

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

October 26, 2017

Commission Members

P John Hess, District I
P Bob Malley, District II
P Eddie Crandell, District III
P Matt Levesque, District IV
P Daniel Suenram, District V

Staff Members

P Robert Massarelli, CDD Director
P Michalyn DelValle, Principal Planner
A Byron Turner, Principal Planner
P Shanda Harry, Deputy County Counsel
P Danae Bowen, Office Assistant III

9:04 a.m. CALL TO ORDER

Pledge of Allegiance was led by Bob Malley.

Comm. Hess moved, 2nd by Comm. Suenram to approve the minutes from September 21, 2017. Comm. Crandell moved, 2nd by Comm. Hess to approve the minutes from September 28, 2017.

9:04 a.m. CITIZEN'S INPUT – None

9:06 a.m. Public Hearing on consideration of a Major Use Permit (UP 17-06) and Design Review (DR 17-07). The project applicants are LARRY & FRANCES MONTGOMERY proposing an off-site billboard sign containing two sign faces, each 300 square feet in area. The project is located at 2325 E. State Highway 20, Nice and further described as APN 004-055-37. Environmental Evaluation: Exempt. (Eric Porter)

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

Comm. Malley noted for the record that his colleagues were not part of the previous meetings over the last few years, and Commissioner Cliff Swetnam had a prepared statement when billboard signs were on the Agenda. He was against of all forms of highway signs, because they are an unattractive distraction and a detriment to the driving public. He said he knows that the Board of Supervisors at one point made a decision that they would not allow any new signage and wanted to eliminate the existing signage. He said the Commission has approved extensions of the use permits and he has not heard any further direction from the Board of Supervisors and he is looking for some direction on future and existing signage.

Robert Massarelli, Community Development Director, said staff is not aware of any further direction from the Board of Supervisors.

Comm. Levesque asked about the statement that Commissioner Swetnam said before each hearing, so that we can continue reading that statement. He agreed with former Comm. Swetnam and he was also opposed to the billboard signs for various reasons.

Comm. Hess also agreed with former Comm. Swetnam. He said he paid particular attention to the billboard signs on his way to the hearing today, because of the nature of the items on the agenda. He said there were many signs from Middletown to Lakeport and many are not well maintained. He said that those are serious issues to consider, and appreciated the background about the Board of Supervisors position, because he was not aware of that.

Comm. Suenram agreed with the comments from the Comm. Hess and Levesque.

9:20 a.m. Opened Public Hearing

Greg Redeker, the applicant with Stott Outdoor Advertising, provided a power point presentation. He reviewed the requirements for spacing, size and lighting and that it is possible at this location. He pointed out the legislative findings, general plan and zoning of the subject property and the allowed uses with no use permit needed. He also reviewed the Upper Lake – Nice Area Plan.

Comm. Suenram asked if the signs will be used for local advertising.

Mr. Redeker said the vast majority of the signs are for Lake County businesses.

Comm. Hess spoke to the height of the signs, which are typically 20 feet in height and the Planning Commission would have to find that a 22 foot height for the sign to be in compliance in order for this to move forward.

Mr. Redeker said that it is unclear in the code on height limitations. He reviewed the standards for the height of the signs.

Mr. Porter stated what Mr. Redeker stated was true and that height limit can be twelve feet or less from the base of the sign. He said he could not find any total height limit, other than just the base of the sign, and they can exceed twenty feet, but it would need an exception by the Planning Commission.

Michalyn DelValle, Principal Planner, noted in conformance with the performance standards in the sign section of the Zoning Ordinance, it specifically states: *“That signs permitted by this chapter shall conform to the size, location, height and other development, and performance standards established in the zone in which they are located.”* She added in the zoning district, the maximum height is twenty feet and that is the reason why they would need this exemption.

Comm. Suenram asked about square footage and if there was consideration for smaller signs with the same height.

Mr. Redeker said they could do smaller and one sign is 10’ x 30’ and the other is 10’ x 24’, he said that they chose the one that is shorter for this location. He said in the application materials, this is the same size as the one which currently exists in Upper Lake.

Comm. Hess asked how the signs were maintained.

Mr. Redeker said they maintain them on a regular basis and change the copy once a year. He said they do a ride inventory of their signs and determine if there are any maintenance issues, tree trimming, repainting and repairs and they get those taken care of in a timely manner.

