

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

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3 In the Matter of the Appeal

4 of Joan Sturges

5 [AB 17-04]  
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FINDINGS OF FACT AND DECISION

7 These proceedings were commenced by virtue of an appeal of the Planning  
8 Commission's determination on September 28, 2017, to adopt Initial Study 17-21 and  
9 associated mitigated negative declaration and to grant the Lakebed Encroachment Permit  
10 for a project consisting of the replacement of an existing ramp and floating dock system  
11 and the creation of a contiguous elevated dock and pavilion with ramps down to a floating  
12 boat lift and dock (hereinafter, the "Project").

13 A duly noticed public hearing on the appeal scheduled before this Board was heard  
14 on October 24, 2017, at which time, evidence, both oral and documentary, was presented.  
15 Based upon the evidence and applicable law, we find the following:

- 16 1. That the Project at issue here is the replacement of a pre-existing boating structure  
17 and the creation of a contiguous elevated dock and pavilion with ramps down to a  
18 floating boat lift and dock. The Project is located at 6460 Soda Bay Drive,  
19 Kelseyville, CA.
- 20 2. That the Project applicant is the Bell Haven Homeowners Association/Lauri  
21 Dohring.
- 22 3. That the Appellant is Joan Sturges. The basis of Ms. Sturges appeal is that: (1) The  
23 proposed dock and structures are too huge, (2) Wildlife of 128 species of birds,  
24 deer, foxes, fish, otters, etc. would be disrupted and their natural habitat gone; and  
25 (3) She does not want to look at it as it consumes half of her view shed. The  
26 Appellant was not present for these proceedings and her request for a continuance  
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1 Appellant was not present for these proceedings and her request for a continuance  
2 was denied by this Board.

3 4. That on September 28, 2017, the Planning Commission adopted Initial Study 17-21  
4 and mitigated negative declaration and granted the Lakebed Encroachment Permit  
5 for the Project.

6 5. That the Community Development Department presented brief testimony and  
7 substantial documentation relevant to these proceedings, including but not limited  
8 to, a staff report dated October 24, 2017, and Exhibits A through D thereto.

9 6. That the evidence presented by the Community Development Department included  
10 the following:

11 a. In response to the Appellant's assertion that the Project is too large, the  
12 Community Development presented evidence that in 2000, the Planning  
13 Commission approved a variance for a dock at the same location. As a result of that  
14 approveal, the dock was permitted to extend 182 feet beyond zero Rumsey, which is  
15 82 feet beyond that which is normally allowed. This Project will not extend the  
16 length of the structure beyond this previously-approved variance and will not  
17 interfere with the littoral access rights of adjoining property owners. Additionally,  
18 the proposed Project will be 75 feet in width. The shoreline frontage of the Project  
19 parcel is 150 feet. The Project complies with the Lake County Shoreline  
20 Ordinance.

21 b. In response to the Appellant's assertion that wildlife would be disrupted and their  
22 natural habitat gone, the Community Development Department presented evidence  
23 that potential impacts to sensitive species were identified in Section IV. of Initial  
24 Study 17-21. The California Department of Fish and Wildlife recommended  
25 construction of the Project between October 15 and January 1 in order to protect  
26 the habitat of the Clearlake hitch. The construction footprint is limited to the  
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1 immediate vicinity of the dock and the area of the shoreline immediately located on  
2 either side of the existing dock. Riparian vegetation located further away from the  
3 existing dock would not be impacted. The Project is small when considered relative  
4 to the footprint of Clear Lake and the Project will not impede the ability of any  
5 fish/aquatic species from moving freely through the lake and the shoreline. The  
6 shoreline will not be physically blocked. The implementation of and compliance  
7 with the Project mitigation measures and conditions of approval will avoid or reduce  
8 any potential impacts to less than significant levels.

9 c. In response to Appellant's allegation that she does not wish to look at the Project  
10 because it consumes half her view shed, the Community Development Department  
11 notes that the Appellant provided no documentation in support of her allegation.  
12 The Project will maintain the existing structure. The height of the proposed  
13 structure will not exceed 20 feet Rumsey.

14 7. That this Board finds, based on the evidence and facts presented in this matter as  
15 follows:

16 a. That this Board finds that sufficient information exists in the record of this  
17 matter to support the adoption of the mitigated negative declaration and the  
18 Board does hereby adopt the mitigated negative declaration. This Board  
19 adopts those CEQA findings enumerated in the staff report dated October 24,  
20 2017. This Board hereby upholds the decisions of the Planning Commission  
21 to adopt the mitigated negative declaration for this Project and to grant the  
22 Lakebed Encroachment Permit based upon the findings enumerated in the  
23 staff report dated October 24, 2017.

24 b. That the Appellant has provided insufficient evidence to support the grounds  
25 for her appeal.

26 c. That this Board has considered and incorporates by reference the Community  
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1 Development staff memorandum and exhibits thereto submitted to this Board  
2 for the hearing, as well as other documentation submitted to this Board.

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

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

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9 Dated: \_\_\_\_\_

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CHAIR, Board of Supervisors

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

APPROVED AS TO FORM:

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15 By: \_\_\_\_\_  
16 Deputy

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ANITA L. GRANT  
County Counsel