



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
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Lakeport, California 95453
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Item #2
9:25 A.M.
October 26, 2017

STAFF REPORT

TO: Planning Commission

FROM: Robert Massarelli, Community Development Director
Prepared by: Eric Porter, Associate Planner

DATE: October 10, 2017

SUBJECT: Copper Cross Farms Inc.; UP 17-10 and DR 17-05
Supervisory District 3

ATTACHMENTS:

1. Vicinity Map
2. Agency and Public Comments
3. Site Plan, Elevations, Details; Statement of Compliance

I. PROJECT DESCRIPTION

Project Name: Kuehn Off-Site Sign (Billboard), UP 17-10 and DR 17-05

Application: Major Use Permit and Design Review

Applicant: Copper Cross Farms DBA Richard Kuehn, PO Box 59, Clear Lake, CA 95423

Owner: Same as Applicant

Project Summary: Major Use Permit and Design Review for an Off-Site Sign (Billboard). The sign will be twenty (20) feet tall measured from grade to the top of the sign. Each face will be two hundred (200) square feet per face with two faces. The sign will be lit with lights mounted to the top of the sign and pointed downward. Each fixture will be 78 watt LED type lighting. Lighting details have not been provided. The base of the sign will be two support poles, one on either side, which according to the applicant will be clad with rock or a similar treatment.

Location: 13550 E. Highway 20, Clearlake Oaks, CA 95423

APN: 006-510-31

Parcel Size: ±4.94 acres

Zoning: "PDC", Planned Development Commercial

General Plan: Community Commercial

Flood Zone: Flood Zone X; this parcel is outside of the 500-year floodplain and is not considered a Special Flood Hazard Area.

Slope: The affected portion of the site is flat (less than 10%)

II. ZONING ORDINANCE ARTICLE 55 APPLICATION

55.2 Information for application submittal

(a) A site plan with all dimensions clearly indicated, and the following information as applicable:

1. North arrow and scale of drawing.

Provided

2. Site address.

Provided

3. Lot dimensions and boundaries; including the total area of property presented in square feet or acres.

Provided

4. Location of all existing and proposed structures, with dimensions, including height.

The site is used for crop production and has no buildings on it.

5. Distance from proposed structure(s) to property lines, centerline of the street or alley, and existing structures.

Provided. A note on the enlarged project area shows 10' setback to the highway; this note is an error. The actual setback is 20' from the sign to the highway.

6. Walls and fences: Their location, height, and construction materials.

No walls or fences are proposed.

7. Public right(s)-of-way: With street names, route numbers, width of right-of-way, and surfacing.

The width of the right-of-way of Highway 20 adjacent to the site is not identified.

8. Off-street parking: Location, dimensions of parking area, number of spaces, arrangement of spaces and internal circulation pattern.

Not applicable.

9. Access: Pedestrian, vehicular, service; and delineations of all points of ingress and egress.

Not applicable.

10. Signs: Location, size, height, and method of illumination.

The location and method of illumination of the proposed sign are provided. Some light fixture details are provided, but the number and method of attachment are not provided.

11. RESERVED.

12. Proposed street dedications and improvements.

None proposed or necessary.

13. All easements.

There is a 60' wide utility and access easement shown on the site plan on the western end of the property.

14. Location of well and/or septic field, or indication that the property is to be served by public water and/or sewer.

The sign does not require septic or water.

15. Landscape plans.

None provided. Note: landscaping can be provided through Design Review if the Planning Commission decides to approve this sign.

(b) Information needed to determine that the performance standards of Article 41 will be met.

Provided

(c) Any request for amendment to the performance standards of Article 41 shall be in writing with an explanation of why the standard(s) should be waived.

None requested.

(d) All required fees shall be paid at the time of filing the application with the Planning Department, and no processing shall commence until the fee is paid.

Application fees have been paid. If this sign is approved, then a Fish and Wildlife fee will be required to be paid as a condition of approval since an initial study will be required.

(e) When filed by an agent, contract purchaser or lessee, the application shall include a written statement signed by the property owner(s) indicating his or her endorsement of the application.

