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February 2, 2017

***Transmitted Via Hand Delivery to Board Chambers  
With Copy To: Community Development Department***

Board of Supervisors  
County of Lake  
C/O: Ms. Carolyn Purdy, Asst. Clerk  
255 N. Forbes Street  
Lakeport, California 95453

Re: Applicant/Appellant: Trudi LaMonica/LaMonica Outdoor Advertising  
Property: 131 Soda Bay Road, Lakeport [A.P.N. 008-019-69] (the "Tanti Property")  
Matter: Renewal Application For Major Use Permit (16-01)

To the Honorable Members of the Lake County Board of Supervisors:

This appeal arises from a pair of decisions made by the Lake County Planning Commission (hereinafter the "Commission") on October 27, 2016 concerning a use permit renewal application submitted by Applicant on January 12, 2016 for a roadside billboard located on northern-most corner of the Tanti Property.

In its decision, which was made after multiple public hearings, the Commission renewed Applicant's use permit for an additional five (5) year term. However, that renewal was made subject to a number of new-found and economically impracticable terms and conditions requiring, among other things, the submission to the Community Development Department (hereinafter "CDD") of a "sign maintenance plan" required to include plans for ingress, egress, sign maintenance and removal of the subject billboard along with submission of the property owner's written approval and written consent to warrantless entries onto the Tanti Property by County staff "at any reasonable time deemed necessary."

The Commission's permit renewal also requires LaMonicas to pay an "annual mitigation monitoring fee" in the amount of \$ 157.00 for each year of the subject billboard's operation going forward for the life of the billboard. The cost to the business operators of this new annual fee over the five year term of renewal effects, perhaps coincidentally, a doubling of the total permitting cost to the operators of a lawful family business with modest annual revenues. For the reasons stated in Exhibit "N" attached hereto, at pages N1 to N26, and for those other reasons to be considered by your Board on Tuesday, February 14, 2017, the Appellants respectfully submit that the Commission did not, on October 27, 2016, have the requisite legal authority to require payment by Appellants of the "annual mitigation monitoring" fees imposed by CDD as a condition of permit renewal.

This letter brief expressly incorporates by reference ALL of the briefs, exhibits, sworn testimony and oral arguments previously submitted on the LaMonicas' behalf in relation to their January 2016 application for renewal of use permit 16-01. In addition, and for ease of reference, the Board will find attached hereto

County of Lake Board of Supervisors  
Re: Use Permit Renewal UP 16-01  
February 2, 2017  
Page 2 of 3

sequentially numbered Exhibits "H" through "R" which are true and correct photocopies of those documents, writings, maps and photographic images most pertinent to the immediate application.

The Appellants' factual contentions and legal arguments with respect to the pending renewal of UP 16-01 can be summarized as follows: The LaMonicas own and operate a modest and lawful family owned business which, by necessity, must compete in the open marketplace with those other operators of lawfully permitted billboards in Lake County as well as those other operators of rogue and/or un-permitted and/or lapsed-permit billboards currently located in Lake County. [See Exhibit "R" at Pages R4 and R5 which show one such un-permitted, rogue billboard with skyward oriented lighting which is located approximately 2.0 miles south of the subject billboard on the north-side of State Highway 175].

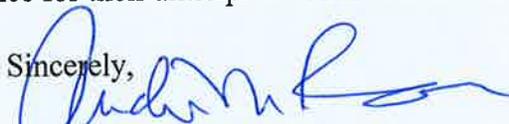
In January of 2016, the LaMonicas applied for a renewal of their permit, as they have done repeatedly in the past, so that they can continue to lawfully operate a responsible and successful family business in Lake County. The Commission's newly imposed conditions of use, and its legally unsupported imposition of a new annual monitoring fee, were and remain costly, unduly restrictive and entirely unrelated to the public's health, safety, morals, comfort or general welfare. In addition, CDD's extended processing and handling of the LaMonicas' renewal application has, over the course of this past year, imposed a substantial burden, in the form of time spent, miles driven and professional fees and costs incurred, on the permit applicants who simply wish to remain on the right side of the law with respect to their local business.

It is reasonable for the LaMonicas to expect to be treated in a rational, fair and lawful manner by local planning and permitting officials with respect to their permit renewal application(s). This is not a matter that needs to be or would be better handled by code enforcement officials. The LaMonicas have cooperated fully with CDD's planning and permitting staff throughout the pendency of the permit renewal process. Nevertheless, it was neither rational nor lawful for the Commission to impose upon the LaMonicas- largely for aesthetic or other reasons- new conditions of use which were drafted to be utterly impracticable and/or to impose new-found annual mitigation fees which, at the time of the Commission's October 27, 2016 decision, were unsupported by local ordinances. [See Exhibit "Q" attached hereto.]

The LaMonicas expect to receive in very short order a third round of newly revised "staff reports" prepared by CDD staff with respect to the pending permit applications. Thus, I must reserve the opportunity to supplement this letter-brief with additional responsive information as may be required. In closing, I would respectfully submit that the most rational, lawful and just determination by your Board in this particular matter would be as follows: 1.) to grant LaMonicas both of the five (5) year permit extensions approved on October 27, 2016 but without those new conditions of use imposed under Pars. 4, 5 and 7 objected to herein; and 2.) to rescind the "annual mitigation monitoring fee" imposed under Par. 6 with respect to this particular use permit renewal only; and 3.) to provide for a timely refund to the LaMonicas of the \$ 509.00 appeal fee paid to the County of Lake in order to bring this particular matter to your Board's attention.

I wish to thank each member of your Board in advance for their anticipated consideration in this matter- thank you.

Sincerely,



Andre M. Ross for

EWING & ASSOCIATES

County of Lake Board of Supervisors  
Re: Use Permit Renewal UP 16-01  
February 2, 2017  
Page 3 of 3

cc: Applicants  
Community Development Department Staff

Encl: Exhibit "H" - Form Appeal to Board dated November 4, 2016  
Exhibit "I" - Major Use Permit UP 16-01 with new conditions granted October 29, 2016  
Exhibit "J" - License from Owner of 99 Soda Bay Road Re Site Access  
Exhibit "K" - Applicants' 08.09.16 Letter-Brief to Planning Commission  
Exhibit "L" - Planning Commission Minutes Dated 08.11.16  
Exhibit "M" - Planning Commission Minutes Dated 09.08.16  
Exhibit "N" - Applicants' 10.26.16 Letter-Brief to Planning Commission  
Exhibit "O" - Planning Commission Minutes Dated 10.27.16  
Exhibit "P" - Reserved  
Exhibit "Q" - County of Lake Memorandum Dated 01.03.17 with New Draft Ordinance  
Exhibit "R" - Digital Maps and Images Pages R1 to R5



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

**APPEAL TO BOARD OF SUPERVISORS**

Date: November 4, 2016

Project Name (if applicable): La Monica Signs Use Permit 16-01

Appellant's Name: Trudy LaMonica

Appellant's Mailing Address: c/o Ewing & Associates 995 S. Main St, Lakeport, CA

Phone #: (707) 263-6400

Appellant's Representative Andre M. Ross, Esq. [CSBN 176126]

Phone #: 707-263-6400

Location of Project: 131 Soda Bay Road, Lakeport

Assessor's Parcel Number: 008-019-69

Previous Action Taken: Major Use Permit granted subject to new annual fee for monitoring billboard and additional new conditions of use re ingress, egress and maintenance. Date: October 27, 2016

Reason for Appeal: (Attach extra sheets if necessary)

Renewed Major Use Permit now incorporates new annual fees and 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, and new conditions of use have been imposed regarding site access and property owners' agreement to waive legal protections against nonconsensual entry onto private property.

Please schedule hearing Trudy LaMonica  
 on appeal after Andre M. Ross  
 January 1, 2017 due to Signature of Appellant/s  
 calendaring conflicts. Thank you

RECEIVED

FOR OFFICE USE ONLY		NOV 04 2016	
Appeal Number: _____	Related File#: _____	LAKE COUNTY COMMUNITY	
Fee: _____	Receipt #: _____	DEVELOPMENT DEPT.	
Date Received: _____	Received By: _____	Exhibit <u>HI</u>	

**COUNTY OF LAKE  
MAJOR USE PERMIT (UP 16-01)  
LA MONICA OUTDOOR ADVERTISING  
Expires December 8, 2020**

Pursuant to the approval of the Lake County Planning Commission on **October 29, 2016**, there is hereby granted to **La Monica Outdoor Advertising, 2226 Kelley Creek Lane, Rescue, CA**, a Use Permit to allow **continued use of an outdoor advertising sign for a period of five years**, on property located at **131 Soda Bay Road, Lakeport**, being Assessor Parcel Number **008-019-69**, with the following terms and conditions:

**Conditions:**

1. The use hereby permitted shall allow for the continued use of the existing billboard sign at this location for a period of five (5) years and is subject to the conditions of Use Permit (UP 95-10) and associated time extensions (UP 05-09), and (UP 10-12). This permit shall supersede any previous use permit conditions in conflict with this extension. Minor alterations which do not result in increased environmental impacts may be approved in writing by the Planning Director.
2. The billboard shall comply with the Caltrans Outdoor Advertising Act.
3. All lighting shall be indirect, directed downward, hooded, shielded or opaque and shall comply with the recommendations of [www.darksky.org](http://www.darksky.org). No unobstructed beam of light shall be directed beyond the billboard face. Alternatively, all lighting may be permanently removed.
4. Within ninety (90) calendar days from date of approval of UP 16-01), the permit holder shall submit to the Planning Division for review and approval, a sign maintenance plan that demonstrates how the billboard will be maintained in good condition for its remaining life, including provisions for removal should the sign become unusable. The plan shall identify ingress and egress into the subject parcel and path of travel to the sign and location where maintenance vehicles can park to perform sign maintenance. This plan shall be signed by the property owner demonstrating agreement that the buildout of the mini-storage will not impede sign maintenance vehicles. Failure to comply with this condition of approval may result in the revocation of this use permit
5. Within ninety (90) calendar days from the date the sign maintenance plan is approved, the plan shall be fully implemented, showing that the billboard is currently maintained and there is adequate circulation within the parcel for sign maintenance trucks
6. Within ninety (90) days from the date the sign maintenance plan is approved, the permit holder shall submit an annual mitigation monitoring fee of \$157 (per 2016 fee schedule, approved by Board of Supervisors). This fee shall be renewed every subsequent year, on or before April 25<sup>th</sup>, for the life of the billboard.
7. The permit holder shall permit the County of Lake or representative(s) or designee(s) to making periodic 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.
8. This permit shall be null and void if the use is abandoned for a period of two (2) years.
9. This permit shall be valid for five (5) years and shall expire on December 8, 2020, unless it is renewed through approval of a use permit, or is revoked pursuant to Section 60 of the Lake County Zoning Ordinance prior to that date.

Prepared by: TS

ROBERT MASSARELLI, DIRECTOR  
COMMUNITY DEVELOPMENT DEPARTMENT

By: \_\_\_\_\_

Danae Bowen, Office Assistant III

**ACCEPTANCE**

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

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

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

\_\_\_\_\_  
Print Name



# CLEARLAKE REDI-MIX, INC.

P.O. Box 111 • Lakeport, California 95453  
Telephone 707 • 263 • 5297 • FAX 707 • 263 • 8639

14 November 2016

TRUDY LA MONICA  
2226 Kelley Creek Lane  
Rescue, CA 95672

Dear Trudy LaMonica:

This letter confirms that LaMonica Signs has my permission to use my property at 99 Soda Bay Rd. Lakeport, CA 95453 to access the billboard sign located at 131 Soda Bay Rd. Lakeport, CA 95453. Which is located just beyond our northwest corner. Call when you have any maintenance scheduled or ASAP for immediate/emergency access. This permission shall remain in effect based on your most current lease agreement with Mark Tanti located at 131 Soda Bay Rd. Lakeport, CA 95453.

Sincerely,

Kelly Thorn

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August 9, 2016

*Via E-Mail Transmission To: Danae.Bowen@lakecountyca.gov*  
*Original to Follow Hand Delivery*

County of Lake Planning Commission  
Attn: Ms. Danae Bowen, Office Assistant  
255 N. Forbes Street  
Lakeport, California 95453

Re: Applicants/Appellants: Trudy LaMonica d/b/a LaMonica Signs  
Matters: Use Permit Renewals UP16-01, UP 16-05 and UP-16-06  
Hearing Date: Thursday, August 11, 2016

Dear Ms. Knight:  
Dear Ms. Shortridge:

This letter is sent in follow up to my August 3, 2016 request for an extension of additional time for the Trudy LaMonica d/b/a LaMonica Signs to fully respond to the three (3) length and substantial Staff Reports submitted by Staff in relation to the Planning Commission's upcoming August 11, 2016 hearings.

