

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

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, 2nd 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, 2nd 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.