



Legislation Details (With Text)

File #: 21-204 **Version:** 1 **Name:**

Type: Action Item **Status:** Agenda Ready

File created: 3/22/2021 **In control:** BOARD OF SUPERVISORS

On agenda: 4/13/2021 **Final action:**

Title: 10:00 A.M. - PUBLIC HEARING - Discussion and Consideration of Use Permit Extension, File No. UPX 21-01 and CE 21-01, Extends UP 18-01; Located at 9475 Mojave Trail, Kelseyville, APN No. 009-004-21

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. Exhibit 1_Vicinity Map, 2. Exhibit 2_Original Conditions of Approval, 3. Exhibit 3_Extension-Modified Conditions of Approval, 4. Exhibit 4_Originally Submitted Documents, 5. Public Comment_Don Green

Date	Ver.	Action By	Action	Result
4/13/2021	1	BOARD OF SUPERVISORS	approved	

Memorandum

Date: April 13, 2021

To: The Honorable Bruno Sabatier, Chair, Lake County Board of Supervisors

From: Scott De Leon, Community Development Dept. Director
Tocarra Thomas, Community Development Dept. Deputy Director
Eric Porter, Associate Planner

Subject: Discussion and Consideration of Use Permit Extension, File No. UPX 21-01 and CE 21-01, Extends UP 18-01; Located at 9475 Mojave Trail, Kelseyville, APN No. 009-004-21

Exhibits: 1. Vicinity Map
2. Original Conditions of Approval
3. Extension-Modified Conditions of Approval
4. Applicant's Original Submitted Materials

Executive Summary: (include fiscal and staffing impact narrative):

The applicant, **Horizon Tower Limited, LLC**, is requesting a one-year extension for Use Permit UP 18-01, which allowed an 85' foot tall 'tree pole' tower on a site located at 9475 Mojave Trail, Kelseyville, also known as APN 009-004-21.

The original use permit UP 18-01 was approved by the Planning Commission on January 24, 2019 and was subsequently appealed to the Board of Supervisors, who heard the appeal on April 23, 2019. The appeal was denied and the approval of the tower was upheld. The resulting permit is valid for a period of two years and expires on April 23, 2021.

In late February 2021, staff was contacted by the applicant regarding the process to extend the use permit. Lake County Zoning Ordinance, Article 60.1(c), allows for the extension of an approved use permit for a period of one (1) year.

Discussion

The applicant has verbally stated that the reasons for the delay were the Covid-19 shutdown and the Mendocino Complex fire of 2018, which combined to make obtaining the necessary construction documents difficult and caused the applicant to request an extension of this permit by one additional year.

Neighbors within 725 feet of the 39+ acre parcel were notified of this action by Public Hearing notice sent March 26, 2021.

Article 60.1(c) of the County Ordinance requires an extension be ordered by whichever decision maker granted the permit. In this case, the Board of Supervisors ultimately approved the tower at the appeal. Therefore, the extension request was not brought before the Planning Commission but rather directly to the Board of Supervisors for consideration.

I. PROJECT DESCRIPTION

<u>Applicant:</u>	Horizon Tower Limited, LLC
<u>Owner:</u>	Richard Gubera
<u>Location:</u>	9475 Mojave Trail, Kelseyville (adjacent to the Clearlake Riviera development)
<u>A.P.N.:</u>	009-004-21
<u>Parcel Size:</u>	39+ acres
<u>General Plan:</u>	Rural Residential
<u>Zoning:</u>	"RR"; Rural Residential
<u>Flood Zone:</u>	X

II. PROJECT ANALYSIS

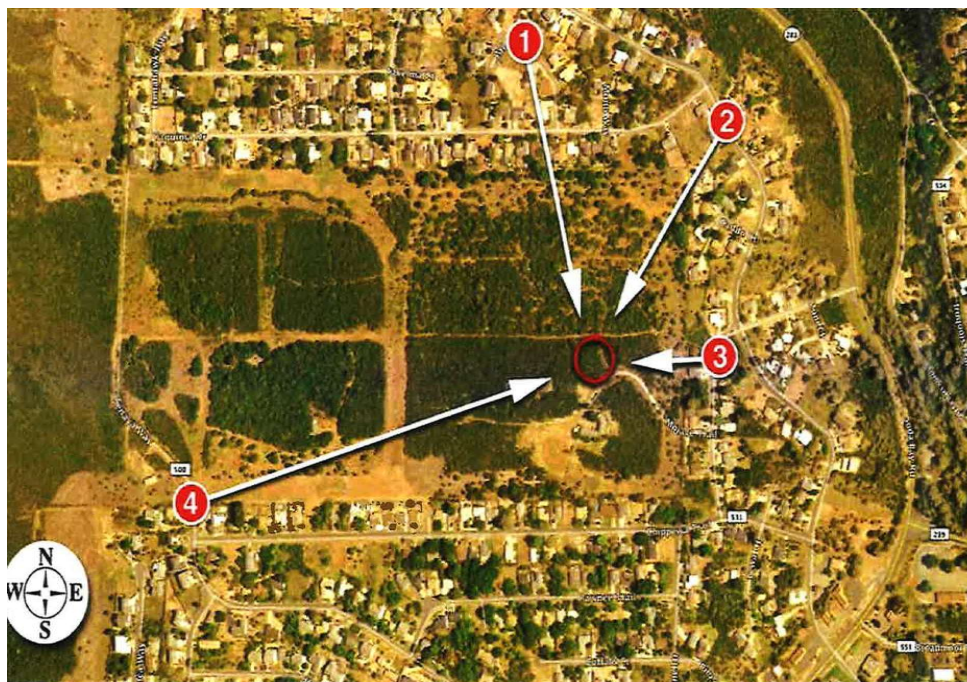
The Lake County Zoning Ordinance has three articles that contain relevant requirements to this extension; Chapter 60, subsection 60.1(c) and Chapter 51.4, Major Use Permits, Findings for Approval of a Major Use Permit.