As my office has not yet received a direct response to that request, and the Planning Commission's three hearings on these matters are imminent, I am respectfully submitting, on behalf of the LaMonicas, this very short letter-brief along with the incorporated Exhibits A through D for the Planning Commission's review and consideration before Thursday, August 11, 2016.

At that time, LaMonicas will be ready, willing and prepared to address all of the Planning Commission's legitimate questions and concerns pertaining to their pending applications for permit renewals at the August 11, 2016 hearing. However, it may become necessary for the Planning Commission to grant the LaMonicas some additional time to provide written documentation in response to all of the contentions of fact and/or legal arguments preciously raised by Staff in the August 2, 2016 reports.

Attached hereto as Exhibit "A" is a true and correct photocopy of Article 45, Sections 45.21 through 45.27 of the Lake County Zoning Ordinance which presently governs with respect to Off-Site Outdoor Advertising Signs (i.e. "Billboards") installed in those non-incorporated areas of the County of Lake governed by county ordinances. Attached hereto as Exhibit "B" is a true, correct and complete copy of Title 14 California Code of Regulations Section 15162(a) through (d) (a/k/a the "CEQA Guidelines") cited to staff in all three of the Staff Reports provided to date with respect to the renewal applications. Attached hereto as Exhibit "C" are thirty (30) pages of .pdf scanned images taken along the California State Highway 29 corridor in and around the City of Lakeport by the LaMonicas legal counsel on Monday, August 1, 2016. Attached hereto as Exhibit "D" is a true and correct photocopy of Article 51, Sections 51.1 through 51.9 of the Lake County Zoning Ordinance. All of the attached exhibits are to be submitted to the Commission with respect to each of the three (3) pending use permit renewal applications.

Exhibit     K1

County of Lake Planning Commission

Re: Use Permit Renewals UP16-01, UP 16-04 and UP 16-05

August 9, 2016

Page 2 of 2

In sum and substance, all three of the staff reports submitted to date incorporate a recommendation that the Commission deny the LaMonicas' pending applications for Major Use Permits. Much of the material contained in those reports is of a historical nature and pertains largely to the history and context of the subject projects. In addition, the reports make mention of the County of Lake's substantial efforts a number of years ago to reform county land-use ordinances and various plans in a manner aimed at fostering the local tourism industry and encouraging travelers from elsewhere in California to visit Lake County, patronize Lake County's local business and, hopefully, recognize Lake County's many hidden virtues as a place that is something far greater than a simple scenic vacation destination.

As a matter of fact, each of the three (3) staff reports submitted to date include recommendations based upon critical observations of the subject billboards that are based upon subjective, aesthetic considerations and suggestions or speculations that the County's *de facto* removal of off-site billboard advertising, through non-renewal of certain permits, will significantly enhance the County of Lake's future prospects as a vacation destination or, the prospects of State Highway 29 to be recognized as a "Potential State Scenic Route" through the City of Lakeport. Basing long-term land-use decisions with economic impacts on subjective aesthetic observations and, to a much greater extent, wishes, ambitious policy goals or speculation as to the future effect of such decisions place a substantial burden on the shoulders of business owners who wish to provide other businesses with an opportunity to capture new business opportunities in a lawful and constructive manner.

I also note that the staff reports previously submitted omit any mention of the current status of any other billboard installations located elsewhere in the County of Lake that are also arguably subject to the County's "amortization" program. As a point in fact, there are a number of other corporate vendors, e.g. Stott and Lamar, who, like the Lamonicas, provide off-site advertising opportunities for local businesses subject to those local ordinances and other rules of law that govern in the locations where such signs have been situated. See Exhibit "C" at pages C3-5, C6-8, C16-18, C19-21 and C25-26.

The LaMonicas, by a sheer coincidence in timing, are now confronted by the Planning Departments action steps taken to eliminate one or perhaps all of their existing billboard installations based largely upon alleged aesthetic impacts, the suggestions of expert marketing consultants that the removal of such billboards "may" enhance Lake County's tourism.

Sincerely,



Andre M. Ross for  
EWING & ASSOCIATES

cc: Clients

Encl: Exhibit A - Lake County Zoning Ordinance Article 45  
Exhibit B - CEQA Guidelines i.e. Title 14 California Code of Regulations Section 15162(a)  
Exhibit C - August 1, 2016 photographic survey of State 29 Corridor  
Exhibit D - Lake County Zoning Ordinance Article 51

Exhibit K2

in area on any one face. The total area of signs with more than one face shall not exceed one hundred (100) square feet in area. There shall be a common theme to the signing of a shopping center. The theme should include some identifiable common element or elements such as: dimension, construction material, color scheme, lighting or lettering style. All signs in the center shall be integral components of the common theme. Free-standing signs for individual occupancies shall be prohibited.

**45.15 On-site sign regulations for non-residential uses in the “APZ”, “A”, “TPZ”, “RL”, “RR”, “SR”, “R1”, “R2”, “R3”, “PDR”, “O”, and “U” base zoning districts:**

- (a) As a permitted use: Appurtenant signs as specified in Section 45.11 for the “C1” Local Commercial district.
- (b) Permitted with a minor use permit: Appurtenant signs as specified in Section 45.12 for the “C2” Community Commercial district.

**SEC. 21-45.20 OUTDOOR ADVERTISING AND OFF-SITE SIGNS.**

**45.21** One (1) outdoor advertising and off-site sign no larger than thirty-two (32) square feet in total surface area per face is permitted per lot in all districts except the “R1” and “O” base zoning districts and “SC” combining district. Temporary real estate signs not exceeding thirty-two (32) square feet are permitted in any district.

**45.22 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: (Ord. No. 2886, 02/26/2009)**

- (a) No more than four hundred (400) square feet in 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. (Ord. No. 2886, 02/26/2009)
- (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. (Ord. No. 2886, 02/26/2009)
- (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. (Ord. No. 2886, 02/26/2009)

Exhibit K3

EXHIBIT A

PAGE 1 OF 4

**45.23 Off-site outdoor advertising signs permitted in the “SC” Scenic Combining District, subject to first obtaining a major use permit in each case:**

- (a) When an “SC” combining district has been established, no off-site sign is permitted, except for one category sign not more than ten (10) square feet in area, carrying words or symbols to denote “Roadside Business”; “Food-Lodging-Gas”; “Resort Area”, or similar words or symbols, which may identify an individual person, firm or place of business. Category signs shall be generally uniform in size, shape, lettering and appearance, to a design approved by the Planning Commission.

**45.24 Off-site community identification signs and directional signs proposed by local business associations are permitted in all districts subject to review and approval by the Community Development Director in consultation with Lake County Marketing Director and Director of Public Works. Signs shall be consistent with the following standards (Ord. 2670, 12/25/2003):**

- (a) ~~Sign copy of community identification signs shall be limited to identifying the types of services available in the community, and shall not advertise businesses. One community identification sign per road leading to the community is allowed. Signs shall not exceed 75 square feet, measured on one side.~~
- (b) Directional signs shall not exceed 15 square feet, including any emblems or local symbols. Directional signs shall be located near intersections of public roads to direct visitors to the community or other attractions such as public parks, lake access or airports. Signs shall be placed so as not to obstruct sight distance or result in traffic safety hazards. Sign copy shall be limited to the community name, or words such as “Park”, “Lake Access”, or “Airport”, with an arrow pointing in the appropriate direction.
- (c) All signs for each community shall include a common design theme with consistent colors, scale and insignia, and shall be subject to the performance standards of Section 45.24 of this Chapter. (Ord. 2670, 12/25/2003)

**45.25 Off-site Business District signs proposed for business districts or main street associations that are not located along major collector roads or highways are permitted in all districts subject to review and approval by the Community Development Director in consultation with Lake County Marketing Director and Director of Public Works. No sign shall be approved by the County along a state highway unless first approved by Caltrans. Signs shall be consistent with the following standards (Ord. No. 2886, 02/26/2009):**

- (a) Off site signs shall only be allowed in situations where the business district or shopping center is not visible from a major collector road or highway. (Ord. No. 2886, 02/26/2009)

Exhibit K4

- (b) Signage shall consist of one (1) free-standing sign structure not exceeding 20 feet in height. Cumulative signage shall not exceed 200 square feet per side, with a maximum of two (2) sides. (Ord. No. 2886, 02/26/2009)
- (c) Individual sign placards or sign copy listing the names of individual businesses shall be included in the sign structure, and all businesses within the shopping center or business district shall be encouraged to participate. Consistent sign design and colors shall be used. (Ord. No. 2886, 02/26/2009)
- (d) If lighting is proposed it shall be indirect lighting only. No electronic message boards are allowed. (Ord. No. 2886, 02/26/2009)
- (e) Signs shall be located no further than one (1) mile by road from the shopping center or business district. (Ord. No. 2886, 02/26/2009)

**45.26 Performance standards: The following performance standards shall apply to all signs permitted in this chapter and article:**

- (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. All other permitted signs may be located 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.
- (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.
- (c) All signs shall in no way endanger the health and safety by causing distraction to operators or motor vehicles on the streets and highways. Location, lighting and color of signs shall not cause confusion with public signs and traffic signals.
- (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.
- (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.

- (f) No permit for any sign shall be issued, and no sign shall be constructed or maintained, where said sign has less horizontal or vertical clearance from communications lines and energized electrical power lines, than that prescribed by the laws of the State of California, or rules and regulations duly promulgated by agencies thereof.
- (g) No sign shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe, or obstruct any required stairway, door, ventilator or window.
- (h) The maintenance of a sign or support structure or the changing of sign copy not involving any increase in size shall not constitute a new sign and does not require any permits by this chapter.
- (i) No sign shall be allowed within the vicinity of a State Highway unless it has been found to be consistent with Caltrans Outdoor Advertising Sign Standards.  
(Ord. No. 2886, 02/26/2009)

**45.27 Sign amortization, maintenance and abandonment**

- (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)
- (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)
- (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. 1749, 7/7/1988; Ord. No. 1974, 12/20/1990; Ord. No. 2128, 01/14/1993; Ord. No. 2172, 08/12/1993; Ord. No. 2245, 09/01/1994; Ord. No. 2886, 02/26/2009)

WestlawNext **California Code of Regulations**

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**§ 15162. Subsequent EIRs and Negative Declarations.**  
14 CA ADC § 15162  
BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations Currentness  
Title 14. Natural Resources  
Division 6. Resources Agency  
Chapter 3. Guidelines for Implementation of the California Environmental Quality Act  
Article 11. Types of EIRs

14 CCR § 15162

**§ 15162. Subsequent EIRs and Negative Declarations.**

(a) 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.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21166, Public Resources Code; Bowman v. City of Petaluma (1986) 185 Cal.App.3d 1065; Benton v. Board of Supervisors (1991) 226 Cal.App.3d 1467; and Fort Mojave Indian Tribe v. California Department of Health Services et al. (1995) 38 Cal.App.4th 1574.

HISTORY

1. Amendment of section heading, text and Note filed 8-19-94; operative 9-19-94 (Register 94, No. 33)

Exhibit K7

EXHIBIT B

PAGE 1 OF 2

2. Amendment of subsection (c) and Note filed 10-26-98; operative 10-26-98 pursuant to Public Resources Code section 21087 (Register 98, No. 44).

3. Change without regulatory effect amending subsections (b)-(c) and Note filed 10-6-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 40).

This database is current through 7/22/16 Register 2016, No. 30

14 CCR § 15162, 14 CA ADC § 15162

END OF DOCUMENT

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Exhibit K8

EXHIBIT B

PAGE 2 OF 2

ARTICLE 51

SEC. 21-51 MAJOR USE PERMIT.

**51.1 Major use permit:** Major use permits revocable, conditional and/or valid for a term period may be issued for any of the uses or purposes for which such permits are required or permitted by the terms of this Chapter. The Board of Supervisors or Planning Commission may impose such conditions as they deem necessary to secure the purposes of this Chapter and may require tangible guarantees or evidence that such conditions are being, or will be, complied with.

**51.2 Application:** Application for a major use permit shall be made in writing by the owner of the property; or lessee, purchaser in escrow or optionee with the written consent of the owner; or by a public utility company or other agency with the powers of eminent domain, on a form prescribed by the Planning Department. The application shall be accompanied by a fee in an amount to be set by the Board of Supervisors, and plans showing the details of the proposed use to be made of the land or building, and any other pertinent information required by the Planning Department as provided in Article 55. (Ord. No. 1749, 7/7/1988)

**51.3 Public hearing and notice:**

- (a) A public hearing shall be held on any application for a major use permit.
- (b) The Review Authority for major use permits shall be the Planning Commission.
- (c) Notice of any public hearing shall be given as provided in Section 57.3.

