (e) of the Lake County  
24 Zoning Ordinance.
- 25 2. That the Appellant is La Monica Outdoor Advertising and the Appellant has  
26 appealed the above-described decision of Planning Commission on the basis that

1 the Planning Commission's strict interpretation of Section 45.22 of the Lake  
2 County Zoning Ordinance should not be followed. Appellant was represented in  
3 this matter by Tony Murphy and legal counsel, Andre M. Ross.

4 3. Staff of the Community Development Department presented evidence both  
5 documentary and testimonial. Staff submitted two staff reports, dated April 20,  
6 2012 and July 11, 2012. The April 20, 2012 staff report includes, but is not limited  
7 to, the staff report and related documents considered by the Planning Commission.  
8 Testimony offered by the Community Development Department included the  
9 following:

10 a. During the June 12, 2012 hearing on this matter, Senior Planner Kevin Ingram  
11 presented the Community Development staff report. Mr. Ingram testified that the  
12 Community Development Department recommended denial of this appeal because  
13 subdivision (e) of Section 45.22 of the Lake County Zoning Ordinance provides  
14 that, "Billboard signs shall be located within Community Growth Boundaries,  
15 within one thousand (1000) feet of said Boundaries or within an incorporated  
16 city's sphere of influence." This section was included among the amendments to  
17 the Lake County Zoning Ordinance in 2009. The location of the Appellant's  
18 billboard sign does not meet the requirements of Section 45.22, subdivision (e) so  
19 to allow a further extension of the Use Permit. The location is not within the  
20 sphere of influence of the City of Lakeport. There are no established Community  
21 Growth Boundaries for this area.

22 b. Community Development Director Richard Coel testified that, after having  
23 been asked by this Board at the first hearing of this matter on June 12, 2012 to  
24 consider whether there were any options to allow the billboard to remain where it  
25 is presently situated, he believes there are specific findings that can be made which  
26 are specific to this site. This is an existing sign. There is continuity in zoning.

1 The subject billboard is the southernmost parcel in that area that is zoned as heavy  
2 commercial. In the first draft of the community growth boundaries prepared for  
3 the last general plan update, this parcel was included within a South Lakeport area  
4 community growth boundary. The creation of that community growth boundary  
5 was subsequently dropped because there are only two houses in the South Lakeport  
6 area. There is a current economic emergency and the removal of this sign would  
7 be detrimental to local businesses. If approved, this use permit would still have to  
8 come back to the Planning Commission in five years. It would then be evaluated  
9 according to the zoning requirements in place at that time.

10 4. Appellant presented testimonial and documentary evidence in support of the  
11 appeal. Andre M. Ross, counsel for Appellant, submitted a letter brief dated June  
12 8, 2012, with Exhibits 1 through 3 attached thereto, in support of the appeal.  
13 Additionally, the Appellant presented the following testimony in support of the  
14 appeal:

15 a. Attorney Andre Ross made a power point presentation and testified that the  
16 subject billboard is only fourteen hundred feet from the City of Lakeport sphere of  
17 influence and is located on a parcel zoned for industrial use, but which does not  
18 have an established industrial use. Future development of this parcel would be  
19 hindered by the presence of vernal pools and wetlands. The subject property is the  
20 last of the South Lakeport parcels zoned M-1 Commercial. It is the beginning of a  
21 cluster of billboards that service local businesses. The property presents a unique  
22 situation. Access to the property requires passage through wetlands and other  
23 environmentally sensitive areas. It would be a significant cost to remove the  
24 billboard in an economically sensitive manner. A cost estimate obtained to do so  
25 indicates a cost of \$48,201.42. The billboard is not in a scenic corridor; located to  
26 its north is a gravel pit and to its south is a property that has been approved for a  
27

1 large propane tank.

2 5. Members of the public testified as follows:

3 a. Melissa Fulton, on behalf of the Lake County Chamber of Commerce, testified  
4 in support of the Appellant. This billboard has been in place and was constructed  
5 according to rules in existence at that time. The billboard creates revenue, not only  
6 for the property owner, but for the local businesses that use it to advertise.