Comm. Levesque said that the billboards are by nature designed to distract drivers to look at them, unlike businesses in the area. He said there has been some discussion on where the Board of Supervisors sits on the issue of signs. He said if this were to be denied by the Planning Commission, it would probably be appealed to the Board of Supervisors, which would provide the Planning Commission an opportunity to get a response from the Board as to their direction regarding signs.

9:35 a.m. Closed Public Hearing

Comm. Crandell moved, 2nd by Comm. Levesque that the Planning Commission find that the Use Permit (UP 17-06) applied for by Larry and Frances Montgomery for an off-site sign proposed to be located at 2325 E. Highway 20, Nice, does not meet the requirements of Lake County Zoning Ordinance Section 51.4 and therefore the Use Permit be denied with the findings listed in the staff report dated October 11, 2017.

USE PERMIT DENIAL 5 Ayes 0 Noes

Comm. Crandell moved, 2nd by Comm. Hess that the Planning Commission find that the Design Review (DR 17-07) for an offsite sign (billboard) applied for by Larry and Frances Montgomery on the property located at 2325 E. Highway 20, Nice, does not meet the requirements of Lake County Zoning Ordinance Section 54.5 and therefore the Design Review be denied with the findings listed in the staff report dated October 11, 2017.

DESIGN REVIEW DENIAL 0 Ayes 0 Noes

Comm. Malley noted that there is a seven (7) calendar day appeal period provided by the Lake County Zoning Ordinance.

9:38 a.m. Public Hearing on consideration of a Major Use Permit (UP 17-10) and Design Review (DR 17-05). The project applicant is RICHARD KUEHN proposing an off-site billboard sign containing two sign faces, each 200 square feet in area. The project is located at 13550 E. State Highway 20, Clearlake Oaks and further described as APN 006-510-31. Environmental Evaluation: Exempt. (Eric Porter)

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

Comm. Malley said the sign at this site, which was approved by the Planning Commission was smaller and for specific reasons and there was no intent for more signage to go into place there. He said if we need to, we can review the previous hearings staff report to clarify the conditions of the signage details.

Comm. Crandell spoke to the CEQA process and that it is not going to be looked into if we deny this project. He asked if it is proposed the same way it is written and when they apply again, will it still be exempt from CEQA or will they have to apply again.

Mr. Porter said CEQA is only applicable if there is an approval recommendation given to a project and if the Commission decides to reject or deny this sign; CEQA is not applicable, because there is no purpose in doing the CEQA review.

Comm. Crandell said if the applicant appeals and they go further and its denied again, then they reapply, will they still be exempt.

Mr. Porter said if it ever reaches a point where the sign would be approved then staff would have apply CEQA, but if it continues to be denied, there is no point in applying CEQA to it.

Michalyn DelValle, Principal Planner, said if they received a brand new application, then staff would need to evaluate it.

Comm. Hess said for consistency sake, this Commission would have to deny this application as the prior application was denied. He said the circumstances presented by planning staff are essentially the same and he thought it was useful, that it would clarify the Board of Supervisors position on signs going forward. He said the Commission is in an awkward situation for signs going into certain locations and in Mr. Kuhen's situation there has already been a sign approved. He added that Area Plans are advisory in nature and do not carry the same standing that the General Plan does, yet citizens in good faith have spent in some cases multiple years putting those area plans together and in some cases it has led to violent, angry confrontations about which prevails. He said for consistency sake, the Commission would vote to deny, the same way they denied the previous item.

Comm. Suenram asked Greg Redeker who spoke on the last item, if three quarter plywood is standard for billboard signs. He said when plywood is left out in the elements for years it seems to deteriorate.

Greg Redeker, Stott Outdoor Advertising, said that they use MDO, which has a resin imbedded in the face and the panels are reinforced with tubular steel around the edge, and they typically last fifteen to twenty years before they need to be replaced.

9:51 a.m. Opened Public Hearing

Richard Kuehn, the applicant, spoke to the sign at his site, which was previously approved by the Planning Commission was an existing onsite advertising sign and one of the limitations from the Planning Commission was that it not be enlarged. He said he was advertising his vineyard on the sign and there was also offsite advertising on his sign and the purpose was to change the offsite advertising sign and put their name on his sign and that was the rationale behind that application. He said there was an existing sign there that was permitted for onsite advertising and they simply changed it to offsite advertising. He said he knows that offsite and billboards are synonymous terms under the Zoning Ordinances, but in many ways it needs to be remembered that you are simply advertising someone else's vineyard.