**51.4 Findings required for approval:**

- (a) The Review Authority may only approve or conditionally approve a major use permit if all of the following findings are made:
  - 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.
  - 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.
  - 3. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use. (Ord. No. 2128, 1/14/1993)

4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project. (Ord. No. 1749, 7/7/1988)
5. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.
6. 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. (Ord. No. 2128, 1/14/1993)

- 51.5 Permit issuance and appeal period:** Major use permits shall not be issued until seven (7) calendar days have elapsed from the granting thereof, and in case an appeal is filed from the Planning Commission decision thereon shall not be issued until a decision has been made by the Board of Supervisors on such appeal. Major use permits shall not have any force and effect until the permittee acknowledges receipt thereof and agrees in writing to each and every term and condition thereof.
- 51.6 Appeals:** A decision of the Planning Commission on a major use permit application may be appealed to the Board of Supervisors in accordance with the provisions of Section 58.30 et seq. of this Chapter.
- 51.7 Reapplication:** Reapplication for denied major use permits shall be as provided in Article 60.
- 51.8 Expiration:** All major use permits shall have an expiration period(s) as provided in Article 60.
- 51.9 Revocation and Modification:** Major use permits may be revoked or modified as provided in Article 60.

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

August 11, 2016

Commission Members

P Joseph Sullivan, District I  
P Bob Malley, District II  
P Gladys Rosehill, District III  
A Don Deuchar, District IV  
P Gil Schoux, District V

Staff Members

P Robert Massarelli, CDD Director  
P Audrey Knight, Principal Planner  
P Shanda Harry, Deputy County Counsel  
P Danae Bowen, Office Assistant III

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9:11 a.m.     **Public Hearing on reconsideration of a previously adopted mitigated negative declaration for Major Use Permit (UP 16-05) based on Initial Study (IS 93-60). The project applicant is LA MONICA SIGNS requesting a five-year time extension of an existing billboard sign. The billboard is located at 2595 South Main Street, Lakeport and further described as APN 005-053-20. (Continued from June 9, 2016 and July 14, 2016) (Tricia Shortridge)**

Audrey Knight, Principal Planner, reviewed the number of continuances and addressed the lack of clarity in the current ordinance in reference to continuances. She said article 57.6 reads: "*Any public hearing conducted under this Article may be continued from time to time.*" She said this has the sound of a very rare occasion and for specific reasons.

Ms. Knight explained that the first three items on the agenda today, La Monica Signs, are for the Planning Commission to hear the items, take comment, and make a decision or continue the item. She said it seems reasonable to allow one continuance of an item not yet heard by the Planning Commission, or allow continuances on heard items for contentious issues. She suggested that it is inappropriate to allow more than two continuances for heard items, where all facts and issues have been discussed, so as not to drag something out beyond reason. She said she is not suggesting policy changes at this point; however she was giving the Planning Commission information, so that a decision can be made regarding a continuance for today's items.

Andre Ross, Ewing & Associates, Attorney representing the applicant, pointed out there has been a change in circumstances and he did request a continuance. He said the purpose of his initial request for a continuance was to afford the Planning Commission time to digest the staff reports and to give his office the additional time they needed to meaningfully respond to the staff reports. He said Ms. La Monica is present and depending on the course of what happens today, the Planning Commission may decide to stay the proceeding and continue on September 8<sup>th</sup>,

however they are prepared to address each of the three permit renewal applications. He added that it is a complicated set of facts for each of the three signs; however he felt they could proceed with one or more or all of these matters.

Comm. Malley deferred to County Counsel on the continuance matter.

Shanda Harry, Deputy County Counsel, said because the applicant is the one making the request for a continuance, her brief research has been, that generally continuances are granted. She said she has not seen one that has not been granted, and it was up to the circumstances and up to the Commission.

Mr. Ross said he would be happy to modify his request that the item be heard this morning and have an option to continue on September 8<sup>th</sup>, if the extra time is needed to get through the three separate matters and they are willing to put the time to good use and proceed.

Comm. Malley suggested starting the public hearing and if we get to a point where it needs to continue the items, then that will be the decision as we go along.

Tricia Shortridge, Assistant Planner, provided background information and a power point presentation of the project application. She noted previous conditions of approval required two trees to be planted, which have been cut down and pointed out this parcel is out of compliance with the Zoning Code due to unpermitted storage of miscellaneous vehicles and cargo containers. She said the zoning for this particular parcel is "C3" Service Commercial and there is an allowance for mini-storage, but it does require use permits for the outdoor storage. She said the billboard is out of compliance with General Plan Land Use Policy 7.19, which calls for the amortization of billboards; the Lakeport Area Plan, which identifies Highway 29 as a potential scenic route through the State of California, in addition to the CEQA analysis that occurred in 1995, which did not adequately address esthetic impacts.

Ms. Shortridge said staff can make two findings for denial of the renewal of this use permit. She read into the record: *"The maintenance and the operation of the sign is detrimental to health, safety and morals of the general welfare of the persons residing or working on the site and the site itself is not in conformance with the Zoning District; that violations of Chapter 21 of the Lake County Zoning Code currently exist on the property, in addition to the billboard itself, which is not in compliance with previous approved conditions of approval."*

Ms. Knight referenced the staff report, which contains the previous environmental document from 1993, as well as other quotations from the CEDS or the economic development strategy for the County and also addressed amortization, particularly in potential tourist destinations, entries into Lakeport and on Highway 29 as routes through the County. She said there are three major policy documents that have been adopted since this last renewal, which support the amortization of this sign and removal to clean up the entry ways and potential scenic highway that the state has designated Highway 29 as.

Ms. Shortridge said if the Planning Commission does wish to approve the renewal of this use permit, staff would need to make all six findings from Chapter 51 of the Zoning Ordinance. She

said an environmental determination will need to be made, and the CEQA document will need to be recertified and new conditions of approval can be applied to help mitigate for any esthetic impacts.

Ms. Knight said the previous 1993 CEQA document can be recertified or request a new Initial Study to look at potential mitigations.

Comm. Malley asked Mr. Ross if Ms. La Monica was the owner of the property that the billboard sign was on.

Mr. Ross said that she has a rental agreement for the corner of the lot upon which the billboard is located and the footprint of the billboard is the portion of the property that La Monica Outdoor Advertising rents from the property owner.

Comm. Malley asked if Ms. La Monica exercised any control over what is done with the rest of the property.

Mr. Ross said none whatsoever. He said she has the corner of the property rented and no control over the property owner's failure to abide by zoning codes and bears no responsibility for the wrongs of the property owner in that regard. She pays rent for the corner of the parcel, upon which her sign is situated.

Comm. Malley said he finds it a stretch to try to blame the billboard sign for the condition on the property.

Ms. Knight said the property owner is essentially out of compliance and supporting a lease for a use is part of the agreement that the land owner makes when they are developing their property. She said having multiple uses on a site is not necessarily an issue, but the property itself needs to be in compliance for its use. She said if you look at the property as one entity with a series of uses on it, you can deny certain uses on that property based on the site plan and how the regulations and standards for that site are maintained.

Comm. Malley said he thought that the owner of the property is the one we should be having the hearing with regarding the appearance and the violations on his property. He said as far as the sign goes, it is obviously in need of repair, and suggested talking about that, but throwing the rest of this piece of property in with it, is going over and beyond what we should be discussing and we should be talking about just the corner with the sign on it.

Ms. Knight said she thought this was an important point of law, because the basis for this use permit is the ground on which it sits and we have a "C3" zone. She said it was a package deal and while on one hand there is a lease with the landowner, it is within the Commissions purview to say that a billboard at this location on this property will not be further permitted.

Comm. Malley asked Counsel if he was off base as far as talking about the whole piece of property versus just the corner that the sign is sitting on, which is all Ms. La Monica has control of.

Ms. Harry said the Planning Commission has the power to deny the request for the reasons Ms. Knight has stated, however the Commission can grant it for the reasons that Comm. Malley as stated as well. She said it is a perspective issue and the law allows for what Ms. Knight is asking for, but also allows for Comm. Malley's position too.

**9:41 a.m.      Opened Public Hearing**

Mr. Ross said Ms. La Monica is a tenant of the property owner, identified as EKAL, LLC on this particular site, which is located along the commercial corridor, south of Lakeport. He said he has submitted to the Planning Commission a two page brief, which incorporates four exhibits and asked that this brief be considered with each of the three pending renewal applications. He said Exhibit A is a four page copy of the Lake County Zoning Ordinance, Section 21 pertaining to outdoor advertising and signage, Section 45.27 on page 4 of Exhibit A, pertains to the County's adoption in 2009 of an ordinance referring to sign amortization. He said the meaning of that word is very important to this case, as it is to the other two cases and to the other dozen or so billboards that are installed in the unincorporated portions of the County of Lake. He said Exhibit B is an accurate copy of the California Code of Regulations 14, Section 15162, also known as the CEQA guidelines; portions of this regulation are cited to and referred to in the staff reports. He said the staff reports do not accurately reflect what CEQA guidelines say in their entirety and there are edits and removals from the version of the CEQA guidelines that are incorporated into the staff reports and the actual CEQA guidelines that apply.

Mr. Ross pointed out that there have been no significant amendments of the CEQA guidelines and the regulations, and the last amendment was in 2005. He said in all three of the staffs reports, there is reference to the esthetic impacts being more strictly imposed under CEQA, but that representation to the Commission is not supported by either a citation to a change in the law or a case which requires counties to exhibit greater scrutiny with respect to issues and not supported by what staff has provided the Commission. He said Exhibit C is a thirty page collection of photographs taken on the 1<sup>st</sup> of August of each of the billboard installations along the state Hwy. 29 corridor. He said the billboard in question today is located on pages C22, C23 & C24 of Exhibit C and similar to the pictures staff has gathered. He noted that the maintenance issue on this particular sign is not so severe as to stand out as being any different from conditions of the storage containers on the property and conditions in adjacent properties. He said this is a gritty commercial part of the County, to the extent that esthetic improvements would need to be made for a renewal of this permit application and La Monica Advertising is prepared to do that, as an added condition to a renewed use permit.

Mr. Ross addressed the tree issue in the staff report and La Monica Outdoor Advertising does not have any information regarding removal of those trees and it is quite possible that those trees were planted and cut down by someone years ago, without anyone noticing or paying attention. He said there have not been any citations to La Monica Outdoor Advertising with respect to the appearance of this sign and he did not know if Planning or Code Departments have taken any action with EKAL LLC regarding its violations. He said La Monica Outdoor Advertising has no leverage in its lease to exert against EKAL and if the County's decision is to attempt to modify EKAL's behavior by shutting down this billboard on one corner of the property, he

respectfully suggests that the fairer course of action would be to address the problems that the property owner has created with the respect to esthetics. He said the nuisance that is being maintained on this property, which has nothing to do with La Monica's signage, can and should be dealt with as would any other nuisance being maintained along state Hwy. 29 by any private property owner.

Mr. Ross respectfully submits that the Planning Commissions decision today should be based upon a rational appreciation of pertinent facts. He said the rational approach would be to add a condition to the use permit regarding maintenance of the sign or give the owner the opportunity to send a maintenance person out there to spiff up the sign and to extend the permit as it has been extended previously for the same reasons, as these permits have been extended over twenty years and allow La Monica Outdoor Advertising to continue to maintain this sign and divert the energies, which are being devoted to this case to maintain EKAL LLC's maintenance of the visual blemishes that Ms. Knight has addressed to the Commission.

Ms. Knight clarified that Section 45.27 for sign amortization maintenance and abandonment and the Code was amended to look at amortization of existing billboards and that was one item that was put into place and they were at that time looking at a maximum of seven years, so in Mr. Ross's submission on page 45-10, part of exhibit A, it says: *"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..."* she said keep in mind Major Use Permits are part of the Zoning Ordinance, so staff is looking at all conditions of approval *"...or shall be removed with a period of seven (7) years of the effective date of this Section..."* she said their intent at that time in creating this ordinance, was to amortize billboards and provide a mechanism for doing so, starting from 2009. She said CEQA has continued to evolve, sections continue to expand and analysis continues to expand, since the early 90s and in previous public hearings, the items regarding land use and esthetics, are particularly important in making environmental determinations as to the general welfare of the community and ensuring that the land use, which is being proposed is consistent with Area Plans and General Plan policies. She said if that use or project is found to be inconsistent with the Area Plans and General Plan policies, it is a significant impact. She said these legislative adopted policies that the County has put forward as the direction as to which the County wants to move.

Ms. Knight said clearly there are other billboards throughout the County and that previous applications for permit renewals came forward. She said at that time, the Planning Department and Commission did recommend denial, based on the policies that had been adopted at that time. She said in recognition of these policies, the County wanted to go for cleaning up the scenic corridor, scenic resources and attract tourism.