7 b. John Richardson, the general manager of the local business that presently  
8 advertizes on this billboard, testified in support of the Appellant. Outdoor  
9 advertising is very important for area businesses. He believes the environmental  
10 impact of removal far outweighs allowing the billboard to remain.

11 c. Victoria Brandon, on behalf of the Lake County Sierra Club, testified in  
12 opposition to granting the appeal. The Zoning Ordinance as it relates to outdoor  
13 signs was carefully crafted. This billboard is simply not within those rules. It  
14 seems impossible that a decision to allow this billboard will not create a precedent.  
15 We must look at the big picture to protect the natural beauty and charm of this  
16 community.

17 b. Phil Murphy, Lake County resident, testified in opposition to this appeal. The  
18 amount of graffiti on this billboard shows how little regard the billboard owners  
19 have for the scenic values of the community. This billboard is not necessary;  
20 there are several billboards that are not presently being used.

21 6. That this Board finds, based on the evidence and facts presented in this matter as  
22 follows:

23 a. Due to special circumstances applicable to this subject property, including  
24 the presence of wetlands and vernal pools which, for purposes of removal,  
25 have effectively made access to this billboard sign difficult without  
26 negatively impacting potentially sensitive biological resources.

- 1           b.     The strict application of subdivision (e) of Section 45.22 of the Lake  
2           County Zoning Ordinance is found to deprive the subject property of  
3           privileges enjoyed by other properties in the vicinity under identical zone  
4           classification. There are no actual Community Growth Boundaries for the  
5           South Lakeport area, but had they been drawn, it is likely the location of the  
6           subject billboard sign would be within those boundaries.
- 7           c.     The granting of this appeal does not represent a granting of special privilege  
8           as the billboard located at this subject property is an existing structure,  
9           legally authorized by Use Permit (UP 96-05) together with the adoption of a  
10          Negative Declaration based upon Initial Study (IS 96-08) finding that this  
11          project will not result in any significant adverse environmental impacts.
- 12          d.     Due to limited outdoor advertising space in this area and the current  
13          economic emergency, an economic need exists for the retention of this  
14          existing billboard sign for use by local business.
- 15          e.     Given all of these factors, the location of Appellant's billboard sign is in  
16          compliance with the spirit and intent of subdivision (e) of Section 45.22 of  
17          the Lake County Zoning Ordinance and will not be detrimental to the public  
18          safety, health, and welfare or injurious to their properties in the vicinity.  
19          This Board notes that it would find it inconsistent with Section 45.22 of the  
20          Lake County Zoning Ordinance to allow a billboard sign beyond this  
21          southern point.
- 22          f.     The previously approved negative declaration meets the requirements of  
23          Section 15162, subdivision (a) of the State CEQA Guidelines and no  
24          additional environmental review need be prepared.
- 25          g.     This site is commercially zoned and represents the most southern  
26          commercially zoned parcel in the South Lakeport area, and the only existing  
27

1 commercial development likely to be practical on this site.

2 h. That this Board has considered and incorporates by reference the  
3 Community Development staff memoranda and attachments thereto  
4 submitted to this Board for the hearing, dated June 12, 2012 and July 11,  
5 2012, as well as the letter brief and exhibits thereto submitted by the  
6 Appellant

7 7. Based upon all the foregoing and for the reasons set forth hereinabove, this Board  
8 grants the appeal of the Appellant La Monica Outdoor Advertising.

9 **NOTICE TO APPELLANT:** You are hereby given notice that the time within which  
10 any judicial review of the decision herein may be sought is governed by the provisions of  
11 the Code of Civil Procedure Section 1094.5.

