

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

September 28, 2017

Commission Members

P John Hess, District I
P Bob Malley, District II
P Eddie Crandall, District III
P Matt Levesque, District IV
A Daniel Suenram, District V

Staff Members

A Robert Massarelli, CDD Director
P Michalyn DelValle, Principal Planner
A Byron Turner, Principal Planner
P Shanda Harry, Deputy County Counsel
P Danae Bowen, Office Assistant III

9:12 a.m. Public Hearing on consideration of a Lakebed Encroachment Permit and Initial Study (IS 17-21). The project applicant is BELL HAVEN HOMEOWNERS ASSOCIATION proposing rehabilitation and expansion of existing boating facilities in accordance with the Clear Lake Shoreline Ordinance. The project is located at 6560 Soda Bay Drive, Kelseyville and further described as APN 044-030-01. (Peggy Barthel).

Peggy Barthel, Assistant Resource Planner, provided background information and a power point presentation of the project application. She said the application for the Shoreline Encroachment Permit has been determined to be complete and ready and a CEQA review is required in order for Lakebed Management to issue the Lakebed Encroachment Permit.

Comm. Malley clarified that they were here today for the Lakebed Management Encroachment Permit. He asked Lakebed Management Director, Phil Moy, if he had any other input other than the report.

Phil Moy, Water Resources Director, said all the requirements that they have asked for have been satisfied.

Comm. Crandall stated for the record that he did not attend the March 9, 2017 Planning Commission Hearing, but felt he was up to speed on this item after review of the hearing and minutes.

Comm. Malley clarified to the public that they are here today to talk about the Lakebed Management Permit that is being issued and the CEQA permit and did not want to rehash all the issues that came up at the previous hearing.

9:20 a.m. Opened Public Hearing

Laurie Dohring, the applicant, submitted a packet to the Commissioners and reviewed the history from the previous hearings. She said this project has no significant impacts and that she has support from her neighbors.

Robert Stark, Lake County resident, said he has sailed on Clearlake for close to thirty years and he did not want to see a building structure eighty-five feet out into the lake. He said the shoreline is important and keeping it natural is key.

Monty Black, Soda Bay resident, said he has eight acres on the water and he does not have a dock, but one day he may have a dock. He said he believed anyone who lives on the lake should have entitlement to access to the water. He said entitlement and privilege are very different things and there is a compromise in this situation, where neighbors should not have to look at large structures posted way out over the water. He said he thought it was not fair to the rest of the residents who live there and asked that the lake be protected.

Mark Borghesani, Kelseyville Lumber, was in favor of this project and hoped this permit is approved.

Charlene Wignall, spoke to preserving the lake and its boundaries. She said to allow this dock with structure would be an injustice to the residents who live there.

Mark Tanti, Clearlake Marine Construction, said he has built and repaired docks all over the lake for thirty-five years. He clarified the work he would be doing for Ms. Dohring and he said he would be adding a boat lift and replacing a float. He the boat lift needs to be at that location, because of the depth of the water.

Ms. Dohring submitted letters to the Commission with fact checking comments on each letter. She said the dock will not be any further out than it is right now and the structure at the end will be twenty-four feet wide. She said what is being told to the neighbors is a misrepresentation of what is being done.

Mr. Black asked the Commission if they have conducted a site visit to the dock to see how it would affect the view shed.

The Planning Commissioners did not conduct a site visits.

Comm. Malley said in the previous meetings, Community Development staff had been out on the site and photographs were taken and changes were discussed.

Joan Moss addressed the width of a pier dock and the percentage of the 150 foot shoreline frontage and a ten-foot public easement promenade, which legally should be included, and pointed out that the promenade is not owned by Bell Haven property owners. She said the 150 feet of shoreline is not exclusively owned by Ms. Dohring. She addressed the Hitch and a pavilion structure and the scenic overview, which will be affected. She felt there were zoning issues with the permit expanding to a 4,000 square foot resort. She said she disagreed with the CEQA study that the overview would not be affected.

Jack Buell, Kelseyville resident, spoke in favor of this project and did not think what is being proposed is outside the context of what is already on the lake.

Joan Sturges, neighbor to Ms. Dohring, showed a picture of the view from her front porch where Ms. Dohring is proposing to put her dock. She said the structure is different than a float and she did not want to look at a structure in the middle of her view shed. She said she invited Ms. Dohring to look at the view from her front porch, but Ms. Dohring declined the invitation. She said there are a hundred and twenty-eight species of birds in the tules, along with mink, otters, foxes, raccoons, opossums, skunk and deer. She said lakefront owners should have access to the water and does not begrudge anyone of that right, but not at the expense of their neighbors and the rest of the community. She said they are adding 21 pilings to the existing structure and felt that was not a little addition.

Mike Sevilla, Lakeport resident, said that he felt people should have the right to do with their property as they so choose to a certain point, unless they infringe in one way or the other on other people in a negative way. He agreed they should have the right to do a dock of a reasonable, conforming structure that does not seriously affect the view scape or any other issues that would be in detriment to the neighbors and boats. He said he did not want to see the beginnings of ostentatious wealth, having an impact on view scapes. He was not in favor of the project proposal.

Melissa Fulton, Lakeport Chamber of Commerce, felt there was opposition to people who have the resources to build the things they want to build, which she thought was a shame. She said that this is a great addition to Lake County and people will be able to rent the property, have beautiful weddings and build memories. She was in favor of this project application.

Jim Robello, Lake County resident, said that Bell Haven is a beautiful resort and that the dock is in need of repair. He was in favor of this project application.

Ken McPherson, Edgewater Resort owner, said he spoke to Ms. Dohring and reviewed the design of the proposed dock. He said it would not affect his view and it will be exactly like the existing dock. He was satisfied with his discussion with Ms. Dohring and not concerned with the objections from his neighbors.

Bobby Dutcher, Lake County Association of Realtors, has concerns with piers around the lake in need of repair/upgrades. He said the small adjustment in this pier will not affect the wildlife and hoped that the Planning Commission would approve this project application.

10:11 a.m. Closed Public Hearing

Ms. Barthel clarified if approved today, it would be for adopting the Mitigated Negative Declaration for the Encroachment Permit and approving the Encroachment Permit itself with the findings on page 12 of the Staff Report dated September 14, 2017.

Comm. Levesque said looking at the arial photograph of this site is a key element and noted that it is not substantially different.

Comm. Levesque moved, 2nd by Comm. Hess that the Planning Commission find on the basis of the Initial Study (IS 17-21) prepared by the Planning division and the mitigation measures and conditions of approval which have been added to the project, that the Lakebed Encroachment Permit as applied for by the Bell Haven Homeowners Association will not have a significant effect on the environment and therefore a mitigated negative declaration shall be issued with the findings listed in the staff report dated September 14, 2017.

MITIGATED NEGATIVE DECLARATION 4 Ayes 0 Noes 1 Absent (Comm. Suenram)

Comm. Levesque moved, 2nd by Comm. Hess that the Planning Commission find that the Lakebed Encroachment Permit applied for by the Bell Haven Homeowners Association on property located at 6560 Soda Bay Drive, Kelseyville does meet the requirements of the Clear Lake Shoreline Ordinance and that the Planning commission has reviewed and considered the Mitigated Negative Declaration which was adopted for this project and the Lakebed Encroachment Permit be granted subject to the conditions and with the findings listed in the staff report dated September 14, 2017.

LAKEBED ENCROACHMENT PERMIT APPROVAL 4 Ayes 0 Noes 1 Absent (Comm. Suenram)

Comm. Malley noted that there is a seven (7) calendar day appeal period provided by the clear Lake Shoreline Ordinance.