Mr. Ross commented with respect to all three of the use permit extensions, Zoning Code section 51.4 requires the Commission to make certain findings in order to approve or extend the use permit. He said the same six factors need to be evaluated in their entirety and applied to each of the circumstances in their entirety. He did not disagree with Ms. Knight that the Counties policies are to be given consideration in weight. He agreed those policies are important, but he did disagree, however with Ms. Knight's interpretation of Zoning Code 45.27, that paragraph (a) applies to projects that are not made to conform to the chapter and La Monica is applying for a

renewal in order to conform with the rules as they currently exist for the billboard installations. He disagreed that the Commission is required to extinguish the permit and the Commission has the option and the authority under the law to grant an extension of time. He said we are asking for a five year extension and perhaps 45.27(a) limits the Commission to two years, in either way, whether it's a two or five year extension, La Monica has no objection to rehabbing this particular sign to the extent that it might be beneficial to the sight lines and he respectfully asks that the Commission, based on a rational appraisal of the facts and circumstances along the corridor grant an extension of time, require the sign owner to rehab the sign if it need be, replanting trees that have been removed, which will be easily done as well.

**10:03 a.m. Closed Public Hearing**

Comm. Sullivan said that he thought the sign should have maintenance done.

Comm. Rosehill said it does not appear that there is an agreement for the applicant to plant or maintain the trees.

Ms. Knight said all three signs are facing the same issue as well as a total of sixteen signs that are in a similar scenario. She said given the time and the nature of this decision before the Commission, she suggested to work with legal Counsel and look at some of the options regarding the relationships between the land owner meeting the requirements of a lessee and look at a continuance.

Mr. Ross agreed that they would like to deal with this in an efficient manner and not have to go through another hearing on September 8<sup>th</sup>. He asked that all three applications be consolidated and set this for a continued hearing on September 8<sup>th</sup>, with an understanding that the framework for that agreement would be a conditional approval of all three signs for two years, subject to the property owners and planning getting together to figure out what needs to be addressed to make a meaningful improvement on all three applications.

Comm. Sullivan and Rosehill felt that went far beyond what they are talking about and the other applications have not been looked at individually yet. Comm. Sullivan said if it is continued, there will still be an opportunity to speak on the three matters and the Commission can then look at the duration of a use permit extension at that time.

Ms. Knight said there are material differences in each one of these cases and they each need to be discussed on their merits, as well as examined in regards to the relationship of the lessee to the property owner and the Major Use Permits cannot be granted on the findings. She said you cannot make findings for all these parcels.

Mr. Ross thought all three matters should be deemed open today, so that he can discuss with Ms. Knight what the County wants to accomplish before the next hearing.

Ms. Knight continued this item to September 8, 2016 at 11:00 a.m. for all three items.

**10:11 a.m. Public Hearing on reconsideration of a previously adopted mitigated negative declaration for Major Use Permit (UP 16-01) based on Initial Study (IS 95-17). The project applicant is LAMONICA SIGNS requesting a five-year time extension of an existing billboard sign. The billboard is located at 131 Soda Bay Road, Lakeport and further described as APN 008-019-69. (Tricia Shortridge)**

Audrey Knight, Principal Planner, asked for a continuation of this item to September 8, 2016 at 11:00 a.m.

**10:11 a.m. Opened Public Hearing**

No one present wished to speak.

**10:11 a.m. Closed Public Hearing**

Comm. Sullivan confirmed the continuation of this item to September 8, 2016 at 11:00 a.m.

**10:12 a.m. Public Hearing on reconsideration of a previously adopted mitigated negative declaration for Major Use Permit (UP 16-06) based on Initial Study (IS 96-08). The project applicant is LAMONICA SIGNS requesting a five-year time extension of an existing billboard sign. The billboard is located at 255 Soda Bay Road, Lakeport and further described as APN 008-019-64. (Tricia Shortridge)**

Audrey Knight, Principal Planner, asked for a continuation of this item to September 8, 2016 at 11:00 a.m.

**10:13 a.m. Opened Public Hearing**

No one present wished to speak.

**10:13 a.m. Closed Public Hearing**

Comm. Sullivan confirmed the continuation of this item to September 8, 2016 at 11:00

**LAKE COUNTY PLANNING COMMISSION**

**MINUTES**

**REGULAR MEETING**

**September 8, 2016**

**Commission Members**

**P Joseph Sullivan, District I**  
**P Bob Malley, District II**  
**A Gladys Rosehill, District III**  
**P Don Deuchar, District IV**  
**P Gil Schoux, District V**

**Staff Members**

**P Robert Massarelli, CDD Director**  
**P Audrey Knight, Principal Planner**  
**P Shanda Harry, Deputy County Counsel**  
**P Danae Bowen, Office Assistant III**

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**11:04 a.m.**

- 4a. Public Hearing on reconsideration of a previously adopted mitigated negative declaration for Major Use Permit (UP 16-05) based on Initial Study (IS 93-60). The project applicant is LA MONICA SIGNS requesting a five-year time extension of an existing billboard sign. The billboard is located at 2595 South Main Street, Lakeport and further described as APN 005-053-20. (Continued from June 9, July 14 and August 11, 2016) (Tricia Shortridge)**

Audrey Knight, Principal Planner, announced that staff is asking for a continuance of this item along with 4b and 4c for the second Planning Commission hearing in October.

Andre Ross, Attorney for La Monica Signs, noted that planning staff had advised him of this request for continuance yesterday and that his client is still seeking a five year renewal on these projects. He said they are not in opposition of this continuance request.

Comm. Sullivan read into the record the following items:

- 11:05 4b. Public Hearing on reconsideration of a previously adopted mitigated negative declaration for Major Use Permit (UP 16-01) based on Initial Study (IS 95-17). The project applicant is LAMONICA SIGNS requesting a five-year time extension of an existing billboard sign. The billboard is located at 131 Soda Bay Road, Lakeport and further described as APN 008-019-69. (Continued from August 11, 2016) (Tricia Shortridge)**

- 11:06 4c. Public Hearing on reconsideration of a previously adopted mitigated**

**negative declaration for Major Use Permit (UP 16-06) based on Initial Study (IS 96-08). The project applicant is LAMONICA SIGNS requesting a five-year time extension of an existing billboard sign. The billboard is located at 255 Soda Bay Road, Lakeport and further described as APN 008-019-64. (Continued from August 11, 2016) (Tricia Shortridge)**

**11:07 a.m. Opened Public Hearing**

No one present wished to speak

**11:07 a.m. Closed Public Hearing**

Comm. Sullivan continued all three items: 4a, 4b and 4c, to October 27, 2016 at 9:05 a.m.

**UNTIMED STAFF UPDATE**

Audrey Knight, Principal Planner, updated the Planning Commission on the Valley Fire home rebuild totals, the Housing Element Task Force and the Final Environmental Impact Report (FEIR) for Wild Diamond Vineyards is being scheduled for October 13, 2016 Planning Commission Hearing for final review.

**ADJOURNED 11:23**

LAW OFFICES OF:  
**EWING & ASSOCIATES**

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October 26, 2016

*Via E-Mail Transmission To: Danae.Bowen@lakecountyca.gov*  
*Original to Follow Hand Delivery*

County of Lake Planning Commission  
Attn: Ms. Danae Bowen, Office Assistant  
255 N. Forbes Street  
Lakeport, California 95453

Re: Applicant: Trudy LaMonica d/b/a LaMonica Outdoor Advertising  
Matters: Use Permit Renewals UP16-01, UP 16-05 and UP-16-06  
Hearing Date: Thursday, September 27, 2016 at 9:05 a.m.

To the Honorable Members of the Lake County Planning Commission:

This letter brief is being submitted with respect to each of the three (3) pending applications for permit renewal identified above, i.e. UP 16-01, 16-065 and 16-06, (hereinafter collectively the "Applications"). This letter also incorporates by reference all pertinent arguments and exhibits previously submitted to the Planning Commission in my brief dated August 9, 2016.

On or about October 17, 2016, my office did receive timely notice of three (3) redacted/revised Staff Reports submitted by Planning Division to the Lake County Planning Commission with respect to the Applications. Each of those Staff Reports incorporate, among other things, a proposed form of major use permit prepared for each of the three billboard locations/renewal applications now pending before the Commission. Each of the proposed forms prepared by Planning Division Staff include new, additional terms recently proposed by Planning Staff as conditions for each of the requested renewals. For the reasons explained below, the Applicant respectfully objects to the new, additional conditions of approval identified below.

Specifically, both of the major use permit forms proposed for UP 16-01 and UP 16-06 contain a new Par. 6 which states, in pertinent part, as follows: "Within ninety (90) days from the date the site maintenance plan is approved, the permit holder shall submit an annual mitigation monitoring fee of \$ 157.00 (per 2016 fee schedule, approved by Board of Supervisors) This fee shall be renewed every subsequent year, on or before April 25<sup>th</sup>, for the life of the billboard." For those reasons discussed hereinbelow, and in much greater detail at the upcoming hearing, the Applicant objects to this new condition of permit renewal because there does not appear to be any legal authority authorizing the Planning Division to impose any new fees or assessments in the absence of either an ordinance or a resolution by the Board of Supervisors specifically authorizing the Planning Division's imposition of a new "annual mitigation monitoring fee" for billboard advertising installed within the County of Lake.

Similarly, both UP 16-01 and UP 16-06 each contain, in a new Par. 4, additional language imposing a requirement that Applicant prepare and supply a "sign maintenance plan" that will establish certain facts and circumstances deemed by Planning Division to be desirable and necessary for continued operation of each of the subject billboards. In addition, each of the proposed permit forms requires, in new Pars. 4 and 5, the

Exhibit NI

County of Lake Planning Commission  
Re: Use Permit Renewals UP16-01, UP 16-04 and UP 16-05  
October 26, 2016  
Page 2 of 2

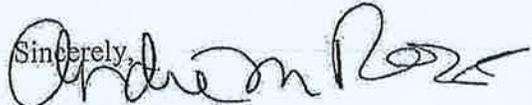
preparation of an "ingress and egress plan" (an undefined term) with respect to privately owned and operated billboard advertising installed entirely on private property. Indeed, the proposed form of UP 16-06 appears to require the engagement of a "qualified biologist" who, presumably for a fee, will be asked to develop a wetlands plan or report which may, or which may not, be satisfactory to the Planning Division.

The burdens, both financial and otherwise, to be imposed by the Planning Division under the proposed forms of use permit will very likely be substantial, whereas the public purpose and benefit of such new requirements remains uncertain. More importantly, none of the newly imposed conditions of approval for renewed use permits are mentioned anywhere in the County of Lake's Zoning Ordinance Article 45 "Regulations for Signs." Thus, it would appear as though the Planning Division is seeking to legislate, on its own, and impose upon the Applicant's business operations multiple, new conditions of approval which are completely unsupported by local ordinances.

Attached hereto as Exhibit "D" is a true and correct photocopy of County of Lake Ordinance No. 2646 (enacted 05.20.2003) establishing the Planning Division's schedule of fees which may be lawfully imposed under the Board of Supervisors' legislative authority. Attached hereto as Exhibit "E" is a true and correct photocopy of County of Lake Ordinance No. 3040 (passed 04.05.2016) which reflects certain amendments made to Ordinance No. 2646 by the Board of Supervisors. Attached hereto as Exhibit "F" is a true and correct photocopy of the County of Lake's current schedule of "Planning Division Fees" which can ordinarily be obtained from Staff at the Planning Division's front counter. Attached hereto as Exhibit "G" is a true and correct photocopy of Lake County Code of Ordinances Sec. 2-72 which species the Planning Division's functions and duties under the local laws currently in effect in Lake County.

Under the local laws currently in effect in the County of Lake, and in the absence of a special resolution by the Board of Supervisors authorizing the Planning Division's creation and imposition of a new "annual mitigation monitoring fee" for billboard signage installed in the County of Lake, there simply does not appear to be any legal authority supporting the Planning Division's spontaneous creation and imposition of new fees, taxes and/or assessments in relation to existing billboard advertising located in Lake County.

Applicant looks forward to having an opportunity to address all of the Planning Commission's remaining questions and concerns regarding her pending renewal applications at the October 27, 2016 hearing.  
Thank you.

Sincerely,  
  
Andre M. Ross for  
EWING & ASSOCIATES

cc: Applicant  
Ms. Shanda Harry, Deputy County Counsel  
Ms. Tricia Shortridge, Associate Planner  
Encl: Exhibit D - Lake County Code Ordinance No. 2646 (11 Pages)  
Exhibit E - Lake County Code Ordinance No. 3040 (11 Pages)  
Exhibit F - Lake County Schedule of "Planning Division Fees" 2016  
Exhibit G - Lake County Code Sec. 2-72 Functions and Duties of Planning Dept.

Exhibit N2

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

2 ORDINANCE NO. 2646

3 AN ORDINANCE ESTABLISHING PLANNING DIVISION FEES AND SUPPORT  
4 SERVICES.

5 THE BOARD OF SUPERVISORS OF THE COUNTY OF LAKE, STATE OF  
6 CALIFORNIA, ORDAINS AS FOLLOWS:

7 Section 1: The amounts set forth below are hereby established as the fees for services  
8 performed for planning permits, appeals, and other services. Unless otherwise specified, the Planning  
9 Division shall collect the fees set forth below before accepting any application for planning permits or  
10 appeals. No application for a permit or appeal shall be deemed filed until said fees are received. All  
11 fees shall be non-refundable, unless expressly authorized by the Community Development Director.

