



**COUNTY OF LAKE**  
COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Division  
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## MEMO

**TO:** Board of Supervisors

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

**DATE:** February 14, 2017

**SUBJECT:** **Appeal of Planning Commission Approval of Use Permit (UP 16-01) Conditions of Approval for a Billboard; AB 16-06 APN 008-019-69 Supervisor District 4**

**EXHIBITS:**

- A. Appeal Form and Applicant's Appeal Plea
- B. Use Permit UP 16-01 Conditions of Approval
- C. Use Permit UP 95-10, UP 05-09, UP 10-12 Conditions of Approval.
- D. Site visit photos
- E. Draft Planning Commission Minutes dated October 27, 2016
- F. Planning Commission Staff Report dated October 27, 2016

### **I. BACKGROUND**

The timely appeal (Exhibit A) was filed by the applicant's representative Andre Ross. The applicant is appealing the Planning Commission's October 27, 2016 unanimous decision approving Use Permit UP 16-01, specifically conditions of approval numbers 4, 5, and 6 (Exhibit B), for a five year renewal of an existing billboard located at 131 Soda Bay Road in the Commercial/Manufacturing zoning district. This is the third renewal since the billboard was originally approved in 1995. Staff conducted a site visit prior to the Planning Commission hearing and determined that the sign has not been maintained as required by conditions of approval from previous renewals (Exhibit C) and as required by Section 45.27(b) of the Lake County Zoning Ordinance, "*Signs shall be maintained in a good state of repair. Sign copy that is faded, torn or peeling shall be replaced, repaired or repainted.*"

**View from Hwy. 29 Northbound**



**Southbound Hwy. 29**



## **II. APPEAL DISCUSSION**

The appellant's plea is summarized as follows:

- “Renewed Major Use Permit now incorporates new annual fees”.
- “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”.
- “New conditions of use have been imposed regarding site access and property owners’ agreement to waive legal protections against non-consensual entry onto private property”.

### **Mitigation Monitoring Fee**

The applicant is appealing Condition of Approval number six (6) (Exhibit B). The Planning Commission has the authority to assess a mitigation monitoring fee because the applicant has not followed the Conditions of Approval for previous renewals (Exhibit C) requiring ongoing maintenance of the sign. The fee is justified through Ordinance 3037, passed by the Board of Supervisors on March 22, 2016. Staff determined that an annual inspection of the billboard is necessary to verify the maintenance of the sign and to contact the owner if a maintenance issue arises. This mitigation monitoring fee will compensate the County for staff time spent in ensuring consistent sign maintenance for the life of the project as required by conditions of approval.

### **Sign Maintenance Plan**

The applicant is appealing Conditions of Approval numbers four (4) and five (5) (Exhibit B). The Planning Commission has the authority to require a sign maintenance plan because the applicant has not followed the Conditions of Approval for past renewals that require sign maintenance for the life of the project. Additionally, access by maintenance vehicles to the sign is not clear. The sign maintenance plan condition included that ingress and egress into the subject parcel be demonstrated. The property where the sign is located is currently under development as a mini-storage facility. Buildout of the mini storage includes the installation of a building on an existing pad located just below the billboard which is located just above the pad on a ridge. Based on the location of the existing building pad, with respect to the location of the sign, it appears a new building would block the access for maintenance vehicles. At the hearing the applicant stated that they currently have verbal not contractual access to the sign through the Redi-Mix property. The Planning Commission confirmed that a contractual access agreement was required and approved the project with the incorporated conditions. The maintenance plan condition requires that the plan is signed by the property owner demonstrating agreement that the build out of the ministorage will not impede sign maintenance vehicles.

## **III. RECOMMENDATION**

Staff recommends that the Board of Supervisors deny the appeal and uphold the previously approved the renewal with the new conditions 4, 5, and 6 (Exhibit B). With these new conditions of approval, this sign will meet consistently the requirements of Section 51.4 of the Lake County Zoning Ordinance.

**Sample Motions:**

**Appeal Denial**

I move that the Board of Supervisors make an intended decision to deny Appeal AB 16-06, applied for by LaMonica Signs, and sustain the Planning Commission's adoption of the negative declaration and approval of Major Use Permit UP 16-01 conditions of approval four (4), five (5), and six (6) from the October 27<sup>th</sup>, 2016 Planning Commission hearing for a five year time extension of a billboard located at 131 Soda Bay Road, Lakeport, and direct County Counsel to prepare findings of fact supporting the conditions of approval requiring an annual mitigation monitoring fee and contractual access to the billboard site through adjacent private property.

Reviewed by: MO