12  
13  
14 Dated: 08-28-2012

Rob Brown  
CHAIR, Board of Supervisors

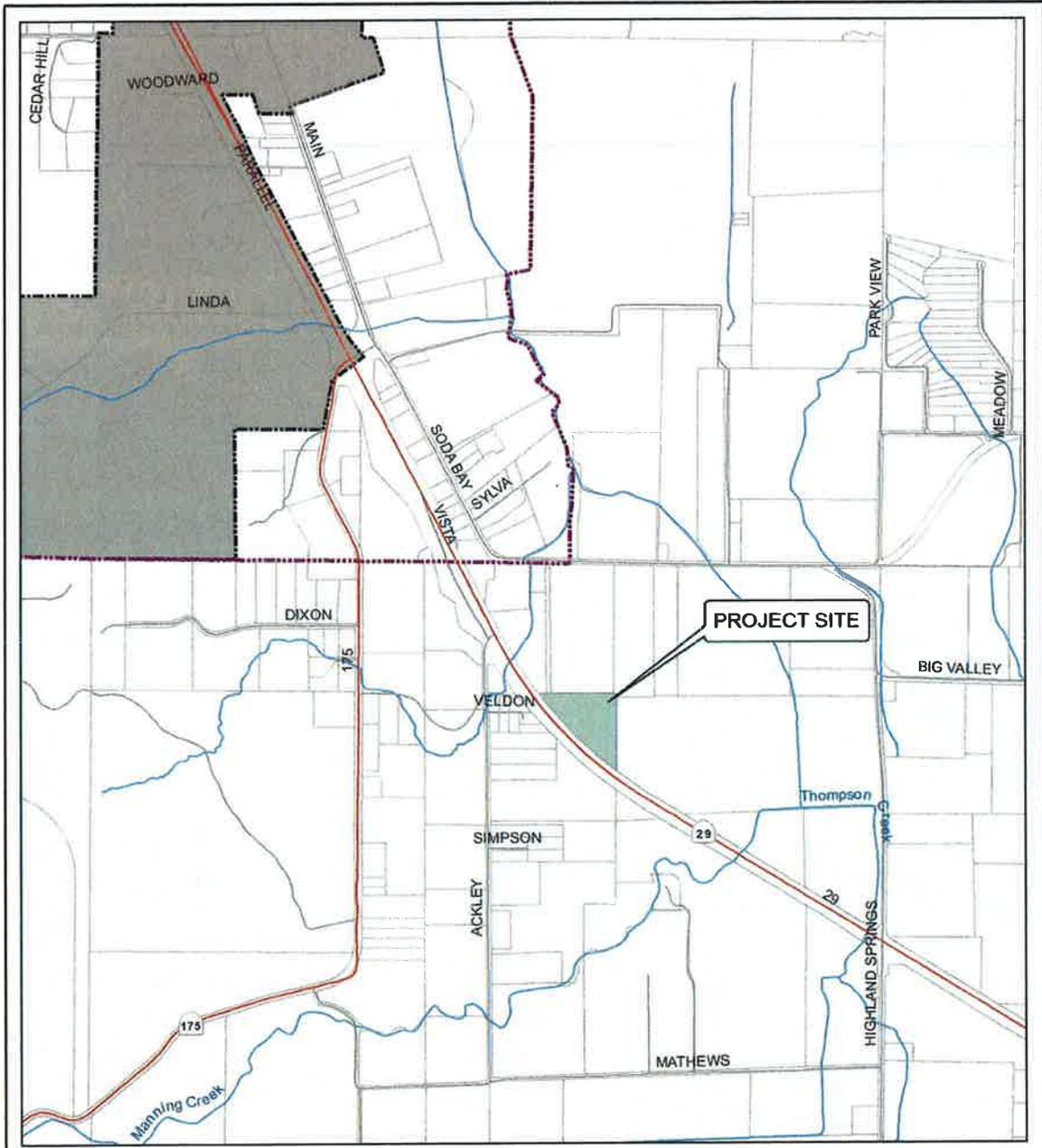
15  
16  
17  
18  
19 ATTEST: MATT PERRY  
20 Clerk to the Board  
of Supervisors

APPROVED AS TO FORM:

21  
22 By: Merrisa Phelan  
23 Deputy

Anita L. Grant  
ANITA L. GRANT  
County Counsel





**VICINITY MAP UP 16-06**

FOR REFERENCE ONLY

-  City of Lakeport
-  Lakeport Sphere of Influence
-  Parcel
-  255 Soda Bay Rd (APN 008-019-64)