12 A. General Plan

13 General Plan Amendment:

14 Map \$1792

15 Fee Distribution:

16 Planning \$1735  
17 Public Works 35  
18 Environmental Health 22

19 Text \$1735

20 B. Zoning

21 Any zone change: \$1512

22 Fee Distribution:

23 Planning \$1390  
24 Public Works 100  
25 Environmental Health 22

26  
27 Exhibit N3

28  
1  
EXHIBIT D  
PAGE 1 OF 11

1	General Plan of Development:		\$1827
2	Fee Distribution:		
	Planning	\$1735	
3	Public Works	70	
	Environmental Health	22	

4

5 **C. Permits**

6	Zoning Clearance:		
	Single Family		\$60
7	Multi-Family and Commercial		\$115

8	Zoning Permit:		\$60
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9			
10	Development & Design Review Permits:		\$362

11	Fee Distribution:		
	Planning	\$ 230	
12	Public Works	115	
	Environmental Health	17	

13	Minor Use Permit (simple):		\$430 - for simple projects not needing review by DPW ( Examples may include setback reduction, building or fence height increase, collector's permit, hardship guest house, farm labor quarters and similar uses)
14			
15	Fee Distribution:		
16	Planning	\$ 413	
17	Environmental Health	17	

18	Minor Use Permit (complex):		\$593 - for complex projects needing review by DPW (Examples may include commercial projects, road building, import/export of fill, increased fence height on corner lots, day care, wineries, and similar uses)
19			
20			
21	Fee Distribution:		
	Planning	\$ 413	
22	Public Works	163	
	Environmental Health	17	

23			
24	Major Use Permit:		\$1667

25	Fee Distribution:		
	Planning	\$1390	
26	Public Works	233	
	Environmental Health	44	

27

28

Exhibit N4

EXHIBIT D  
PAGE 2 OF 11

1	Variance:		\$752
2	Fee Distribution:		
	Planning	\$ 700	
3	Public Works	35	
4	Environmental Health	17	
5	Lakebed Variance:		\$807
6	Fee Distribution:		
	Planning	\$ 700	
7	Public Works	90	
8	Environmental Health	17	
9	<b>D. Subdivisions</b>		
10	Certificate of Compliance:		
11	Regular		\$ 255 per lot
12	Fee Distribution:		
	Planning	\$ 230	
13	Public Works	25	
14	Conditional		\$467 per lot
15	Fee Distribution:		
	Planning	\$ 345	
16	Public Works	100	
17	Environmental Health	22	
18	Deviation:		
	With Map		\$ 682
19	Without Map		\$1267
20	Fee Distribution:		
	Planning		
21	With Map	\$ 575	
	Without Map	\$1160	
22	Public Works	107	
23	Lot Line Adjustment:		\$678
24	Fee Distribution:		
25	Planning	\$ 345	
	Assessor	55	
26	Public Works	250	
27	Environmental Health	28	

Exhibit N5

EXHIBIT D  
PAGE 3 OF 11

1	Tentative Parcel Map/Merger and Resubdivision (4 parcels or less):		\$1572
2	Fee Distribution:		
3	Planning	\$1145	
	Assessor	6	
4	County Counsel	13	
	Public Works	343	
5	Environmental Health	44	
	Special Districts	21	
6			
7	Final Parcel Map (Collected by DPW):		\$ 808
8	Fee Distribution:		
	Planning	100	
9	Assessor	88	
	Public Works	620	
10			
11	Parcel Map Extension of Time:		\$ 288
12	<u>Subdivisions (or parcel maps and merger and resubdivisions with five or more parcels):</u>		
13	Tentative Subdivision Map:		\$2351 plus \$65 per lot
14	Fee Distribution:		
15	Planning	\$1735 + \$65 per lot	
	Assessor	7	
16	County Counsel	45	
	Public Works	498	
17	Environmental Health	44	
	Special Districts	22	
18			
19	Final Subdivision Map:		\$1865 plus \$43 per lot
20	Fee Distribution:		
	Planning	\$ 460 + \$35 per lot	
21	Assessor	110 + \$8 per lot	
	County Counsel	39	
22	Public Works	1250	
23			
24	Subdivision Map Extension of Time:		\$ 413

Exhibit N6

EXHIBIT D  
PAGE 4 OF 11

1	Reversion to Acreage:		\$ 513 parcel map \$ 899 subdivision map
2	Fee Distribution:		
	Planning	\$ 230 parcel map	
3		\$ 516 subdivision map	
	Public Works	200 parcel map	
4		300 subdivision map	
	Assessor	66	
5	Environmental Health	17	
6	Voluntary Merger:		\$ 262
7	Fee Distribution:		
8	Planning	\$ 161	
	Assessor	66	
9	Public Works	35	
10	Waiver:		\$2142
11	Fee Distribution:		
12	Planning	\$1735	
	Assessor	94	
13	County Counsel	13	
	Public Works	250	
14	Environmental Health	39	
	Special Districts	11	
15			
16	E. <u>CEQA</u>		
17	Categorical Exemption:	\$65	Would also apply to review of previously approved negative declarations.
18			
19			
20	Basic Initial Study:	\$250	Would also apply to review of previously approved environmental impact reports.
21			
22			
23	Special Initial Studies (traffic, noise, hydrology, etc.):		15% of contract with \$230 non-refundable deposit.
24			
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Exhibit N7

EXHIBIT D  
PAGE 5 OF 11

1	Environmental Impact Reports Prepared by Staff:	\$ 46/hr. with \$2000 non- refundable deposit (time permitting).
2		
3		
4	Prepared by Outside Consultant:	\$15% of the contract with \$2000 non- refundable deposit.
5		
6		
7	<u>Environmental Mitigation Monitoring</u>	
8		
9	Geothermal Well:	\$253 per constructed well per year.
10	Power Plant:	\$2530 per constructed power plant per year.
11		
12	<u>Mining, SMARA:</u>	
13	Aggregate Extraction Inspection:	\$634 per year
14		
15	Gold Mill or Similar Processing:	\$2530 per constructed gold mill or similar processing plant per year.
16		
17	Other Current Planning Projects:	\$127 per project per year until mitigations are completed.
18		
19		
20	Major Projects:	Major projects requiring extensive monitoring may also be subject to higher fee per use permit conditions and a separate agreement.
21		
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Exhibit N8

EXHIBIT D  
PAGE 6 OF 11

1	F. <u>Resource Projects</u>		
2	Agricultural Preserve or Timber		
3	Preserve or cancellations (including APZ zoning):		\$1390
4	Administrative Gravel Extraction:		\$ 378
5	Fee Distribution:		
6	Planning	\$ 298	
7	Public Works	90	
8	Use Permit to Mine:		\$1435 out of channel \$1660 in channel
9	Fee Distribution:		
10	Planning	\$1390	
11	Public Works-out of channel	45	
12	Public Works-in channel	270	
13	Reclamation Plan:		\$1530
14	Fee Distribution:		
15	Planning	\$1390	
16	Public Works	140	
17	Geothermal Temperature Gradient Permit:		\$ 634
18	Fee Distribution:		
19	Planning	\$ 579	
20	Public Works	33	
21	Environmental Health	22	
22	Geothermal Exploration Use Permit:		\$2515
23	Fee Distribution:		
24	Planning	\$2350	
25	Public Works	121	
26	Environmental Health	44	
27	Geothermal Field Development Use Permit:		\$5037
28	Fee Distribution:		
29	Planning	\$4817	
30	Public Works	176	
31	Environmental Health	44	

Exhibit N9

EXHIBIT D  
PAGE 7 OF 11

1	Groundwater Extraction/Exportation Permit:		\$2087
2	Fee Distribution:		
	Planning	\$1390	
3	Public Works	680	
	Environmental Health	17	
4			
5	Power Plant Use Permit:		\$5021
6	Fee Distribution:		
	Planning	\$4691	
7	Public Works	286	
	Environmental Health	44	
8			
9	<b>G. Appeals</b>		
10	Administrative Appeal to the		
	Planning Commission:		\$298
11			
12	Enforcement Appeal to the		
	Planning Commission:		\$355
13			
14	Appeal to the Board of Supervisors:		\$407 plus actual cost
	(with Court Reporter)		of court reporter,
			with \$150 deposit.
15	Fee Distribution:		
16	Planning	\$355	
	Public Works	52	
17			
18	Administrative Appeal of Shoreline		
	Ordinance Encroachment Permits to		
19	Planning Commission:		\$245
20	Fee Distribution:		
	Planning	\$200	
21	Public Works	45	

**H. Other**

23	Preapplication Site Visit:		\$250 for projects
24			requiring permits.
25			Fee will be credited
26			towards application
27			fee if submitted
28			within 6 months of the
			site visit.

Exhibit N10

1	Private Research Request:		No charge for up to 1/2- staff hour; \$46 per additional staff hour billed in 1/4 hour increments (time permitting).
2			
3			
4	Planning Commission Tape Transfer:		\$46 per tape (does not include cassette(s)).
5			
6	Subdivision Development Agreement: Yearly review fee		\$ 633 \$ 253
7			
8	Late Permit Investigation Fee:		Double applicable fee requirements for projects initiated without authorization.
9			
10	Minor Modification to Approved: Permit		\$ 230
11			
12	Minor Modification to Approved Map:		\$ 280
13			
14	Fee Distribution:		
15	Planning	\$ 230	
16	Public Works	50	
17			
18	Renewal of Expired Permits/Maps:		50% of applicable fee if submitted within one (1) year of date of expiration.
19			
20	Planning Commission Hearings:		No charge for up to two (2) scheduled hearings; \$500 per additional hearing.
21			
22	Special Planning Commission Meeting Requested by Applicant:		\$1150
23			
24	Planning Commission Agendas:		\$86 per year.
25			
26	Archaeological Review (actual cost charged by Sonoma State):		\$60
27			
28	General photocopying (up to 8 1/2 x 14):		25 cents per page
	Over 8 1/2 x 14:		50 cents per page
	Photocopying of Planning Division Publications:		5 cents per page (for entire document)

Exhibit MII

1	GIS maps, simple or existing (less than ¼ hour staff time)	
2	Letter/legal size:	1 <sup>st</sup> map per person per day
		free, each additional map \$1
3	11" X 17"	\$2
4	18" X 26"	\$3
5	24" X 36"	\$10
6	36" X 48"	\$20
	* Maps printed on vellum: double the above fee	
	* Maps printed on mylar: triple the above fee	
7	Large 2-piece General Plan/Zoning map	\$60
8	Odd or oversized	\$1.00 per square foot
9	Complex maps/custom GIS work	\$46 per hour (1/2 hr. min.)
10	Mailing Fee	\$1 per map
11	GIS Data Fee (media fee + staff time only)	
12	Data on CD-R	\$5 (+\$1 mailing fee)
13	Customer-supplied CD-R	\$3 (+\$1 mailing fee)
14	Large Format Copying	Same as printing fees above
15	Large Format Scanning	\$3 per map + CD-R fee

12                    Section 2: The above fees include \$50.00 (where appropriate) to cover the cost of legally  
13 advertising projects that require public hearings. Should noticing of an individual project require  
14 advertising, postage and photocopying that exceed \$50.00, the applicant shall pay the actual costs of  
15 advertising, postage, and photocopying that exceed \$50.00.

17                    Section 3: Development projects that have potential to substantially add to the employment  
18 base or otherwise contribute to the county's economic development may qualify for fee waivers by the  
19 Board of Supervisors on a case-by-case basis.

21                    Section 4: All ordinances or parts of ordinances, or resolutions or parts of resolutions in  
22 conflict herewith are hereby repealed to the extent of such conflict and no other.

24                    Section 5: This ordinance shall take effect on the 3rd day of July, 2003,  
25 and before the expiration of fifteen (15) days after its passage, it shall be published at least once in a  
26 newspaper of general circulation printed and published in the County of Lake.

Exhibit N12

EXHIBIT D  
PAGE FO OF 11

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The foregoing ordinance was introduced before the Board of Supervisors on the 20th day of May, 2003, and passed by the following vote on the 3rd day of June, 2003.

AYES: Supervisors Robey, Smith, Farrington, Brown and Lewis

NOES: None

ABSENT OR NOT VOTING: None

ATTEST: KELLY F. COX

Clerk of the Board of Supervisors

By: [Signature]  
Deputy

[Signature]  
Chairman, Board of Supervisors

APPROVED AS TO FORM:  
CAMERON L. REEVES  
County Counsel

[Signature]



Exhibit N13

**BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA  
ORDINANCE NO. 3040**

**AN ORDINANCE AMENDING ORDINANCE NO. 2646 TO REVISE THE FEE  
SCHEDULE FOR THE PLANNING DIVISION AND SUPPORT SERVICES.**

THE BOARD OF SUPERVISORS OF THE COUNTY OF LAKE, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

Section 1: Section 1 of Ordinance No. 2646 is hereby amended to read as follows:

“The amounts set forth below are hereby established as the fees for services performed for planning permits, appeals, and other services. Unless otherwise specified, the Planning Division shall collect the fees set forth below before accepting any application for planning permits or appeals. No application for a permit or appeal shall be deemed filed until said fees are received. All fees shall be non-refundable, unless expressly authorized by the Community Development Director.”

