

**LAKE COUNTY PLANNING COMMISSION**

**MINUTES**

**REGULAR MEETING**

**March 26, 2020**

**Commission Members**

**P John Hess, District I**  
**P Bob Malley, District II**  
**A Batsulwin Brown, District III**  
**P Christina Price, District IV**  
**P Daniel Suenram, District V**

**Staff Members**

**P Michalyn DelValle, Director**  
**P Mark Roberts, Principal Planner**  
**P Nicole Johnson, Deputy Cty Counsel**  
**P Danae LoDolce, Office Assistant III**

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**REGULAR MEETING**

**March 26, 2020**

**9:13 a.m. CALL TO ORDER**

No Pledge of Allegiance due to time constraints.

Comm. Hess moved, 2<sup>nd</sup> by Comm. Malley to approve the minutes from the February 27, 2020 Planning Commission Meeting. All were in favor.

**9:00 a.m. CITIZEN'S INPUT - None**

**9:05 a.m. Public Hearing on consideration of a Major Use Permit (UP 19-23), Design Review (DR 19-03) and Categorical Exemption (CE 19-54). The project applicant is LAMAR ADVERTISING, Owner LETISIA NICOSIA, proposing a Major Use Permit for Off-Site Advertising. The project is located at 47 Soda Bay Road, Lakeport and further described as APN 082-092-03. (Simone Hingston)**

Simone Hingston, Assistant Planner, provided background information and a power point presentation on the proposed project.

Comm. Malley referenced the executive summary in the staff report dated March 9, 2020. He noted that UP 10-09 expired on February 10, 2016 and asked staff why this is being brought to the Commission four years later. He said staff recommends that the approval of this use permit is for a period of five years, and there is no indication in the motions for a date and time specific for the ending of this use permit.

Ms. Hingston said in the title of the use permit conditions, it states that this permit will expire on March 26, 2025.

Comm. Malley addressed the letter submitted by Scott Lotter, President, Paradise Cinemas Inc., Lakeport Auto Movies and his concerns about the auto movies being across the street from this billboard. He said they felt that there was a need for shielding of the light to keep it from going beyond the borders of the property and that the current shielding is defective.

Ms. Hingston said that staff will address this issue with an updated condition of approval to shade or hood the lighting further than it already is in existence. She

said staff measured the distance between the billboard and the drive-in movie screen and it is over 800 feet.

Scott DeLeon, Interim Community Development Director, read condition A4 in the permit conditions: *"All lighting shall be indirect, directed downward, hooded, shielded or opaque and shall comply with the recommendation of; [www.darksky.org](http://www.darksky.org) . No unobstructed beam of light shall be directed beyond the billboard face."* He suggested that the condition should adequately address the letter that was received, and what it will require would be a review at night to check the compliance. He said if there is unobstructed light pointed towards the theater, then they will have to modify the lighting to comply with condition A4 of the use permit conditions.

Ms. Hingston presented a photo submitted by Mr. Lotter depicting the nighttime glare off of the billboard and the drive-in screen. She said the billboard is situated uphill and needs extended hooding to prevent the glare.

Comm. Suenram noted that the lighting is projecting downwards under the billboard and felt that was something that should be figured out and eliminated.

Comm. Malley said that the light was brighter than everything else around it. He referenced the use permit expiring in 2016, and asked if it was an issue with the department, not having manpower to address it, or was the use permit not reapplied for properly.

Mark Roberts, Principal Planner, stated upon expiration of the use permit, the applicant could have submitted a use permit extension (UPX) if submitted within the natural timeframe, but since they did not submit prior to expiration of the date it became a whole new use permit process five years later as the Commission indicated.

Comm. Suenram said there should have been more discretion with the billboard while they basically did not have a permit.

Comm. Malley said they did not stop using it.

Comm. Hess asked County Counsel to address the other item brought up in the letter from Mr. Lotter, saying that the County is ignoring the Brown Act by this meeting being closed to the public as a result of the current COVID 19 stay at home restrictions. He asked if assurance could be given to Mr. Lotter, that staff is respecting the Brown Act with the current circumstances.

