

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

2  
3 In the Matter of the Appeal

4 of Richard Kuehn

5 [ AB 17-05]  
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7

FINDINGS OF FACT AND DECISION

8 This proceeding was commenced by virtue of an appeal by Richard Kuehn (the  
9 “Appellant”) of the Planning Commission’s determination on October 26, 2017, to deny  
10 the Appellant’s request for a Major Use Permit (UP 17-10) and Design Review (DR 17-05)  
11 for an off-site sign (billboard) at 13550 East Highway 20 in Clearlake Oaks, California (the  
12 “Project”).

13 A duly noticed public hearing on the appeal was held before this Board on February  
14 27, 2018, and evidence, both oral and documentary, was presented. Based upon the  
15 evidence and applicable law, we find the following:

- 16 1. That on October 26, 2017, the Appellant requested that the Planning Commission  
17 approve a Major Use Permit and Design Review for a new off-site sign at 13550  
18 East Highway 20 in Clearlake Oaks, California. The Project proposes an off-site  
19 billboard sign containing two sign faces, each 200 square feet in area.  
20  
21 2. That the Appellant is Richard Kuehn.  
22  
23 3. Staff of the Community Development Department (hereinafter, “staff”) presented  
24 evidence both documentary and testimonial. Staff submitted a staff report dated  
25 February 27, 2018 which includes Exhibits “A” through “D”. Testimony offered by  
26 staff included a power point presentation made by Associate Planner Eric Porter.  
27  
28 4. Appellant presented evidence in support of the appeal. The Appellant testified that  
the Project site is zoning Planned Development Commercial and that under that  
zoning, agriculture is the only allowed use unless a conditional use permit is

1 obtained. The Appellant testified that if he obtains a permit for the off-site signage,  
2 the signage will be used by local businesses. The Appellant noted that the person  
3 who really benefits from a billboard sign is the one who advertises on it.

4 5. That this Board finds, based on the evidence and facts presented in this matter as  
5 follows:

6 a. That pursuant to Section 51.4 of the Lake County Zoning Ordinance, this  
7 Board may only approve or conditionally approve a major use permit if all the  
8 findings of Section 51.4 of the Lake County Zoning Ordinance can be made.  
9 This Board hereby determines that all of the findings of Section 51.4 cannot  
10 be made. Specifically, this Board finds that the finding that the project is in  
11 conformance with the applicable provisions and policies of the Zoning  
12 Ordinance, the General Plan and, in this case, the Shoreline Communities  
13 Area Plan, cannot be made. Highway 20 is a scenic corridor and the specific  
14 area in which this Project would be located is a unique one in Lake County.  
15 This area of Highway 20 is a true scenic corridor because it acts as a visual  
16 gateway to the community of Clearlake Oaks and to the County of Lake as a  
17 whole. Therefore, this Project would constitute an incompatible use in this  
18 community area of Lake County which the General Plan and the Shoreline  
19 Communities Plan intend to prevent.

20 b. That, pursuant to the requirements of Section 54.5 of the Zoning Ordinance,  
21 this Board shall only approve or conditionally approve a design review permit  
22 if all of the findings of Section 54.5 are made. This Board finds that all of  
23 the findings of Section 54.5 cannot be made. Specifically, this Board finds  
24 that for those reasons described in section 5a hereinabove, the finding that  
25 the project is in conformance with the applicable provisions and policies of  
26 this Chapter, the Lake County General Plan and here, the Shoreline  
27 Communities Area Plan, cannot be made.

28 c. 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 all evidence submitted by the Appellant.

6. Based upon all the foregoing and for the reasons set forth hereinabove, this Board  
denies the appeal of the Appellant Richard Kuehn.

**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:

  
ANITA L. GRANT  
County Counsel

By: \_\_\_\_\_  
Deputy