**A. General Plan**

General Plan Amendment:

Map		\$2241
	<u>Fee Distribution:</u>	
	Planning	\$2169
	Public Works	\$44
	Environmental Health	\$28
Text		\$2169

**B. Zoning**

Any zone change: \$1891

	<u>Fee Distribution:</u>	
	Planning	\$1737
	Public Works	\$125
	Environmental Health	\$28

General Plan of Development: \$2285

	<u>Fee Distribution:</u>	
	Planning	\$2169
	Public Works	\$88
	Environmental Health	\$28

**C. Permits**

Zoning Clearance:

Single Family	
Multi-Family and Commercial	

Exhibit N14  
\$144

EXHIBIT E

PAGE 1 OF 11

**ORDINANCE NO. 3040 - AN ORDINANCE AMENDING ORDINANCE NO. 2646 TO REVISE  
FEE SCHEDULE FOR THE PLANNING DIVISION AND SUPPORT SERVICES.**

Zoning Permit: \$75

Development & Design Review Permits: \$453

Fee Distribution:

Planning	\$288
Public Works	\$144
Environmental Health	\$21

Minor Use Permit (simple):

\$537 - for simple projects not needing review by DPW  
(Examples may include setback reduction, building or fence height increase, collector's permit, hardship guest house, farm labor quarters and similar uses)

Fee Distribution:

Planning	\$516
Environmental Health	\$21

Minor Use Permit (complex):

\$741 - for complex projects needing review by DPW  
(Examples may include commercial projects, road building, import/export of fill, increased fence height on corner lots, day care, wineries, and similar uses)

Fee Distribution:

Planning	\$516
Public Works	\$204
Environmental Health	\$21

Major Use Permit: \$2084

Fee Distribution:

Planning	\$1738
Public Works	\$291
Environmental Health	\$55

Variance: \$940

Fee Distribution:

Planning	\$875
Public Works	\$44
Environmental Health	\$21

Exhibit N15

EXHIBIT E  
PAGE 2 OF 11

**ORDINANCE NO. 3040 - AN ORDINANCE AMENDING ORDINANCE NO. 2646 TO REVISE  
FEE SCHEDULE FOR THE PLANNING DIVISION AND SUPPORT SERVICES.**

Lakebed Variance:	\$1009
<u>Fee Distribution:</u>	
Planning	\$875
Public Works	\$113
Environmental Health	\$21

**D. Subdivisions**

**Certificate of Compliance:**

Regular \$319 per lot

<u>Fee Distribution:</u>	
Planning	\$288
Public Works	\$31

Conditional \$584 per lot

<u>Fee Distribution:</u>	
Planning	\$431
Public Works	\$125
Environmental Health	\$28

**Deviation:**

With Map	\$853
Without Map	\$1584

<u>Fee Distribution:</u>	
Planning	
With Map	\$719
Without Map	\$1450
Public Works	134

Lot Line Adjustment: \$848

<u>Fee Distribution:</u>	
Planning	\$431
Assessor	\$69
Public Works	\$313
Environmental Health	\$35

Tentative Parcel Map/Merger and Resubdivision (4 parcels or less): \$1965

<u>Fee Distribution:</u>	
Planning	\$1431
Assessor	

Exhibit N16  
**EXHIBIT**     E      
**PAGE**     3     **OF**     11

**ORDINANCE NO. 3040 - AN ORDINANCE AMENDING ORDINANCE NO. 2646 TO REVISE  
FEE SCHEDULE FOR THE PLANNING DIVISION AND SUPPORT SERVICES.**

County Counsel	\$16
Public Works	\$429
Environmental Health	\$55
Special Districts	\$26

Final Parcel Map (Collected by DPW): \$1010

Fee Distribution:

Planning	\$125
Assessor	\$110
Public Works	\$775

Parcel Map Extension of Time: \$360

Subdivisions (or parcel maps and merger and resubdivisions with five or more parcels):

Tentative Subdivision Map: \$2940 plus \$81 per lot

Fee Distribution:

Planning	\$2169 + \$81 per lot
Assessor	\$9
County Counsel	\$56
Public Works	\$623
Environmental Health	\$55
Special Districts	\$28

Final Subdivision Map: \$2325 plus \$54 per lot

Fee Distribution:

Planning	\$575 + \$44 per lot
Assessor	\$138 + \$10 per lot
County Counsel	\$49
Public Works	\$1563

Subdivision Map Extension of Time: \$516

Reversion to Acreage: \$641 parcel map  
\$1124 subdivision map

Fee Distribution:

Planning	\$286 parcel map \$645 subdivision map
Public Works	\$250 parcel map \$375 subdivision map
Assessor	\$83
Environmental Health	\$21

**EXHIBIT E** N17

**ORDINANCE NO. 3040 - AN ORDINANCE AMENDING ORDINANCE NO. 2646 TO REVISE  
FEE SCHEDULE FOR THE PLANNING DIVISION AND SUPPORT SERVICES.**

Voluntary Merger: \$328

Fee Distribution:

Planning	\$201
Assessor	\$83
Public Works	\$44

Waiver: \$2679

Fee Distribution:

Planning	\$2169
Assessor	\$118
County Counsel	\$16
Public Works	\$313
Environmental Health	\$49
Special Districts	\$14

**E. CEQA**

Categorical Exemption:	\$81	Would also apply to review of previously approved negative declarations.
------------------------	------	--

Basic Initial Study:	\$500	Would also apply to review of previously approved environmental impact reports.
----------------------	-------	---

Special Initial Studies (traffic, noise, hydrology, etc.):		15% of contract with \$288 non-refundable deposit.
--	--	--

Environmental Impact Reports Prepared by Staff:		\$58/hr. with \$2500 non-refundable deposit (time permitting).
---	--	--

Prepared by Outside Consultant:		\$15% of the contract with \$2500 non-refundable deposit.
---------------------------------	--	---

Exhibit **N18**  
**EXHIBIT E**  
**PAGE 5 OF 11**

**ORDINANCE NO. 3040 - AN ORDINANCE AMENDING ORDINANCE NO. 2646 TO REVISE FEE SCHEDULE FOR THE PLANNING DIVISION AND SUPPORT SERVICES.**

**Environmental Mitigation Monitoring**

<b>Geothermal Well:</b>	<b>\$316 per constructed well per year.</b>
<b>Power Plant:</b>	<b>\$3163 per constructed power plant per year.</b>
<b>Mining; SMARA:</b>	
<b>Aggregate Extraction Inspection:</b>	<b>\$793 per year</b>
<b>Gold-Mill or Similar Processing:</b>	<b>\$3163 per constructed gold mill or similar processing plant per year.</b>
<b>Other Current Planning Projects:</b>	<b>\$159 per project per year until mitigations are completed.</b>
<b>Major Projects:</b>	<b>Major projects requiring extensive monitoring may also be subject to higher fee per use permit conditions and a separate agreement.</b>

**F. Resource Projects**

**Agricultural Preserve or Timber Preserve or cancellations (including APZ zoning):** \$1738

**Administrative Gravel Extraction:** \$ 486

Fee Distribution:

Planning  
Public Works

\$373  
\$113

**Exhibit N19**  
**E**

**EXHIBIT**

**PAGE 6 OF 11**

**ORDINANCE NO. 3040 - AN ORDINANCE AMENDING ORDINANCE NO. 2646 TO REVISE  
FEE SCHEDULE FOR THE PLANNING DIVISION AND SUPPORT SERVICES.**

Use Permit to Mine:		\$1794 out of channel \$2076 in channel
<u>Fee Distribution:</u>		
Planning	\$1738	
Public Works-out of channel	\$56	
Public Works-in channel	\$338	
Reclamation Plan:		\$1913
<u>Fee Distribution:</u>		
Planning	\$1738	
Public Works	175	
Geothermal Temperature Gradient Permit:		\$792
<u>Fee Distribution:</u>		
Planning	\$724	
Public Works	\$41	
Environmental Health	\$27	
Geothermal Exploration Use Permit:		\$3144
<u>Fee Distribution:</u>		
Planning	\$2938	
Public Works	\$151	
Environmental Health	\$55	
Geothermal Field Development Use Permit:		\$6296
<u>Fee Distribution:</u>		
Planning	\$6021	
Public Works	\$220	
Environmental Health	\$55	
Groundwater Extraction/Exportation Permit:		\$2609
<u>Fee Distribution:</u>		
Planning	\$1738	
Public Works	\$850	
Environmental Health	\$21	
Power Plant Use Permit:		\$6277
<u>Fee Distribution:</u>		
Planning	\$5864	
Public Works	\$358	
Environmental Health	\$55	

Exhibit N 00

EXHIBIT

E

PAGE 7 OF 11

**ORDINANCE NO. 3040 - AN ORDINANCE AMENDING ORDINANCE NO. 2646 TO REVISE  
FEE SCHEDULE FOR THE PLANNING DIVISION AND SUPPORT SERVICES.**

**G. Appeals**

Administrative Appeal to the Planning Commission:	\$373
Enforcement Appeal to the Planning Commission:	\$444
Appeal to the Board of Supervisors: (with Court Reporter)	\$509 plus actual cost of court reporter, with \$188 deposit.
<u>Fee Distribution:</u>	
Planning	\$444
Public Works	\$65

Administrative Appeal of Shoreline Ordinance Encroachment Permits to Planning Commission:	\$307
<u>Fee Distribution:</u>	
Planning	\$250
Public Works	\$56

**H. Other**

Preapplication Site Visit:	\$313 for projects requiring permits. Fee will be credited towards application fee if submitted within 6 months of the site visit.
Private Research Request:	No charge for up to ½ staff hour; \$58 per additional staff hour billed in ½ hour increments (time permitting).
Planning Commission Tape Transfer:	\$58 per tape (does not include cassette(s)).

EXHIBIT       

PAGE 8 OF 11

**ORDINANCE NO. 3040 - AN ORDINANCE AMENDING ORDINANCE NO. 2646 TO REVISE  
FEE SCHEDULE FOR THE PLANNING DIVISION AND SUPPORT SERVICES.**

Subdivision Development Agreement:	\$791
Yearly review fee	\$316
Late Permit Investigation Fee:	Double applicable fee requirements for projects initiated without authorization.
Minor Modification to Approved: Permit	\$288
Minor Modification to Approved Map:	\$350
<u>Fee Distribution:</u>	
Planning	\$288
Public Works	\$62
Renewal of Expired Permits/Maps:	50% of applicable fee if submitted within one (1) year of date of expiration.
Planning Commission Hearings:	No charge for up to two (2) scheduled hearings; \$625 per additional hearing.
Special Planning Commission Meeting Requested by Applicant:	\$1438
Planning Commission Agendas:	\$108 per year.
Archaeological Review (actual cost charged by Sonoma State):	\$75
GIS maps, simple or existing (less than ¼ hour staff time) Letter/legal size:	1st map per person per day free, each additional map \$1.25
11" X 17"	\$2.50
18" X 26"	\$3.75
24" X 36"	\$12.50
36" X 48"	\$25
* Maps printed on vellum: double the above fee	
* Maps printed on mylar: triple the above fee	

Exhibit N22

EXHIBIT E  
PAGE 9 OF 11

**ORDINANCE NO. 3040 - AN ORDINANCE AMENDING ORDINANCE NO. 2646 TO REVISE FEE SCHEDULE FOR THE PLANNING DIVISION AND SUPPORT SERVICES.**

Large 2-piece General Plan/Zoning map	\$75
Odd or oversized	\$1.25 per square foot
Complex maps/custom GIS work	\$58 per hour (1/2 hr min.)
Mailing Fee	\$1.25 per map
GIS Data Fee (media fee + staff time only)	
Data on CD-R	\$6.25 (+\$1.25 mailing fee)
Customer-supplied CD-R	\$3.75 (+\$1.25 mailing fee)
Large Format Copying	Same as printing fees above
Large Format Scanning	\$3.75 per map + CD-R fee

Section 2: Section 2 of Ordinance No. 2646 is hereby amended to read as follows:

“The above fees include \$37.50 (where appropriate) to cover the cost of legally advertising projects that require public hearings. Should noticing of an individual project require advertising, postage and photocopying that exceed \$37.50, the applicant shall pay the actual costs of advertising, postage, and photocopying that exceed \$37.50.”