Comm. Hess read from the last paragraph of the letter submitted by Mr. Lotter: *"It doesn't appear that the County of Lake is making any attempt to comply with the Governors Executive Order N-29-20 or N-25-20 regarding the Bagley-Keene Act or the Brown Act."*

Nicole Johnson, Deputy County Counsel, said that the Brown Act is what would apply in this situation and staff was making every effort in meeting the Brown Act requirements as amended by the Governors Emergency Declaration and the requirement to shelter in place (SIP). She said the Governor has waived part of the Brown Act for remote access meetings and that certain notice requirements have been waived and it is permitted that the entire board members could join meetings and meet a quorum remotely. She added that the County has provided access on the internet, phone services and this particular Zoom service. She said these access services will be included on future agenda items and these services were provided to the best that staff could within a short period of time.

#### **9:47 a.m. Opened Public Hearing**

Staff reported that there were no phone calls or emails submitted for this item.

**9:47 a.m. Closed Public Hearing**

All Commissioners agreed to move forward with this item with no further questions.

Comm. Hess moved, 2<sup>nd</sup> by Comm. Malley that the Planning Commission find that the Major Use Permit UP 19-23 applied by Lamar Advertising on behalf of property owner Lettisia Nicosia on the property located on 47 Soda Bay Road, Lakeport, CA 95453 is exempt from CEQA because it falls within Categorical Exemption 15301. Class 1, based on the findings set forth in the Staff Report dated March 9, 2020.

**Categorical Exemption 4 Ayes 0 Noes 1 Absent (Comm. Brown)**  
**Approved by roll call vote**

Comm. Hess moved, 2<sup>nd</sup> by Comm. Malley that the Planning Commission find that the Major Use Permit, UP 19-23 applied by Lamar Advertising on behalf of property owner Lettisia Nicosia on property located at 47 Soda Bay Road, Lakeport, CA 95453 meets the requirements of Sections 20, 45.22 and 51.4 of the Lake County Zoning Ordinance and that the Planning Commission has reviewed and considered the Use Permit be granted subject to the conditions and with the findings listed in the Staff Report dated March 9, 2020. And additional comments about lighting made

**Major Use Permit Approval 4 Ayes 0 Noes 1 Absent (Comm. Brown)**  
**Approved by roll call vote**

Comm. moved, 2<sup>nd</sup> by Comm. that the Planning Commission find that the Design Review, DR 19-03 applied by Lamar Advertising on behalf of property owner Lettisia Nicosia on property located at 47 Soda Bay Road, Lakeport, CA 95453 meets the requirements of Sections 54.5 of the Lake County Zoning Ordinance and that the Planning Commission has reviewed and considered the Use Permit be granted subject to the conditions and with the findings listed in the Staff Report dated March 9, 2020. And with consideration of lighting (LISTEN)

**Design Review Approval 4 Ayes 0 Noes 1 Absent (Comm. Brown)**  
**Approved by roll call vote.**

- For further details, discussion and public comments on the above items from the above Planning Commission Hearing, please go to the following link: <https://countyoflake.com/calendar.aspx>

**9:52 a.m. Public Hearing on consideration of a Major Use Permit (UP 19-27), Design Review (DR 19-05) and Categorical Exemption (CE 19-71). The project applicant is LAMAR ADVERTISING, Owner JUSTIN & SUFI RATCLIFFE proposing a Major Use Permit for Off-Site Advertising. The project is located at 53 Soda Bay Road, Lakeport and further described as APN 082-092-04. (Simone Hingston)**

Simone Hingston, Assistant Planner, provided background information and a power point presentation on the proposed project.

Comm. Hess said he was uncomfortable with Lamar Advertising ignoring the fact that their permits have expired and they continue to operate in a purgatory zone, then they come into apply for another use permit, without a permit in place. He said he is not a big fan of billboards and this one is not very well taken care of; it is rusty, the paint is peeled and it looks shabby. He said the property should be taken care of. He said he does not oppose this application, but wanted to make those statements for the record.

**10:13 a.m. Opened Public Hearing**

Staff reported that there were no phone calls or emails submitted for this item.