The property owners signed the application and provided a statement of why this sign should be permitted (Attachment 3).

- (f) A signed statement by the applicant indicating whether the project is located on a site which is included on any of the lists relating to hazardous waste, provided to the County by the State Office of Planning and Research pursuant to Government Code Section 65962.5(f).

The project area is not listed as a location of hazardous waste.

(g) Additional information:

1. Any additional pertinent information required by the Planning Department from the “List specifying required data for development projects” of Section 55.5.

A north arrow and scale of drawing.

See II(a)(1).

The site address and Assessor Parcel Number (APN).

Provided

Lot dimensions and boundaries, including the total area of the property in sq. ft. or acres, and drawn to a measurable scale.

See II(a)(3).

Location, function, height and size of all existing and proposed structures (including walls and fences) on the property. Gross and net floor area for all commercial and multi-unit development.

Provided

Location of driveways and required parking areas. Describe material of construction of driveways and parking.

No parking areas are proposed or required. Access to the site is shown.

Distance from proposed and existing structures to property lines, and to centerline of street or alley. Distance between principal and accessory buildings and structures. Include any established building setback lines.

Provided. Note: the inset note shows a 10’ setback from Highway 20, however the applicant has stated that this note is in error, and the actual proposed setback is 20’.

Adjacent right(s)-of-way including street names, route numbers, width of right-of-way, existing center line and existing surfacing.

Provided

Location and nature of all existing and proposed public and private easements.

Provided

Location of wells or statement that the property is to be served by public water. Location of watercourses. Location and direction of slope and/or drainage facilities.

No wells are needed. No public water is needed. No watercourses are on the site.

Location of septic tanks and leach fields including expansion area or statement that the property is to be served by public sewer. If a septic system is existing or proposed, the two (2) site plans must be approved by the Environmental Health Division prior to plan submittal.

No septic is necessary to serve the sign.

Two (2) copies of the site plan no larger than 11"x17" are required.

Existing Trees or Shrubs to be removed, and any proposed landscaping. Any other data as may be required by the Planning Division.

No vegetation needs to be removed.

Site Topography is required to complete Application Review

Provided. The site is flat.

2. The applicant may be requested to provide more detailed information on a project as part of the application requirements, including but not limited to the following: Soils reports; drainage plans; geologic, hydrologic, or seismic investigations; archaeological reports; biological studies; flood hazard reports; market analysis; fiscal impact studies; noise studies; traffic and circulation studies or other pertinent studies of a technical nature which would assist the Planning Department in its evaluation of, or mitigation of, any potential adverse impacts.

Due to the recommendation of denial, no environmental assessment was undertaken.

III. ZONING ORDINANCE ARTICLE 15 REGULATIONS FOR THE PLANNED DEVELOPMENT COMMERCIAL OR 'PDC' DISTRICT

21 - 15.20 DEVELOPMENT STANDARDS: All uses shall be subject to the development standards set forth herein, except alternative development standards are adopted according to the provisions of Section 15.27. (Ord. No. 1749, 7/7/1988)

- (a) Each proposed use shall be subject to the development standards of the zoning district where the use is permitted.
- (b) When more than one zoning district permits a proposed use, the applicant shall identify which of those zoning districts' development standards the proposed use shall be subject to.

Uses permitted in the PDC zone include all uses allowed in the CR, C2, C3, M1 and M2 zoning districts. Off-site signs are permitted in each of these districts subject to a major use permit and design review.

15.22 Minimum yards:

- (a) Front yard: Twenty (20) feet from the front lot line, or forty-five (45) feet from the centerline of the roadway, whichever is greater. Yards abutting streets are front yards.
- (b) Rear yard: Twenty (20) feet from the rear lot line, except as provided below:
 - 1. Where the rear lot line of a lot abuts a residential zone, the minimum rear yard setback shall be fifty (50) feet. Not less than ten (10) feet abutting the rear lot line shall be landscaped and permanently maintained and a six foot high solid masonry wall shall be required ten (10) feet from the rear lot line.
 - 2. Where abutting or combined with the Scenic Combining District, the minimum rear yard setback shall be fifty (50) feet.