Section 3: Section 5 of Ordinance No. 2646 is hereby amended to read as follows:

“This Ordinance shall take effect on the 5th day of May 2016, and within fifteen (15) days after adoption of the Ordinance, the Clerk of the Board of Supervisors shall publish a summary of the Ordinance with the names of those supervisors voting for and against the ordinance and the Clerk shall post in the office of the Clerk to the Board of Supervisors a certified copy of the full text of the adopted ordinance along with the names of those Supervisors voting for and against the Ordinance.”

Section 4: Section 6 of Ordinance No. 2646 is hereby established to read as follows:

“All other sections of Ordinance No. 2646 remain unchanged. The fees and charges established herein are subject to change at any time and will not necessitate amendment of this ordinance if the increase is due to either of the following conditions: 1) as required by State law, and/or 2) if the increase is no more than the Bay Area Consumer Price Index annual increase for the previous calendar year. It can be seen with certainty that there is no possibility that this Ordinance may have a significant effect on the environment.”

All other sections of Ordinance No. 2646 remain unchanged. The foregoing ordinance was introduced before the Board of Supervisors on the 22nd day of March, 2016, and passed by the following vote on the 5th day of April, 2016.

Exhibit N23  
**EXHIBIT E**  
 PAGE 10 OF 11

**ORDINANCE NO. 3040 - AN ORDINANCE AMENDING ORDINANCE NO. 2646 TO REVISE  
FEE SCHEDULE FOR THE PLANNING DIVISION AND SUPPORT SERVICES.**

AYES: Supervisors Comstock, Smith, Steele, Farrington, and Brown  
NOES: None  
ABSENT OR NOT VOTING: None

ATTEST: MATT PERRY  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy

\_\_\_\_\_  
Chairman, Board of Supervisors

APPROVED AS TO FORM:  
ANITA L. GRANT  
County Counsel

\_\_\_\_\_

Exhibit N24

EXHIBIT E

PAGE 11 OF 11

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**Planning Division Fees**


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Administrative Appeal	AA	\$ 373
Appeal to the Board	AB	\$ <del>445</del> 509
Categorical Exemption	CE	\$ 81
Certificate of Compliance	CC	\$ 319 per lot
Conditional Certificate of Compliance	CCC	\$ 584 per lot
Deviation	DV	\$ 853 w/map
Devlation	DV	\$1,584 w/out map
General Plan Amendment	GPAP	\$2,241
General Plan of Development	GPD	\$2,285
Initial Study	IS	\$ 500
Lot Line Adjustment	LLA	\$ 848
Major Use Permit	UP	\$2,084
Minor Modification to Map	MMM	\$ 350
Minor Modification to Permit	MMU	\$ 288
Minor Use Permit (complex)	MUP	\$ 741
Minor Use Permit (simple)	MUP	\$ 537
Tentative Parcel Map	PM	\$1,965
Final Parcel Map (Collected by DPW)		\$1,010
Parcel Map Extension	PMX	\$ 360
Revision to Acreage	RZ(PM)	\$ 641
Revision to Acreage	RZ(SD)	\$ 1,124
Rezone	RZ	\$1,891
Subdivision Map	SD	\$2,940 + \$81 per lot
Subdivision Map Extension	SDX	\$ 516
Variance	VR	\$ 940
Voluntary Merger	VM	\$ 328
Walver	WV	\$4,679

EXHIBIT

Exhibit N25FPAGE 1 OF 1

Sec. 2-72. - Functions and Duties.

72.1 The functions and duties of the Planning Department shall be as follows:

- (a) Provide the public with the information contained in the General Plan, the Lake County Subdivision Ordinance, and the Zoning and Enabling Plan of the County of Lake.
- (b) Receive applications for subdivisions, divisions of land, waivers, lot line adjustments, deviations, use permits, variances, general plan amendments, specific plans and zoning changes for presentation to the decision maker.
- (c) Provide research and information to the Planning Commission as directed.
- (d) Maintain the General Plan and Zoning Maps with current data.
- (e) Issue permits as directed by the Board of Supervisors or their delegates.
- (f) Such other duties heretofore or hereafter specified by ordinance or resolution of the Board of Supervisors.

(Ord. No. 1188, § 1, 3-2-81)

Exhibit N26

EXHIBIT G

PAGE 1 OF 1

**LAKE COUNTY PLANNING COMMISSION**

**MINUTES**

**REGULAR MEETING**

**October 27, 2016**

**Commission Members**

**P Joseph Sullivan, District I**  
**P Bob Malley, District II**  
**P Eddie Crandall, District III**  
**P Don Deuchar, District IV**  
**P Gil Schoux, District V**

**Staff Members**

**P Robert Massarelli, CDD Director**  
**P Michalyn DelValle, Senior Planner**  
**P Shanda Harry, Deputy County Counsel**  
**P Danae Bowen, Office Assistant III**

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**9:18 a.m. Public Hearing on reconsideration of a previously adopted mitigated negative declaration for Major Use Permit (UP 16-05) based on Initial Study (IS 93-60). The project applicant is LA MONICA SIGNS requesting a five-year time extension of an existing billboard sign. The billboard is located at 2595 South Main Street, Lakeport and further described as APN 005-053-20. (Continued from June 9, July 14, August 11, and September 8, 2016) (Tricia Shortridge)**

Tricia Shortridge, Assistant Planner, provided background information and a power point presentation on the project application. She pointed out green sheets that were submitted and the changes that were made on conditions 4, 7 and 9. She also pointed out unnecessary language in the findings for UP 16-05 that has been omitted.

Andre Ross, Ewing and Associates, said that his office prepared a substantial briefing on August 3, 2016, which has been largely superseded by the new staff report format and the new modality of the staff report and he thought the staff reports are much better now than they were and they are easier to read and understand. He said with respect to this particular permit application, he is bound by the requirements of article 45 the Lake County Code Ordinance regulating signs and there are no revisions under that ordinance for submission of a landscape plan or with respect to this project for the maintenance of landscaping. He said that LaMonica signs rents a 25x25 foot space underneath the sign and they do not rent the fence or any of the landowner's property outside that footprint of the billboard and he respectfully submits, if there is a need for landscaping along that frontage road, that issue should be taken up ECAL, LLC the entity that owns that property. He agreed that landscaping along the entire fence would give a better shield. He added that the two page letter brief that he submitted is intended to apply to all three of the items on calendar today.

Comm. Malley said that the Planning Commission has the right to decide what the appearance of the sign is in its location. He said in the past, they have required putting a faux rock wall and it

seems like landscaping is a much less amount of work to achieve. He referred back to staff for the legalities in the plan as far as what the Commission can do

Michalyn DelValle, Principal Planner, said that this site is zoned "C3 DR" Service Commercial Design Review and because of the Design Review Combining District, you have the authority to implement landscaping and other esthetic considerations.

Comm. Malley asked if counsel agreed with this.

Mr. Ross said that it would probably pertain to the property owner of the lot itself and arguably the footprint underneath the billboard. He said the gap of concern is for a fence that is maintained by Ecal LLC self-storage facility and it is not part of what LaMonica Outdoor Advertising has rented from that property owner.

Comm. Malley said they were talking about improving the esthetics around the base of the sign.

Mr. Ross asked if gravel would be an improvement of the esthetics.

Comm. Malley did not know about gravel, but some kind of a cover would improve some of that.

Shanda Harry, Deputy County Counsel, said the reason for asking for the exact dimensions of the site, that LaMonica's signs rented was a 250 square foot space, was to understand where their responsibility is and any discussion of landscaping or improvements should be limited to that 250 square feet.

Comm. Malley said there was discussion if whether the property owner is the one that needs to be taken to task over the appearance of his general piece of property or whether the lease holder has any obligation to do that. He said he does not believe that the leaseholder has anything other than possibly around the base of the sign and will anything at the base of the sign improve it. He said painting the poles could blend from the other view from the Highway.

Mr. Ross said a coat of paint on the legs of the billboard would be a reasonable condition for approval.

**9:33 a.m.      Opened Public Hearing**

Tony Murphy said in either direction while driving you cannot see the base of the ground. He said it does not appear that it is visible from the road when driving by.

**9:35 a.m.      Closed Public Hearing**

Comm. Sullivan said there has been previous input from the Board of Supervisors on a shorter term for a two year extension.

Mr. Ross said there have been discussions between his office and the previous Principal Planner, however there has been a change in approach, and the recommendations that staff are making

now are substantially different from the earlier recommendations. He said LaMonica Outdoor Advertising would like to secure a five year permit, because of the cost involved with permit renewal. He said it would also give the Board of Supervisors a maximum amount of time to decide how to implement the amortization language that was put into the ordinance in 2009. He said they would like a five-year permit so they have the maximum amount of time to recoup their costs.

Comm. Malley said instead of a landscape plan, they could be required to paint the poles on the bottom of the sign, because he did not think it would change much in that small area.

Ms. DelValle recommended that Condition 8 read: *"Within 90 days of the date of approval, the applicant shall paint the billboard posts off-white."*

Comm. Malley said there should be a requirement for upkeep of the sign for the five-year period. Ms. Harry said that this sign is in the Sphere of Influence in the Lakeport City limits and therefore it is not subject to the current amortization statute that the Board of Supervisors have passed. She said the signs are being treated differently based on their location and whether they would be subject to that. She said this sign is not subject to that, given its location.

Comm. Schoux questioned why it has been suggested painting billboard posts white and thought they should be left the color it is.

There was further discussion on amortization of billboards, and the maintenance of billboard posts.

Ms. DelValle said that she will amend Condition 8 to read that the billboard posts will be painted and leave off the color white.

Comm. Deuchar said the following two items on the agenda for LaMonica signs, have a mitigation monitoring fee and asked if there was a reason for that.

Ms. Shortridge said this sign is in good condition compared to the other two signs, she said staff felt it was appropriate to let the applicant and monitor their own sign maintenance.

Mr. Ross said the sign owner has the duty to maintain their sign.

Comm. Deuchar moved, 2<sup>nd</sup> by Comm. Schoux that the Mitigated Negative Declaration, which was previously prepared for UP 93-60, 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.

#### **RECONSIDERATION OF PREVIOUSLY APPROVED MITIGATED NEGATIVE DECLARATION 5 Ayes 0 Noes**

Comm. Deuchar moved, 2<sup>nd</sup> by Comm. Schoux that the Planning Commission find that the Major Use Permit (UP 16-05) applied for by Trudy LaMonica, on property located at 2595 South

Main Street, 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, as modified today.

**MAJOR USE PERMIT EXTENSION 5 Ayes 0 Noes**

Comm. Sullivan noted that there is a seven (7) calendar day appeal period provided by the Lake County Zoning Ordinance.

**9:50 a.m. Public Hearing on reconsideration of a previously adopted mitigated negative declaration for Major Use Permit (UP 16-06) based on Initial Study (IS 96-08). The project applicant is LAMONICA SIGNS requesting a five-year time extension of an existing billboard sign. The billboard is located at 255 Soda Bay Road, Lakeport and further described as APN 008-019-64. (Continued from August 11 and September 8, 2016) (Tricia Shortridge)**

Tricia Shortridge, Assistant Planner, provided background information and a power point presentation on the project application. She noted that this billboard is not in compliance with the Zoning Ordinance, because of its location.

Andre Ross, Ewing and Associates, explained that his office handled the permitting process for this billboard five years ago. He said it was discussed with the Board of Supervisors, whether a Community Growth Boundary is different from a Sphere of Influence and is it 1100-1200 feet from the Sphere of Influence, and the Board decided, given that annexation was an ongoing topic of discussion, to give this sign an extension and not disqualify it on the basis of the distinction between the Community Growth Bounty and the Sphere of Influence. He said this sign has not been utilized, because of the uncertainty of approval; however they have a potential client to rent the sign, but are waiting for the permit to be renewed. He respectfully requested a five-year extension and did not see on the basis of the County Ordinance, the basis for implementing a monitoring fee in this particular instance and felt it was a way of adding additional costs and he did not see a basis for requiring a billboard owner to provide an ingress/egress plan, maintenance plan or any other plan, under the current regulatory regime under Article 45. He said there is no legal authority for those additional requirements. He said they are asking for a five-year renewal and the LaMonica's are willing to give that sign the same maintenance upgrade or treatment that they are willing to give their other signs, if that is a condition of this renewal.

Comm. Schoux asked if the LaMonicas have owned this sign and got permits from the County from day one.

Trudy LaMonica, the applicant, said that was correct.

Comm. Schoux asked why it was okay to do it then and not now.

Ms. Shortridge said the difference from when it was approved in 1996 and now, is that the sign has not been maintained, weeds are growing and over the years the easement to the billboard has

become overgrown and there is no access into this site for maintenance. She said this sign was placed prior to Article 4527, which is sign amortization provisions and signs that are outside of the Sphere of Influence are now eligible for amortization. She said it does make it legal non-conforming.

**10:02 a.m. Opened Public Hearing**

No one present wished to speak.

**10:03 a.m. Closed Public Hearing**

Comm. Deuchar moved, 2<sup>nd</sup> by Comm. Schoux 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.