**10:13 a.m. Closed Public Hearing**

Mark Roberts, Principal Planner, noted that there needs to be appeal period language added to the staff report since it is a Major Use Permit and the same language will also need to be added to the previous item for Lamar Advertising (UP 19-23)

Nicole Johnson, Deputy County Counsel, said that the last item will need to be reopened to make sure everyone is aware of the appeal period for the last item and this current item.

Comm. Malley moved, 2<sup>nd</sup> by Comm. n6 that the Planning Commission find that the Major Use Permit UP 19-27 applied by Lamar Advertising on behalf of property owner Justin and Sufi Ratcliffe on the property located on 53 Soda Bay Road, Lakeport, CA 95453 is exempt from CEQA because it falls within Categorical Exemption 15301. Class 1, based on the findings set forth in the Staff Report dated March 9, 2020.

**Categorical Exemption 4 Ayes 0 Noes 1 Absent (Comm. Brown)**

**Approved by roll call vote.**

Comm. Malley moved, 2<sup>nd</sup> by Comm. Hess that the Planning Commission find that the Major Use Permit, UP 19-27 applied by Lamar Advertising on behalf of property owner Justin and Sufi Ratcliffe on property located at 53 Soda Bay Road, Lakeport, CA 95453 meets the requirements of Sections 20, 45.22 and 51.4 of the Lake County Zoning Ordinance and that the Planning Commission has reviewed and considered the Use Permit be granted subject to the conditions and with the findings listed in the Staff Report dated March 9, 2020.

**Major Use Permit Approval 4 Ayes 0 Noes 1 Absent (Comm. Brown)**

**Approved by roll call vote.**

Comm. Malley moved, 2<sup>nd</sup> by Comm. Hess that the Planning Commission find that the Design Review, DR 19-05 applied by Lamar Advertising on behalf of property owner Justin and Sufi Ratcliffe on property located at 53 Soda Bay Road, Lakeport, CA 95453 meets the requirements of Sections 54.5 of the Lake County Zoning Ordinance and that the Planning Commission has reviewed and considered the Use Permit be granted subject to the conditions and with the findings listed in the Staff Report dated March 9, 2020.

**Design Review Approval 4 Ayes 0 Noes 1 Absent (Comm. Brown)**

**Approved by roll call vote.**

- For further details, discussion and public comments on the above items from the above Planning Commission Hearing, please go to the following link: <https://countyoflake.com/calendar.aspx>

Comm. Hess moved, 2<sup>nd</sup> by Comm. Malley to reopen Item 1 on the agenda to comply with appeal notifications.

Danae LoDolce, Planning Commission Assistant, noted that there is a seven (7) calendar day appeal period provided by the Lake County Zoning Ordinance.

**10:23 a.m. Public Hearing on consideration of a Tentative Parcel Map (PM 19-02) and a Mitigated Negative Declaration based on Initial Study (IS 19-16). The project applicant is LORI KOESTER proposing to divide an existing +/-10.46 acre lot to create (2) +/-5 acre parcels. The project is located at 5400 Gaddy Lane,**

**Kelseyville and further described as APN 024-071-69. (Eric Porter)**

Eric Porter, Associate Planner, provided background information and a power point presentation on the proposed project.

Comm. Sueram asked if the lower parcel was going to be reassigned to an address on State Street, or will it always be Gaddy Lane and asked what the main access to the apartments was.

Mr. Porter said the primary access will be off of Gaddy Lane.

Comm. Suenram asked if the State Street access was to be dedicated for curb, gutter and sidewalks and will there be a gate that can be opened in case of an emergency. He said most will use State Street access and asked if it has been taken into consideration as far as all the studies that have been done and the impacts.

Mr. Porter said primary and secondary accesses were a function of that earlier use permit and for the land division they did not look at primary versus secondary on a project that has already been approved.

Comm. Malley said when this was approved on parcel one, there was discussion about drainage and an excessive amount of water on parcel two and he wondered if staff had gone through the original parcel one approval which talks about parcel two. He said he remembers there was discussion on a vernal pool in that area, but could not remember what the problem was.