Mr. Kuehn said what he is proposing on this sign is slightly larger in square footage and what was done before they allowed and the area below the sign to be used for change in copy, so any special events that were being done at the winery, they could advertise and also the hours of operation that would change throughout the seasons could be advertised in that area. He said the sign will be approximately 150 square feet and he was proposing 200 square feet, not including the lower portion, because it is setback further from the highway and it is not as easy to see. He said there is one single 78 watt panel light in the middle and on both sides and the same variegated steel structure. He further described the sign and said the design is not to intentionally look like a billboard sign and also reviewed permitted uses.

9:59 a.m. Closed Public Hearing

Comm. Hess thought the presentations for the project were well prepared and informational. He said he anticipates what the Commission is about to do, but hopes that the applicants receives some clarification and guidance from the Board of Supervisors as a result of the Planning Commissions actions.

Comm. Suenram said he feels the same way as Comm. Hess and is looking forward to clarification on how we should treat these matters in the future and he is not necessarily opposed to billboard signs, but would like to like to have clarification and guidelines as to which way to move forward with these in the future.

Comm. Crandell said he appreciates what Mr. Kuehn has brought forth to the Commission and it was very professional and there were a lot of key points. He said along with direction from the Board of Supervisors he also urged direction from the folks that make the Area Plans to stimulate their minds to enhance or change the document to accommodate for the signs.

Comm. Crandell moved, 2nd by Comm. Levesque that the Planning Commission find that the Use Permit (UP 17-10) applied for by Richard Kuehn for an off-site sign proposed to be located at 13550 E. Highway 20, Clearlake Oaks does not meet the requirements of Lake County Zoning Ordinance Section 51.4 and therefore the Use Permit be denied with the findings listed in the staff report dated October 10, 2017.

USE PERMIT DENIAL 5 Ayes 0 Noes

Comm. Crandell moved, 2nd by Comm. Levesque that the Planning Commission find that the Design Review (DR 17-05) for an offsite sign (billboard) applied for by Richard Keuhn on the property located at 13350 E. Highway 20, Clearlake Oaks, does not meet the requirements of the Lake County Zoning Ordinance Section 54.5 and therefore the Design Review be denied with the findings listed in the staff report dated October 10, 2017.

DESIGN REVIEW DENIAL 5 Ayes 0 Noes

Comm. Malley noted that there is a seven (7) calendar day appeal period provided by the Lake County Zoning Ordinance.

10:04 a.m. Public Hearing on consideration of an Administrative Appeal (AA 17-01) for denial of a Tentative Parcel Map extension request for (PM 05-08). The project applicant is MICHELLE WRIGHT. The parcel is located at 8800 Wight Way, Kelseyville and further described as APN 007-024-27. Environmental Evaluation: Exempt. (Eric Porter)

Eric Porter, Associate Planner, provided background information and a power point presentation of the project application. He said that this is an unusual appeal and that the appellant is appealing a letter dated in June 2017, which was sent from Community Development staff. He said the letter stated that staff would not accept an extension application, because it was not filed in a timely manner.

Mr. Porter reviewed the original application dated April 15, 2005 and restarted the review process on November 8, 2013. He said the Planning Commission approved the Parcel Map on February 26, 2015 and the Parcel Map expired on February 26, 2017. He said on February 28, 2017, Ms. Wright contacted the staff planner and she was told that she needed to put in an application immediately, but there was a misunderstanding with that communication, which was done through an email and the applicant believed she had sixty days to put in an application to retroactively extend her approval, when in fact, it had already expired. He said she submitted her application on March 22, 2017, then on June 13, 2017, the planner who was working on it, sent her a letter essentially saying that staff could not accept the extension, because it was not filed during the approval period.

Mr. Porter explained that there was nothing in the code that allows for a late extension to be filed once a Parcel Map expires. He said staff had no choice other than adhering to the code. He referred to the Subdivision Map Act, which states that it limits approval duration, requires extension filed in a timely manner and does not allow late extension filing. He said based on this, staff feels that there is no other alternative other than to recommend that the Planning Commission deny Ms. Wrights appeal. He said if the Planning Commission decides to uphold the appeal, it would be a two hearing process, because the extension request would need to be brought back to the Commission, and the determination could be made as to when the effective date for the extension begins.