**RECONSIDERATION OF PREVIOUSLY APPROVE DMITIGATED NEGATIVE DECLARATION 5 Ayes 0 Noes**

Comm. Deuchar moved, 2<sup>nd</sup> by Comm. Schoux that the Major Use Permit (UP 16-06) applied for by Trudy LaMonica, on property located at 255 Soda Bay Road, Lakeport, does, 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.

**USE PERMIT EXTENSION APPROVAL 5 Ayes 0 Noes**

Mr. Ross said that the applicant has objected to the ingress/egress, maintenance plan and the mitigation monitoring fee. He said the motion that is being made includes those as conditions.

Comm. Sullivan said yes, the Commission is imposing those conditions.

Comm. Sullivan noted that there is a seven (7) calendar day appeal period provided by the Lake county Zoning Ordinance.

**10:04 a.m. Public Hearing on reconsideration of a previously adopted mitigated negative declaration for Major Use Permit (UP 16-01) based on Initial Study (IS 95-17). The project applicant is LAMONICA SIGNS requesting a five-year time extension of an existing billboard sign. The billboard is located at 131 Soda Bay Road, Lakeport and further described as APN 008-019-69. (Continued from August 11 and September 8, 2016) (Tricia Shortridge)**

Tricia Shortridge, Assistant Planner, provided background information and a power point presentation on the project application.

Andre Ross, Ewing and Associates, said this particular renewal application, the conditions of approval incorporate the same ingress/egress plan requirement that was included in the prior application and imposes a sign mitigation monitoring fee without any statutory authority.

Mr. Ross provided a copy of the original ordinance of which the Planning Division was granted authority to implement fees and also provided a copy of the amended ordinance, adopted in 2016 and he saw no legal authority in either of those ordinances for the imposition of a monitoring fee to be applied with respect to a sign that County staff probably drives by any number of days in any particular week. He said this particular sign is in use and has vendors who are using the sign and it is in close vicinity to a commercial gravel pit. He said the amortization provision 45.27, included in the County Code pertains to signs that are abandoned due to business relocation or closing. He said this sign is not an abandoned sign and it is being utilized and may have some differed maintenance issues, which could be dealt with through an issuance of a notice of nuisance. He said there is no legal authority for selecting this sign and designating it for abatement under the County Code. He said there is no basis for the ingress/egress requirement and the sign is located on a commercial self-storage facility and the sign can be driven to from the storage facility. He said he did not understand what benefit or purpose an ingress/egress plan would have with respect to this sign.

Mr. Ross stated in the rush of business, it was noted that it was not discussed in the prior Item #2, the County's requirement of the engagement of a qualified Biologist. He asked after conclusion of this current Item #3, he would like to ask the Planning Commission to reopen the previous item and discuss that condition, which is new and similarly not supported under any ordinance or code regulation in the County of Lake.

Ms. Shortridge said based on visual observation, a building pad has been placed in a location close to that particular billboard. She said staff is not convinced that a large maintenance vehicle, with a bucket to change out copy or conduct maintenance improvements, would be able to park below the sign, because it looks as though there may be a building placed there.

Mr. Ross said that concern is entirely speculative.

Tony Murphy, the applicant, said that they access this sign through the Clearlake Redi-mix parking lot and felt confident that a dump truck or a backhoe could get within a short distance to that sign.

Comm. Sullivan asked if they had an ingress/egress easement through that property.

Mr. Murphy said that he has permission from the property owner.

Comm. Sullivan said that was not sufficient. He said if it is a license it could be withdrawn at any time and if there was a disagreement with the property owner, Mr. Murphy would not have any access to that sign. Comm. Sullivan said that they will have to have an easement.

Mr. Ross said the owner of the sign would need a contractual agreement with the owner of Clearlake Redi-mix for access for a specified period of time, which cannot be taken away from him for the term of his license.

Comm. Sullivan said that would be fine.

Mr. Ross said that they object to condition #6 and there is no need for authority for this new fee that the Planning Division is imposing and they ask that it would be stricken from the renewed use permit.

Comm. Deuchar asked Counsel if the Planning Commission could do that.

Shanda Harry, Deputy County Counsel said yes the Commission could do that.

**10:15 a.m. Opened Public Hearing**

No one present wished to speak.

**10:15 a.m. Closed Public Hearing**

Comm. Deuchar moved, 2<sup>nd</sup> by Comm. Schoux that the Planning Commission find that the Mitigated Negative Declaration, which was previously prepared for UP 95-10, 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.

**RECONSIDERATION OF PREVIOUSLY APPROVED MITIGATED NEGATIVE DECLARATION 5 Ayes 0 Noes**

Comm. Deuchar moved, 2<sup>nd</sup> by Comm. Schoux that the Planning Commission find that the Major Use Permit (UP16-01) applied for by Trudy LaMonica, on property located at 131 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 and as amended today.

Comm. Sullivan noted that there is a seven (7) calendar day appeal period provided by the Lake County Zoning Ordinance.

Comm. Sullivan asked Counsel about reopening Item 2 to address the County's requirement of the engagement for a qualified Biologist.

Ms. Harry stated that the Item 2 is done.



# COUNTY OF LAKE

255 North Forbes Street  
Lakeport, CA 95453

## Legislation Text

File #: 17-028, Version: 1

### MEMORANDUM

**TO:** Board of Supervisors

**FROM:** Carol J Huchingson, County Administrative Officer

**DATE:** January 3, 2017

**SUBJECT:** Ordinance Establishing Article XXVIII in Chapter 2 of the County Code Providing the Authority and Procedures for Adopting and Administering a Master Fee Schedule.

#### EXECUTIVE SUMMARY:

On December 6, 2017 staff initially presented the Ordinance establishing Article XXVIII in Chapter 2 of the County Code. Prior to the second reading on December 20, 2017, staff was made aware of the requirement to present the Ordinance as a public hearing with proper notices to the public. Consequently, this Ordinance was removed from your board's agenda on December 20, 2017 and is now being brought before your board again for consideration of adoption.

In accordance with your Board's direction, staff has been engaged in the development of a Master Fee Schedule to provide the public with a convenient and transparent single source that reflects all County service fees. In order to adopt a Master Fee Schedule, it is necessary to first establish the corresponding authority and procedures. Consequently, presented for your consideration is an Ordinance which authorizes the use of a Resolution to both adopt a Master Fee Schedule and to make subsequent adjustments thereto.

Soon after the effective date of this Ordinance, staff will present the Resolution which will serve to adopt the inaugural Master Fee Schedule. Once adopted, the intent is to update the Master Fee Schedule annually as part of the budget process and other times as needed.

The proposed Ordinance also provides for automatic adjustment of state and federal fees without benefit of an amending Resolution when, in those rare occasions, it is necessary to timely apply adjustments in order to maintain compliance with said laws.

The approach envisioned by the attached Ordinance will not only provide a user-friendly document for the public but will also streamline the process of adjusting fees.

**FISCAL IMPACT:**  None  Budgeted  Non-Budgeted  
Estimated Cost:

Amount Budgeted:  
Additional Requested:  
Annual Cost (if planned for future years):

**FISCAL IMPACT (Narrative):** None

**STAFFING IMPACT (if applicable):** None

**RECOMMENDED ACTION:**

Staff recommends adoption of the Ordinance Establishing Article XXVIII in Chapter 2 of the County Code providing the authority and procedures for adopting and administering the Master Fee Schedule.

This Ordinance will require the standard two readings provided your Board take action to advance the Ordinance for consideration of passage.

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

2                                   **ORDINANCE NO. \_\_\_\_\_**

3                   **AN ORDINANCE ESTABLISHING ARTICLE TWENTY EIGHT TO CHAPTER TWO OF THE LAKE**  
4                                   **COUNTY CODE, ENTITLED "LAKE COUNTY MASTER FEE SCHEDULE"**

5                   **THE BOARD OF SUPERVISORS OF THE COUNTY OF LAKE ORDAINS AS FOLLOWS:**

6                   **Section 1:**

7                   The following Article is hereby established in the Lake County Code in Chapter 2-Administration  
8 set forth below:

9                   **ARTICLE XXVIII. – MASTER FEE SCHEDULE**

10                   **Sec. 2-201. – Intent and purpose.**

11                   The intent of having a Lake County Master Fee Schedule is to provide the public and  
12 others in the County with one document that has all fees for services authorized by the Board of  
13 Supervisors.

14                   The purpose is to facilitate review and update of the Master Fee Schedule at  
15 reasonable and timely intervals, and to provide for ease of use and access to fees for services,  
16 charges, and to promote a better understanding by the public of all fees charged by the County  
17 of Lake. Such fees shall in no case exceed the actual cost of providing the service in  
18 compliance with Article XIIB, Section 8(c) of the California Constitution.

19                   **Sec.2-202. – Types of fees included.**

20                   The Master Fee Schedule shall contain the County of Lake and State approved fees for  
21 permits, services, and other such legal instruments which grant permission or authority to  
22 conduct specific activities or to exercise a certain privilege.

23                   **Sec.2-203. – Adoption and Revisions to the Master Fee Schedule.**

24                   The Master Fee Schedule including, but not limited to, fee type, fee amount and the  
25 department providing the service, may be adopted and amended by a Resolution of the Board  
26 of Supervisors by majority vote, noticed pursuant to Government Code Section 66016 et seq.,  
27 during the annual budget process, and at other times of the fiscal year as necessary, provided,  
28 however, such resolutions may specify therein their applicability, if any, to applications currently  
29 in the process of review.  
30

1 To the extent allowed by law or regulation, fees shall be annually amended to reflect  
2 increases in the cost of providing the service including, but not limited to, increases resulting  
3 from changes in the Consumer Price Index (CPI) calculated using the United States Department  
4 of Labor's Consumer Price Index for All Urban Customers in the San Francisco/Oakland/San  
5 Jose, CA. metropolitan area. Notwithstanding CPI increases, fee increases shall be based  
6 upon and supported by cost studies that provide reasonable substantiation of the cost of  
7 providing the service.

8 Portions of fees and charges in the Master Fee Schedule which are mandated by State  
9 or Federal law may be automatically adjusted without benefit of an amending resolution when it  
10 is necessary to timely apply adjustments to said fees and charges in order to maintain  
11 compliance with State or Federal law. Individual fees and charges or portions thereof may be  
12 waived by the State or Federal government if in the public interest.

13 **Sec.2-204. – Liability for non-payment.**

14 The amount of any fee listed in the Master Fee Schedule shall be a debt to the County  
15 of Lake if services are received. Any person failing to pay a fee shall be liable to an action in  
16 the name of the County in any court of competent jurisdiction for the amount of the fee and the  
17 penalty imposed on such non-payment.

18 **Section 2:**

19 All ordinances or parts of ordinances or resolutions or parts of resolutions in conflict herewith  
20 are hereby repealed to the extent of such conflict and no further.

21 **Section 3:**

22 This ordinance shall take effect on \_\_\_\_\_, 2017, and before the expiration of thirty days after  
23 its passage it shall be published at least once in a newspaper of general circulation, printed and  
24 published in the County of Lake.

25 ///  
26 ///  
27 ///  
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30 ///

ORDINANCE NO. \_\_\_\_\_

The foregoing Ordinance was introduced before the Board of Supervisors on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, and passed by the following vote on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

AYES:

NOES:

ABSENT OR NOT VOTING:

ATTEST: CAROL J. HUCHINGSON  
Clerk to the Board of Supervisors

COUNTY OF LAKE

By: \_\_\_\_\_  
Deputy

\_\_\_\_\_  
Chair, Board of Supervisors

APPROVED AS TO FORM:  
ANITA L. GRANT  
County Counsel

  
\_\_\_\_\_

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# 255 Soda Bay Road 50' non-exclusive easement

NE Corner of parcel conveyed to Edna O. Thorn (Book 575 Page 168)

Property described in Book 575/Page 167 (APN 008-019-60, 69 & 70)

50' Easement APN 008-019-70

Billboard Location 255 Soda Bay Road

WETLANDS

VELDON LN

ACKLEY CUTOFF

ACKLEY RD



This map was prepared for information purposes only. No liability is assumed for the accuracy of the data shown. Source: Lake County GIS



Exhibit RI



**255 Soda Bay Road  
50' non-exclusive easement**

Property described in  
Book 575/Page 167  
(APN 008-019-60, 69 & 70)

50' Easement  
APN 008-019-70

WETLANDS

Billboard Location  
255 Soda Bay Road



This map was prepared for  
information purposes only.  
No liability is assumed for  
the accuracy of the data shown.  
Source: Lake County GIS



Exhibit **R3**

◆ Grocery and Deli

◆ Fuels and Propane

◆ Finest Meats

*From Golden Gate Meat Co.*

◆ Great Wine Selection

*From Lake County*

# WESTGATE Market

*One Mile Ahead*

Well, almost any.



PLUMBING &  
DRAIN SERVICE

707-279-9461

Auto

707-279

For any leak

Exhibit

R5