Complies. The sign is set back 20 feet from the front property line, and more than 50 feet from the rear property line. The subject site is not adjacent to residentially zoned land.

15.23 Open Space:

Not applicable. No required open space applies to this sign.

15.24 Traffic Circulation:

Access to the site is taken on the western end of the site via 60' wide utility and access easement.

15.25 Streets:

No internal streets are proposed.

15.26 Signs: As provided in Article 45; and

- (a) There shall be a common theme to the signing of the development. 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 development shall be integral components of the common theme.

This section of the Zoning Ordinance is designed to review structures rather than individual signs such as this one. Some information about the sign is provided, however some key details about the sign are missing such as colors, method of attachment to the sign for the light fixtures, and base material(s) to be used on the sign. The applicant has provided a photo of the adjacent sign, which he also owns, and has indicated that this new sign will be 'similar'. Staff does not believe that this description satisfies the Design Review standards and criteria. If this sign is approved, then more information is needed about this specific sign.

15.27 Alternative performance and development standards: The development standards of those districts identified in Section 15.5; the performance standards of Section 15.3; or the development standards of this district, Section 15.21 through 15.26, may be amended as set forth herein.

No alternative performance or development standards are requested and none appear to be necessary.

IV. ZONING ORDINANCE ARTICLE 45 SIGNS

45.2 Definitions.

- (l) Off-site sign: Any sign which directs attention to a business, commodity, service, use or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

The proposed sign is intended on advertising businesses located elsewhere; therefore it is categorically identified as an off-site sign.

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

45.22 Off-site outdoor advertising (billboard) signs may be permitted in the ... “PDC” district 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.

Each sign face is 200 square feet, or half of the maximum size allowed.

- (b) One sign per lot maximum.

One sign is proposed and there are no signs on the lot.

- (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).

Maximum height is shown to be 20’ from grade, and 10’ from grade to the low portion of the face of the sign

- (d) Signs shall be non-illuminated or illuminated by indirect lighting.

Fixture information is needed before a compliance finding can be made.

- (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.

The sign site is located within the Clearlake Oaks Community Growth Boundary.

- (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).

The sign will be conditioned to comply with (f) if it is approved by the Planning Commission.

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 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.

Off-Site (billboard) signs require a major use permit. These types of signs are allowed in the PDC zoning district subject to conformance with all applicable General Plan, Area Plan and Zoning Ordinance standards and criteria.

- (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.

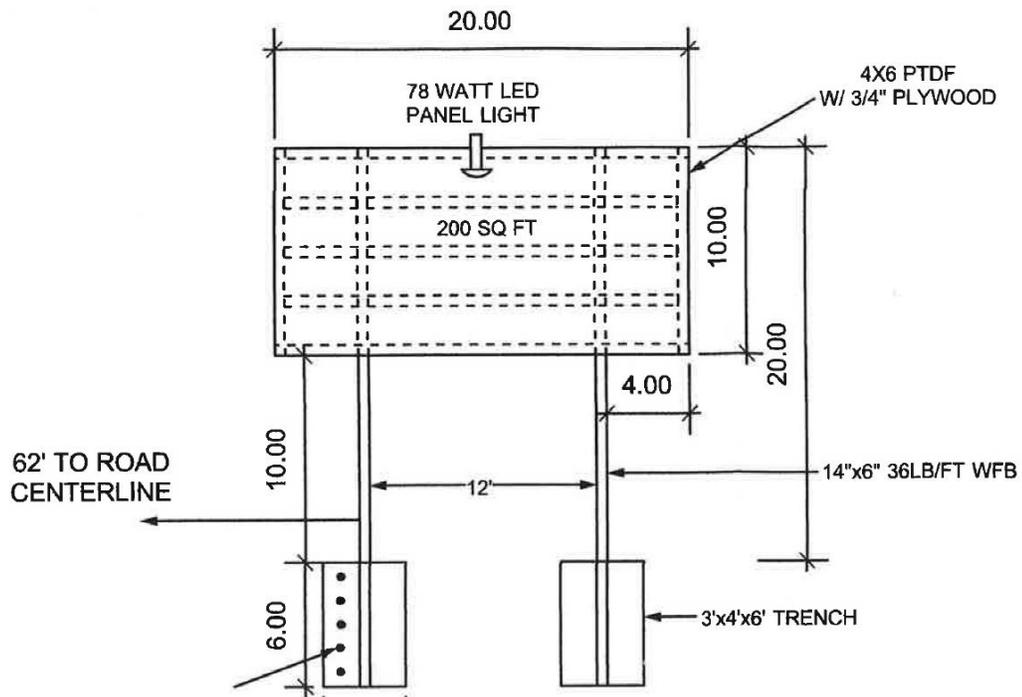
A cut sheet of the proposed light fixture has been provided along with the wattage. Fixture positioning, location(s) and exact number of fixtures to be used is not known.