Comm. Malley asked if it was a requirement to bring this back to the Planning Commission at this point or would it go before the Hearing Officer.

Robert Massarelli, Community Development Director, noted that this was a staff action that was appealable to the Planning Commission that is being considered today.

Comm. Levesque asked if Ms. Wright could reapply.

Comm. Malley said it would cost more money and she would have to go through the whole process again.

Comm. Hess asked staff if they were not contacted until two days after the extension had expired. He also asked if the only communication to Ms. Wright was from an email from Mireya Turner, which is hard to interpret and can be read either way. He said if that is the only written documentation that the appellant has to go on and it is hard to understand what the real meaning of that is, but if however it is a more cut and dried issue and a lot of this occurred two days after the extension had expired, is there any kind of flexibility here, based on the nature of communication from planning staff to the appellant.

Ms. DelValle said that is how she understands it.

Comm. Hess asked why Ms. Wright was encouraged to send in an application right away, when it was two days after the expiration date.

Ms. DelValle said that was an error.

Comm. Hess said he could see how the appellant could be confused.

10:12 a.m. Opened Public Hearing

Michelle Wright, Applicant/Appellant, presented a packet to the Commission for review. She said she has lived in Lake County for forty years and the purpose of splitting this parcel has been to give each of her children a section of land from the original area from where her family's ranch has been. She said there have been issues of contact with the Lake County Community Development Department, and during the time that she has been working on this project, it has switched hands to six different planners. She did not know who to contact and has not had a lot of support in getting this to completion. She said matters have been unclear until Mr. Porter got her file and he sat down with her to discuss the case file and what needed to be done in the project and it was the first time anyone in the department had ever advised her on what needed to be done in this situation. She said there were two things from stopping this split from happening, which was the wells and the Fish and Wildlife fees. She said there was evidence in the file of a check for the Fish and Wildlife fees, which was never cashed.

Gene Veenstra, Wight Way neighbor, spoke to a letter he presented in 2015, when he first heard of this project split. He said his concerns are with the erosion from extra roads across the meadow and water issues. He stated that one of Ms. Wright's properties is right next to where his irrigation well is and it already has a high coliform count and a very large percentage of microorganisms in the water from livestock and horses. He said his concerns are with environmental impacts on the proposed properties for septic systems and wells. He said he knows she is trying to do this for her family, but each piece has to have a water supply.

Mr. Veenstra said he has two wells on his property and before he moved onto his property, he had to put in a second well, because they were both low output. He added that the neighbors across the street have low output wells and he and his neighbor have had to have potable water trucked, because their wells are very low. He said he is opposed to the extension of this Tentative Parcel Map and hopes that the Planning Commission upholds the denial of the extension.

10:25 a.m. Closed Public Hearing

Comm. Malley said that this is a situation that there are problems on both sides and that the County has not done their part for this property owner and he did not think the property owner stayed on top of as she should have and the time element was not met.

Comm. Hess said what troubles him is that the appellant was told correctly that the parcel map had expired, and yet was encouraged two days after that expiration date to send in an extension request that day, which did not occur and there was a confusing email from staff, which could be read either way. He asked if there had been an issue that has come before us that is not so cut and dry, because it is not simply a question of the date, it was a mistake to encourage the appellant to reapply two days after the expiration date.

Comm. Malley said he could not say it is exactly the way that it has happened in the past, but every one of these have to be judged on its own merits.

Comm. Levesque asked staff what is the intent of that arbitrary two years to move forward and what the urgency around that is.

Michalyn DelValle, Principal Planner, said when parcel maps are approved there are a long list of conditions of approval that the applicant would need to meet before a final map can be recorded, and the Subdivision Map Act allows for a total of three years for that time period, and when staff brings it before the Commission they usually recommend the initial two years. She said it is usually enough time for the applicant to complete those conditions and apply for the one year extension.

Robert Massarelli, Community Development Director, said one of the problems that should be avoided is having a Parcel Map or a Tentative Map approved and then sit there forever. He said regulations and environmental conditions change and then there is something that is approved based on past and out-of-date regulations. He said then when you try to finalize it, there is a conflict. He said by limiting the amount of time, you minimize that conflict. He said from a staff point-of-view, it has to be managed and it is a challenge and time and effort for staff, which is inefficient. He said putting time limits on these projects allows for more efficiency.