Mr. Porter said staff evaluated the entire site through the CEQA review and the determination was made that every potential impact associated with the northern development of this lot could be mitigated with certain conditions of approval. He said they did look at the development of the upper portion of the lot. He said staff did look at the development of the upper lot, however there is a lot of validity of what Comm. Malley was saying given that the upper portion of this lot is in the "AO" flood plain and it raises it to a higher level of review on the part of staff and it needs to be cleared through the Water Resources Department. He said they frequently require engineered grading and drainage plans once there is a development proposal and there is no proposal before staff at this time. He said it is a simple land division and the prior CEQA evaluation took into consideration that the northern part of the property was in a flood plain.

Commissioners agreed that water drainage needed to be addressed.

**10:39 a.m.                    Opened Public Hearing**

Staff reported that there were no phone calls or emails submitted for this item.

**10:39 a.m.                    Closed Public Hearing**

Comm. Hess moved, 2<sup>nd</sup> by Comm. Malley that the Planning Commission find on the basis of the Initial Study No. 19-16 prepared by the Planning Division and the mitigation measures which have been added to the project, that the Parcel Map, PM 19-02 as applied for Lori Koester will not have a significant effect on the environment and thereof, recommend the Planning Commission approve the proposed Mitigated Negative Declaration with the findings listed in the Staff Report dated March 11, 2020.

**Mitigated Negative Declaration 4 Ayes 0 Noes 1 Absent (Comm. Brown)**  
**Approved by roll call vote.**

Comm. Hess moved, 2<sup>nd</sup> by Comm. Malley that the Planning Commission find that the Tentative Parcel Map, PM 19-02 applied by Lori Koester on property located at on property located at 5400 Gaddy Lane, Kelseyville, CA 95451; APN: 024-071-69 is in conformity with the provisions of the Subdivision Map Act and Chapter 17 of the Lake County Code and the Lake County Zoning Ordinance, and upon that basis approve said map subject to the conditions and with the findings listed in the Staff Report dated March 11, 2020.

**Parcel Map, PM 19-02 4 Ayes 0 Noes 1 Absent (Comm. Brown)**  
**Approved by roll call vote.**

Comm. Suenram noted that there is a fifteen (15) calendar day appeal period provided by the Lake County Subdivision Ordinance.

- For further details, discussion and public comments on the above items from the above Planning Commission Hearing, please go to the following link: <https://countyoflake.com/calendar.aspx>

**10:43 a.m. Public Hearing on consideration of a Tentative Parcel Map (PM 19-01) and Mitigated Negative Declaration based on Initial Study (IS 19-05). The project applicant is ROBERT TAYLOR proposing to divide an existing +/-6 acre lot to create (2) +/- 3 acre parcels. The project is located at 2200 Hill Road, Lakeport and further described as APN 015-001-10. (Eric Porter)**

Eric Porter, Associate Planner, provided background information and a power point presentation on the proposed project. He said that staff submitted a green sheet on this item and amended the staff report to include findings for the deviation. He said staff added one condition related to the deviation itself and a condition will need to be removed. He said condition G1 requires for improvements to Halberg Road and referred the deviation to Scott DeLeon on why the deviation is warranted.

Scott DeLeon, DPW Director and Interim Community Development Director, said this deviation is a result of miscommunication and a failure to communicate between DPW and CDD due to staff turnovers and DPW comments were not adequately addressed with the issues of this project.

Mr. DeLeon said the deviation is what staff is recommending in accordance with section 31.2 of Chapter 17 of the Lake County Code, which allows for deviations from requirements so long as conditions apply. He addressed the three conditions that apply and how the conditions are applicable to this project.

- a. Any granted deviation shall not constitute a grant of special privilege inconsistent with the limitation upon other properties in the same vicinity.
- b. That because of special circumstances applicable to the subject property including size, shape, topography, location or surroundings, the strict literal application of this chapter is found to deprive subject property of privileges enjoyed by other properties in the vicinity.
- c. Under the circumstances of this particular case, the deviation rather than the section that is issued in the chapter actually carries out the spirit and intent of the chapter.

He said those are their arguments in accordance with section 31.2 of chapter 17 of the Lake County Code and felt they have all been met.