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

As stated above, some lighting information was submitted and the fixtures appear to be compliant. No specific sign colors or text examples were provided other than a nearby 'similar' billboard owned by this applicant, who has indicated that the new sign will look like the neighboring sign. This finding cannot be made. Note: if the Planning Commission approves this sign, the applicant must provide more sign details for Design Review.



Photo of the existing neighboring sign which would be 'similar' to the proposed sign.



Lighting and sign details submitted by the Applicant

- (d) ...No sign shall be erected in such a manner that any portion of its surface or supports is located within, or hangs over, any public right-of-way including streets, roads, flood control or maintenance easements, and navigable waters.

The proposed sign complies.

- (e) No sign shall be painted, marked, posted, fastened or in any manner affixed to any curb, street sign post, or any sign or signal erected for the purpose of directing or warning traffic or to any telephone, telegraph or electric light pole, tree or shrub located in any park or public right-of-way.

The proposed sign is shown to be mounted on two pole supports and entirely on the subject site / out of the public right of way or any easements.

V. LAKE COUNTY GENERAL PLAN

The General Plan states in its Introduction:

“The general plan has been called the ‘constitution’ for land use development and management to emphasize its importance to land use decisions. Once a general plan is adopted, its maps, diagrams, and policies form the basis for County zoning, discretionary entitlements, subdivision, resource management, and public works actions. Under California law, no area plan, zoning, subdivision map, nor public works project may be approved unless the County finds that it is consistent with the adopted General Plan.” (Section 1.2)

The General Plan has been adopted by the Lake County Board of Supervisors after a series of lengthy processes of creating and updating the Plan. Approval of this Major Use Permit requires a finding that the project is consistent with the applicable provisions and policies of the General Plan, the Zoning Ordinance, and the Shoreline Communities Area Plan.

The General Plan states the following for the Community Commercial District:

Community Commercial

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

The following General Plan policies relate to site development in the context of this proposal:

Policy LU-1.3 Prevent Incompatible Uses. The County shall prevent the intrusion of new incompatible land uses into existing community areas.

Policy LU-5.4 Compatibility with Surrounding Land Use. The County shall ensure that appropriate industrial / heavy commercial sites will not result in harmful impacts to adjacent land uses. In addition, sites should be designed to prevent the intrusion of incompatible uses into industrial areas. Infilling of existing industrial areas is highly desirable where feasible.

The subject site is zoned PDC (Planned Development Commercial, but has historically been used for agricultural (wine grape) production. The Planning Commission must decide whether the proposed billboard is compatible with agriculturally productive land.

Policy LU-7.4 Contextual and Compatible Design The County shall ensure that new development respects Lake County's heritage by requiring that development respond to its context, be compatible with the traditions and character of each community, and develop in an orderly fashion which is compatible with the scale of surrounding structures.

The billboard is out of scale with the vacant lot. If there were buildings on the subject site, this might not be the case, however the vacant lot causes the scale and size of the billboard to appear be much greater than it would be if the site were developed. This policy is not met.

Policy LU-7.9 Integrate Natural Features. The County shall emphasize each community's natural features as the visual framework for new development and redevelopment.