Comm. Levesque said the State stipulates three years and technically, if you look at the state guideline on this project, February 2018 would be three years.

Mr. Massarelli said yes.

Comm. Malley added that the County has to go by their own statutory rules. He said if the County's operating procedures say that they have two years and then can file for a one year extension, then that has to be done in a timely manner and before the end of the time limit.

Comm. Levesque said he agrees with that, but he felt that they have muddied the waters a little bit.

Comm. Hess said he felt the same way. He said if Ms. Wright had simply been told two days after the expiration of the parcel map that you missed it by two days and there is nothing we can do, that would be a straight forward issue to him, but the fact that she was encouraged to reapply on that same day, which staff knew was two days after the expiration date, muddies the issue for him. He said if that had not occurred, this would be an easy vote for him. He said the fact that it occurred makes this more of a unique vote and it is not a straight forward denial or approval.

Comm. Malley said another thing to consider is does staffs mistake have any standing to change the rules and regulations that are in place.

Comm. Hess said if he were to vote in favor of this appeal, because of what he considered to be a staff error, which in this case created a real problem, would that set a different kind of precedent going forward.

Shanda Harry, Deputy County Counsel, said that the Planning Commission can make a decision for this one specific case, based on these very unique set of circumstances without setting a precedent going forward. She said it would require the acknowledgement that this is not a normal circumstance and it is filled with not just one problem, but various problems coming from different areas. She said it is always a possibility that you can apply the law as it stands, notwithstanding mitigating factors.

Comm. Crandell said Ms. Wright claims that it was held up because of fees and the wells and from staff's perspective is there any reason why the Fish and Wildlife fees were not turned in.

Ms. DelValle stated that when the fees are received they are usually given to a Planner and the Notice of Determination would be filed on the project. She said it is unknown why these fees were not filed.

Comm. Crandell said from staffs perspective, would that hinder the process.

Ms. DelValle said that was one of the prior conditions of approval was that the Fish and Wildlife fees were to be paid.

Mr. Porter said the check was received on January 13, 2016, well within the approval timeframe.

Comm. Levesque said this has been going on for a long time and the three year date is right around the corner. He said if he were to approve this, he would not want to exceed the February 2018 deadline.

Comm. Malley said if the Planning Commission upholds the appeal, that the timeline will be changed altogether, because the follow-up was not done, how the County can penalize her for that.

Ms. DelValle said that this appeal is whether or not staff would accept her parcel map extension request, so if it is decided to grant the appeal, then Ms. Wright would then need to apply for the parcel map extension request and that would need to come back before the Commission for approval.

Comm. Malley said he understands what the County has been through with the fires for the last three years and change in staff, and it is a wonder to him that anything gets done in time, through any of these departments that are impacted by all this. He said unfortunately Ms. Wright got caught up in this and she not been treated as she should have been. He said he felt the appeal should be granted so the process can be started to finish up the project, but she needs to understand that she needs to stay on top of the deadlines and if she cannot take care of the paperwork she should hire Mr. Ruzicka to take care of the paperwork part of it.

Comm. Hess agreed with Comm. Malley.

Comm. Suenram moved, 2nd by Comm. Levesque that the Planning Commission uphold the administrative appeal AA 17-01 of Michelle Wright with the findings listed in the staff report dated October 11, 2017 and as discussed today.

UPHOLD APPEAL 5 Ayes 0 Noes

Comm. Malley noted that there is a seven (7) calendar day appeal period provided by the Lake County Zoning Ordinance.

10:42 a.m. Break

10:54 a.m. Back to Order

10:54 a.m. Public Hearing on consideration of a Lakebed Encroachment Permit based on Initial Study (IS 17-17). The project applicants are ERIC & DEBORAH WOYCHIK proposing construction of a new boat lift and an 18-foot ramp from the existing seawall to the boat lift. The project is located at 12 Lafferty Road, Lakeport and further described as APN 029-291-10. Environmental Evaluation: Negative Declaration. (Peggy Barthel)

Peggy Barthel, Assistant Resource Planner, provided background information and a power point presentation of the proposed project.

10:58 a.m. Opened Public Input

No one present wished to speak.

10:59 a.m. Closed Public Hearing

Comm. Levesque moved, 2nd by Comm. Hess that the Planning Commission find on the basis of the Initial Study (IS 17-17) prepared by the Planning Division, that the Lakebed Encroachment Permit as applied for by Eric & Deborah Woychik will not have a significant effect on the environment and therefore a Negative Declaration shall be issued with the findings listed in the staff report dated October 12, 2017.

