

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

2
3 In the Matter of the Appeal

4 of Joan Sturges

5 [AB 17-03]
6

FINDINGS OF FACT AND DECISION

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8 This proceeding was commenced by virtue of an appeal by Joan Sturges (the
9 “Appellant”) of the Planning Commission’s determination on March 9, 2017, to deny the
10 Appellant’s appeal of the departmental issuance of a Categorical Exemption for the
11 replacement of an existing boating structure.

12 A duly noticed public hearing on the appeal scheduled before this Board on June 20,
13 2017, and continued to August 22, 2017, at which time, and evidence, both oral and
14 documentary, was presented. Based upon the evidence and applicable law, we find the
15 following:

- 16 1. That the Project at issue here is the replacement of a pre-existing boating structure.
17 The Project is located at 6460 Soda Bay Drive, Kelseyville, CA.
- 18 2. That the Project applicant is Lauri Dohring.
- 19 3. That the Appellant is Joan Sturges. The basis of Ms. Sturges appeal is that the
20 Project will be located on the shoreline which is a wildlife area with 128 species of
21 birds that flock feed. Carp spawn at this location and the Lake County Hitch are
22 present. This is the longest uninterrupted shoreline in the Soda Bay area and it needs
23 to be maintained. The Appellant was not present for these proceedings and did not
24 request a continuance of the proceedings to allow her to be present.
- 25 4. That on March 9, 2017, the Planning Commission denied the appeal of Ms. Sturges
26 on the basis that the Project qualified for the Class 2 exemption and was consistent
27 with the Lake County General Plan and the Riverias Area Plan.
- 28 5. That the Community Development Department presented brief testimony and

substantial documentation relevant to these proceedings, including but not limited to, a staff report dated June 7, 2017, and Exhibits A through G thereto. The Community Development Department determined that the Project qualified for a Class 2 Categorical exemption under CEQA as a replacement or reconstruction of an existing structure/facility where the new structure will be located and which will have substantially the same purpose and capacity as the structure replaced. The Community Development Department further found to be consistent with the Lake County General Plan, the Riverias Area Plan, and the County Zoning Ordinance.

6. That in the course of the application process and related proceedings for this Project, the State Department of Fish and Wildlife (“DFW”) determined that an Initial Study was required to be completed as well as an environmental checklist for permits. The DFW was particularly concerned about the Clear Lake Hitch habitat. The Clear Lake Hitch has been listed as a Threatened Species by the California Department of Fish and Wildlife.
7. That the Project applicant retained a consultant for the preparation of the Initial Study and for a biological assessment to meet DFW requirements. An initial study was applied for by the Project applicant, prepared through the Community Development Department, has been completed, and is under review.
8. That the Project applicant testified that pursuant to the specifications for this Project, the length of dock will be the same as the structure it will replace; the dock will just be wider. Vegetation in the area will be undisturbed. The mitigation measures required by DFW have been complied with.
9. That the Lake County Shoreline Ordinance requires the Initial Study to be reviewed by the Planning Commission in the course of a public hearing. If adopted by the Planning Commission, the building permit and encroachment permit for this Project will be issued.
10. That this Board finds, based on the evidence and facts presented in this matter as follows:
 - a. That the Project is consistent with the Lake County General Plan, the County Zoning Ordinance, and the Riverias Area Plan.

b. That although this Board finds that the Class 2 Exemption under CEQA was appropriate for this Project, the determination by State Fish and Wildlife to require an Initial Study to consider environmental impacts has rendered moot the categorical exemption previously approved by the Community Development Department and the Planning Commission.

c. That the Appellant has provided insufficient evidence to support the grounds for her appeal regarding possible negative impacts to the environment surrounding the Project site. The Appellant did not appear for these proceedings.

d. That this Board has considered and incorporates by reference the Community Development staff memorandum and exhibits thereto submitted to this Board for the hearing, as well as the documentation submitted by the Appellant and the Project applicant.

11. Based upon all the foregoing and for the reasons set forth hereinabove, this Board denies the appeal of the Appellant Joan Sturges.

NOTICE TO APPELLANT: You are hereby given notice that the time within which any judicial review of the decision herein may be sought is governed by the provisions of the Code of Civil Procedure Section 1094.5.

Dated: _____

CHAIR, Board of Supervisors

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

APPROVED AS TO FORM:

By: _____
Deputy



ANITA L. GRANT
County Counsel