Mr. Porter read the new condition A16 into the record: *"This Tentative Parcel Map approval shall not become effective, operative, vested or final until the applicant has submitted a Deviation Application to the Community Development Department for processing including all necessary fees."*

Mr. Porter also noted that condition G1 is to be deleted from the conditions.

Comm. Suenram asked if condition A16 will not become effective until the applicant has submitted an application for a deviation and in the motion proposed it has that the deviation will be approved. He said they are approving something that has not been applied for.

Mr. Porter said they never applied for it and they would have to retroactively apply for it as a formality and what staff is asking is for it to be done after the fact in the interest of expediency.

Steve Bella, Conser Land Surveying, said that he is working for the applicant and is available for any questions the Commission may have.

Comm. Hess asked Mr. Bella if the change in the conditions addressed in the green sheet that he submitted addressed his concerns.

Mr. Bella said the change in the conditions did address his concerns.

### **10:57 a.m. Opened Public Hearing**

Comm. Malley moved, 2<sup>nd</sup> by Comm. Hess that the Planning Commission find on the basis of the Initial Study No. 19-05 prepared by the Planning Division and the mitigation measures which have been added to the project, that the Parcel Map, PM 19-01 as applied for Robert Taylor on property located at 2200 Hill Road, Lakeport, CA 95453; APN: 015-001-10 will not have a significant effect on the environment and therefor, recommend the Planning Commission approve the proposed Mitigated Negative Declaration with the findings listed in the Staff Report dated March 11, 2020 and as amended today.

**Mitigated Negative Declaration 4 Ayes 0 Noes 1 Absent (Comm. Brown)**  
**Approved by roll call vote**

Comm. Malley moved, 2<sup>nd</sup> by Comm. Hess that the Planning Commission find that the Tentative Parcel Map, PM 19-01 applied by Robert Taylor on property located at 2200 Hill Road, Lakeport, CA 95453; APN: 015-001-10 is in conformity with the provisions of the Subdivision Map Act and Chapter 17 of the Lake County Code and the Lake County Zoning Ordinance, and upon that basis approve said map subject to the conditions and with the findings listed in the Staff Report dated March 11, 2020.

**Parcel Map, PM 19-01 4 Ayes 0 Noes 1 Absent (Comm. Brown)**  
**Approved by roll call vote**

Comm. Malley moved, 2<sup>nd</sup> by Comm. Hess that the Planning Commission find that the deviation applied for by Robert Taylor on property located at 2200 Hill Road, Lakeport, CA does meet the requirements of Section 17-31 of the Lake County Subdivision Code and grant the deviation to remove the requirement to improve Halberg Road to County Road Standards, and therefore, the deviation is approved with the findings listed in the Staff Report dated March 11, 2020 and as amended today.

**Deviation DV 20-01 4 Ayes 0 Noes 1 Absent (Comm. Brown)**  
**Approved by roll call vote**

Comm. Suenram noted that there is a fifteen (15) calendar day appeal period provided by the Lake County Subdivision Act.

## **STAFF UPDATE**

Scott Deleon, Interim Community Development Director, said he thought this meeting was effective and that staff's objective is to keep projects moving forward with the Planning Commission Meetings, and it is the objective of the Department to streamline presentations and reduce green sheet modifications.

Mr. Deleon noted that a new Community Development Deputy Director has been hired and will be starting in May. He said that staff will continue to push projects out and still comply with the Governor's order to shelter in place. He said most of Community Development staff will be working from home and staff will continue to try to move the projects and keep things going. He added that Danae LoDolce only has two hearings left before retirement, and staff is working on getting someone to cross train for the Planning Commission Assistant.

Comm. Hess thanked Mr. Deleon for wearing so many hats and encouraged that in this climate that we can still get so much done.

Comm. Suenram wanted to make it clear that the public will be able to make comments at the Zoom Meetings in the future and to make sure how to do so, is made available to the public and more clearly defined

**ADJOURNED 11:08 a.m.**

Daniel Suenram, Chair  
Lake County Planning Commission

Respectfully Submitted,

By: \_\_\_\_\_  
Danae LoDolce  
Office Assistant III