This policy can be interpreted in two ways; (1) that the proposal enhances the community's natural features, or (2) that the proposal incorporates treatment that reflect the area's natural features. In this case the proposal could detract from the natural features by interfering with a portion of the viewshed, which would not enhance the community's natural features. Further, although the applicant has stated that the base of the billboard will be treated with a rock façade around each of the two supports, the elevations submitted do not show this rock treatment, so a finding that this proposal meets the interpretation of incorporating natural features into the design cannot be made. Either way, a finding that this project emphasizes the community's natural features cannot be made.

Policy HS-2.2 Development Near Fault Zones The siting of residential, commercial, recreational, or industrial structures on or adjacent to known active or potentially active fault zones should be avoided. In areas of known seismic hazards, building intensity should be dictated by a scale of acceptable risks as shown in Table 7-1.

The subject site is not located in a mapped fault zone, however there is a mapped fault zone located directly across Highway 20 from the subject site. If disturbed by a seismic event, it is very unlikely that the sign could cause damage to vehicles or persons given its height (20 feet tall) and its setback from the property line (20 feet).

Policy LU-7.7 Blight Removal Target Areas. The County shall eliminate or mitigate urban blight or factors that might lead to urban blight around Clear Lake, especially in the four redevelopment areas (... Clearlake Oaks).

The new sign will not represent blight. It does however create the potential for future blight if it is not well maintained over the course of time.

Policy LU-7-19 Billboards. The County shall address, as part of a Zoning Ordinance update, commercial design guidelines on billboards, along with amortization provisions, as necessary to protect and preserve the beauty, character, economic and aesthetic value of the County.

This policy establishes the framework for the Shorelines Community Area Plan, which more specifically addresses the treatment of billboards within this specific area. This

billboard will NOT protect or preserve the beauty, character or aesthetic value of the County. The sign has the potential to add to sign clutter. It is immediately adjacent to another lot that was approved for a similar billboard on April 24, 2014. A finding of consistency with this policy cannot be made.

Policy T-1.11 Protection of Scenic Corridors. Develop and maintain roads and highways in a manner that protects natural and scenic resources.

Highway 20 in this location is a locally-designated Scenic Highway and is eligible for designation as a Scenic State Highway. The proposed billboard will not protect natural or scenic resources, but rather will detract from them by adding to sign clutter and reducing visibility of the natural surrounding environment.

Policy OSC-1.18 Minimize Lighting Impacts The County shall ensure that lighting in residential areas and along roadways shall be designed to prevent artificial lighting from reflecting into adjacent natural or open space areas.

As previously stated, it appears that the proposed lighting fixture(s) for the billboard sign will project downward and will be visible from adjacent sites and/or the Highway next to the subject site, however until the light fixture(s) are shown on the elevations submitted for this sign, this policy is not met.

Policy OSC-2.2 Design Guidelines for Structures in Urbanized Areas In the urbanized areas of the County (within Community Growth Boundaries) structures within the immediate foreground of a scenic roadway should be constructed at a height and/or sited at a sufficient distance to maintain roadway and adjacent structures' views of distant, but visually significant natural features.

The sign is located within a scenic corridor. Although Scenic Corridor standards don't apply to commercially zoned land. The sign is set back 20' from the highway to maximize its functionality and is at its height limit allowed without an exception being granted.

Policy OSC-2.13 Control of Light and Glare The County shall require that all outdoor light fixtures including street lighting, externally illuminated signs, advertising displays, and billboards use low-energy, shielded light fixtures which direct light downward (i.e., lighting shall not emit higher than a horizontal level). Where public safety would not be compromised, the County shall encourage the use of low energy lighting for all outdoor light fixtures.

The applicant is proposing a 78 watt fixture(s) to illuminate the sign. While this is probably low wattage, it is unclear whether the beam will be visible from neighboring lots or the highway, or how many / where the fixtures will be positioned on the sign. If the Planning Commission approves these two applications, the applicant must provide more detailed information in order for a compliance finding to be made.

Policy OSC-2.16 Low Glare Building Materials. The County shall require the use of low glare building materials.