Article 60, subsection 1(c). The specific portion of the code allowing the extension is as follows:

(c) If prior to expiration of a permit, the applicant files a written application for extension, the period within which substantial physical construction or use commenced, **may be extended one (1) year** by order of the Planning Director, Zoning Administrator, Development Review Committee, Planning Commission, or **Board of Supervisors**, whichever granted the permit, at any time within ninety (90) days of the date of expiration. An application for such an extension shall be made on the prescribed form and shall be accompanied by any applicable fee as

established by the Board of Supervisors. (**Ord. No. 1749, 7/7/1988**)

Response: Conformance is discussed on page 1, subsection (c) of this memo. No other extensions have been applied for by this applicant for this approved use permit. The applicant submitted a timely request, on the correct Extension form along with the required fee on March 1, 2021.



Legend for Original Photo Views from UP 18-01

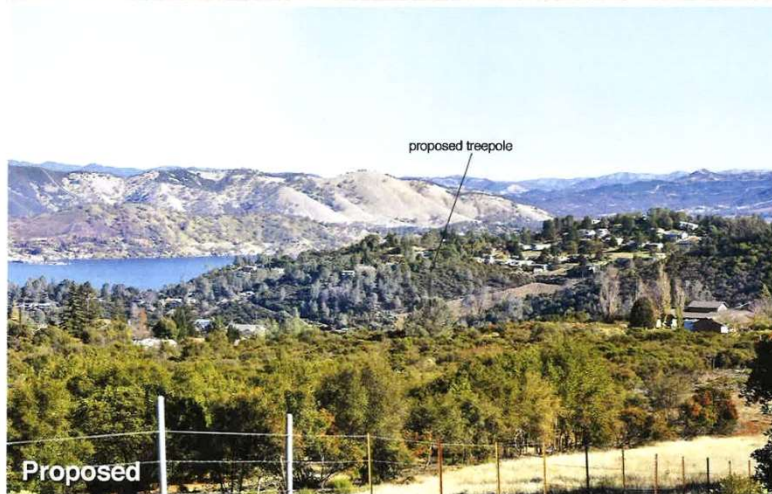
III. EXTENSION APPLICATION SUBMITTAL

The applicant submitted an application for Extension to staff prior to the expiration of the use permit, along with the required fee and the appropriate application form for an extension.

IV. ENVIRONMENTAL ANALYSIS

The original application UP 18-01 was required to undergo an Initial Study (IS 18-06) in 2018. The study listed all potential impacts and corresponding mitigation measures that were required for this tower. The primary impact pertained to visual (aesthetics); the applicant agreed to 'disguise' the tower by making it appear to be a pine tree.

CEQA section 15301(e) allows for a project to be categorically exempted from further CEQA analyses if no changes to the original project are proposed, as is the case here.



HORIZON
12/14/17

Kelseyville Site # CA4043
9475 Mojave Trail
Kelseyville, CA

Looking Northeast from Tenaya Way

View #4
Applied Imagination 510 914-0500

Original Photo View 4



12/14/17

Kelseyville Site # CA4043
9475 Mojave Trail
Kelseyville, CA

Looking West from Tenino Way
View #3
Applied Imagination S10 514-6500

Original Photo View 3

If not budgeted, fill in the blanks below only:

Estimated Cost: **N/A** Amount Budgeted: **N/A** Additional Requested: **N/A** Future Annual Cost: **N/A**

Consistency with Vision 2028 and/or Fiscal Crisis Management Plan (check all that apply):

☒ Not applicable

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Well-being of Residents | <input type="checkbox"/> Public Safety | <input type="checkbox"/> Infrastructure | <input type="checkbox"/> <i>Technology Upgrades</i> |
| <input type="checkbox"/> Economic Development | <input type="checkbox"/> Disaster Recovery | <input type="checkbox"/> County Workforce | <input type="checkbox"/> <i>Revenue Generation</i> |
| <input type="checkbox"/> Community Collaboration | <input type="checkbox"/> Business Process Efficiency | <input type="checkbox"/> Clear Lake | <input type="checkbox"/> <i>Cost Savings</i> |

If request for exemption from competitive bid in accordance with County Code Chapter 2 Sec. 2-38, fill in blanks below:

Which exemption is being requested?

How long has Agreement been in place?

When was purchase last rebid?

Reason for request to waive bid?

Recommended Action:

Approve the one-year extension request (UPX 21-01) for Use Permit (UP 18-01).

Sample motion:

Extension Approval (UPX 21-01):

I move that the Board of Supervisors make an intended decision to approve File No. UPX 21-01 to grant a one-year extension for Major Use Permit 18-01 as applied for by Horizon Tower Limited for property located at 9475 Mojave Trail, Kelseyville; APN number 009-004-21.