In addition to the light fixture details that are unknown as to their impacts, the materials to be used for the face of the sign are also unknown. It is anticipated that the sign face will be similar in appearance to the neighboring / similar billboard sign under same ownership. The Planning Commission must allow the actual sign face colors to be used to be reviewed for code compliance before any face treatment of the sign is allowed. This can and should be put into a condition of approval if the Commission chooses to approve this sign.

VI. SHORELINE COMMUNITIES AREA PLAN

Lake County General Plan, Chapter 2 (Community Profiles), Page 2-1 references the purpose of the Area Plans by stating the following:

“The County is divided into eight Planning Areas, as illustrated in Figure 2-1. Area Plans are used as planning tools in Lake County to provide more detailed and specific land use guidance for various areas. The plans have been developed with considerable input from community members, and reflect the goals of those communities...”

The subject site is within the boundary of the Shoreline Communities Area Plan (The Plan). The Plan was adopted on September 15, 2009 and contains specific direction pertaining to off-site signage within its defined boundary area.

Chapter 6, Special Studies Areas, subsection 6.4, Clearlake Oaks, page 6-14 states:

“According to The Shoreline Communities Area Plan, this area is “...unique as it acts as a visual gateway to the community of Clearlake Oaks and Lake County as a whole. This general plan of development is designed to implement basic land use criteria aimed at maintaining a positive image of the planning area.”

Further, pages 6-14 and 6-15 state:

*“...Large individual advertising signs along the highway frontage should be avoided. **Offsite billboard type advertising should also be prohibited.**”*

Allowing this sign is NOT consistent with the Area Plan’s vision for this gateway to the community of Clearlake Oaks and is also locally designated as a scenic corridor. A finding of consistency with the adopted Shorelines Community Area Plan cannot be made.

Chapter 7, Design Guidelines, subsection 7.3, Clearlake Oaks Community Area Design Guidelines.

Sub F, Signs. Signs can strengthen a buildings appearance, or easily detract from it.

- ❖ Clearlake Oaks has generally poor signage. The signs are often too large, too high, and usually out of scale with the building.

Guidelines:

- Signs that obscure the roofline should be discouraged.
- Signs that appear as large as the building should be discouraged.

- Tall signs should be discouraged.

The intent of this section is to prevent the spread of tall signs such as this one that is being proposed. This sign is not consistent with Shoreline Communities Area Plan, Chapter 7, subsection F.

VII. ENVIRONMENTAL ANALYSIS

Pursuant to CEQA section 15270, projects which are disapproved are not subject to CEQA.

VIII. ZONING ORDINANCE ARTICLE 51, MAJOR USE PERMIT FINDINGS

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.

The proposed sign will have a detrimental effect on the viewshed within this defined area within the Shoreline Communities Area Plan. A finding of compliance with this Code section cannot be made.

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.

The proposed project area consists of one 4.10 acre parcel. The proposed sign is out of scale with its surroundings. The sign is proposed within a ‘gateway to the community of Clearlake Oaks’. The Area Plan recommends that billboards be prohibited in this area. The sign will detract from the natural beauty of this area and will add to ‘sign clutter’ in a rural transitional area leading into Clearlake Oaks. A finding of compliance cannot be made.

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

As proposed, the existing highway has limited pedestrian facilities adjacent to the project site. The sign will not trigger any County requirements for enhanced or new pedestrian amenities since the sign is not accessed by pedestrians. The nominal number of vehicular trips needed to maintain the sign are not significant enough to trigger any improvements to the state highway leading to the site. This criterion is met.

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.

The sign will require power to light the sign; no other public services are needed to accommodate the sign. Power is available adjacent to the site, so there are adequate public services to serve this use at this location.

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.

This proposal is not consistent with certain policies in the General Plan (policies no. LU 1-3, LU 5-4, LU 7-4, LU 7-9, LU 7-19; T 1-11; OSC 1-18, OSC 2-2 and OSC 2-13), and with Chapters within the Shoreline Communities Area Plan (Chapter 6, subsection 6.4, pages 6-14 and 6-15; and Chapter 7, subsection F).

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.

The department has no record of current violations of Chapters 5, 17, 21, 23 or 26 of the Lake County Code.

XI. ZONING ORDINANCE ARTICLE 54 DESIGN REVIEW

54.5 Findings required for approval:

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

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

This site is zoned “Planned Development Commercial” which allows off site signs (billboards) subject to a major use permit approval.

3. 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.

The subject site is over 4+ acres in size, large enough to accommodate this proposed billboard.

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

The project will not need any public or private services other than electricity to light the sign, which is already available next to the site.

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

This proposal is not consistent with certain policies in the General Plan (policies no. LU 1-3, LU 5-4, LU 7-4, LU 7-9, LU 7-19; T 1-11; OSC 1-18, OSC 2-2 and OSC 2-13), and with Chapters within the Shoreline Communities Area Plan (Chapter 6, subsection 6.4, pages 6-14 and 6-15; and Chapter 7, subsection F).

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

The sign will be placed on a vacant lot presently being used for grape production. The sign will be very obvious at this location. The property to the southeast is also undeveloped other than a similar billboard approved by the County on April 24, 2014.

If this application is approved, a condition needs to be included that prior to issuance of a building permit, the sign must be reviewed for consistency with the requirements of the Shoreline Communities Area Plan regarding color scheme, lighting and base treatment, as well as consistency with the height allowed by this decision. The conditions of approval enable the Planning Commission act as the Design Review Authority. Staff recommends that, if this sign is approved, the Planning Commission provides direction to the applicant regarding design features to improve the aesthetics of the proposed sign. These could include a rock-clad base and upright supports, an earth tone color scheme, and landscaping near the base of the sign.

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

The applicant has provided minimal details as to what this specific sign will look like. The applicant provided a photo of a ‘similar sign’, and has stated that this sign will have rock treatment around its base similarly to the ‘similar’ sign in the photo, however the details provided for this sign do not show the rock treatment on this particular sign. light fixture might be compliant, however more fixture details are needed. The colors on the face of the sign are unknown. The treatment of the base of the sign has been stated but not graphically shown. This section is not met.

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

This sign will have a neutral impact to the highway and pedestrian facility functionality. The sign will have a negative impact to the viewshed. This area is within a scenic corridor.

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

The department has no record of current violations of Chapters 5, 17, 21, 23 or 26 of the Lake County Code.

XIV. RECOMMENDATION

Staff recommends the Planning Commission **DENY** the project with the following findings:

A. Deny the Use Permit, UP 17-10 with the following findings:

1. That the establishment, maintenance, or operation of the use applied for will 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 project is not in conformance with the applicable provisions and policies of the General Plan and Shoreline Communities Area Plan.
3. Projects that are denied are exempt from CEQA environmental review.

B. Deny the Design Review, DR 17-05 with the following findings:

1. That the project is not in conformance with the applicable provisions and policies of this Chapter, the Lake County General Plan and Shoreline Communities Area Plan.
2. That the placement and design of buildings and structures are not compatible with existing development and will detract from the visual setting.

Sample Motion:

Use Permit Denial.

I move that the Planning Commission find that the Use Permit (UP 17-10) applied for by Richard Kuehn for an off-site sign proposed to be located at 13550 E. Highway 20, Clearlake Oaks, CA does not meet the requirements of Lake County Zoning Ordinance Section 51.4 and therefore the Use Permit be denied with the findings listed in the staff report dated October 2, 2017.

Design Review Denial:

I move that the Planning Commission find that the Design Review (DR 17-05) for an offsite sign (billboard) applied for by Richard Kuehn on the property located at 13550 E. Highway 20, Clearlake Oaks, CA does not meet the requirements of Lake County Zoning Ordinance Section 54.5 and therefore the Design Review be denied with the findings listed in the staff report dated October 2, 2017.

NOTE: The applicant or any interested person is reminded that the Zoning Ordinance provides for a seven (7) calendar day appeal period. If there is a disagreement with the Planning Commission, an appeal to the Board of Supervisors may be filed. The appropriate forms and applicable fee must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.

Reviewed by: _____