NEGATIVE DECLARATION 5 Ayes 0 Noes

Comm. Levesque moved, 2nd by Comm. Suenram that the Planning Commission find that the Lakebed Encroachment Permit applied for by Eric & Deborah Woychik on property located at 12 Lafferty Road, Lakeport does meet the requirements of the Clear Lake Shoreline Ordinance and that the Planning Commission has reviewed and considered the Negative Declaration which was adopted for this project and the Lakebed Encroachment Permit be granted subject to the conditions and with the findings listed in the staff report dated October 12, 2017.

LAKEBED ENCROACHMENT PERMIT APPROVAL 5 Ayes 0 Noes

Comm. Malley noted that there is a seven (7) calendar day appeal period provided by the Lake County Zoning Ordinance.

11:02 a.m. Public Hearing on consideration of a Complex Grading Permit (GR 13-01) based on Initial Study (IS 13-04). The project applicant is ADAM FERNANDEZ proposing the construction of a 2.6 acre-foot pond. The project location is 8050 State Highway 29, Upper Lake and further described as APN 003-042-06. Environmental Evaluation: Mitigated Negative Declaration. (Peggy Barthel)

Peggy Barthel, Assistant Resource Planner, provided background information and a power point presentation of the proposed project.

Comm. Suenram asked if plans have been submitted for the pond.

Ms. Barthel said there are engineered plans for the pond.

Comm. Suenram asked how far they are excavating and how deep are they going for the key width.

Ms. Barthel said it was on a natural slope and it will be the majority of the pond. She said the dam will be on the lower side and they will fill it with well water.

Comm. Malley asked how many gallons 2.6 acre feet was and what is downstream if the dam fails.

Ms. Barthel said there are not any houses downstream and it is a big wide open area.

11:09 a.m. Opened Public Hearing

Adam Fernandez, the applicant gave an explanation of the property lines and explained the direction of the water flow if the dam were to fail or breach and that there would not be impacts to any other properties. He said it is a unique, natural area. He also clarified that 2.6 acre-feet is about one million gallons of water storage and it is 175 feet wide by 190 feet long.

11:12 a.m. Closed Public Hearing

Comm. Malley asked if the Corps of Engineers would get involved in a project of this size.

Ms. Barthel said no they would not, but she did contact the Division of Dam Safety and although 27 feet is a high dam, because of the low capacity of the pond, they do not need to be involved with the project.

Comm. Crandell moved, 2nd by Comm. Hess that the Planning Commission find on the basis of the Initial Study (IS 13-04) prepared by the Planning Division and the mitigation measures and conditions of approval which have been added to the project, that the use permit and grading permit as applied for by Adam Fernandez will not have a significant effect on the environment and therefore a mitigated negative declaration shall be issued with the findings listed in the staff report dated October 12, 2017.

MITIGATED NEGATIVE DECLARATION 5 Ayes 0 Noes

Comm. Crandell moved, 2nd by Comm. Levesque that the Planning Commission find that the Major Use Permit (UP 13-01) applied for by Adam Fernandez on property located at 8050 State Highway 29, Upper Lake does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and that the Planning Commission has reviewed and considered the Mitigated Negative Declaration which was adopted for this project and the Major Use Permit be granted subject to the conditions and with the findings listed in the staff report dated October 12, 2017.

MAJOR USE PERMIT APPROVAL 5 Ayes 0 Noes

Comm. Crandell moved, 2nd by Comm. Hess that the Planning Commission find that the Grading Permit (GR 13-011) applied for by Adam Fernandez on property located at 8050 State Highway 29, Upper Lake does meet the requirements of Section 28.3 of the Lake County Grading Ordinance and that the Planning Commission has reviewed and considered the Mitigated Negative Declaration which was adopted for this project and the Grading Permit be granted subject to the conditions and with the findings listed in the staff report dated October 12, 2017.

GRADING PERMIT APPROVAL 5 Ayes 0 Noes

Comm. Malley noted that there is a seven (7) calendar day appeal period provided by the Lake County Zoning Ordinance.

11:16 a.m. Public Hearing on consideration of a Major Use Permit (UP 16-10) based on Initial Study (IS 16-26). The project applicant is VERIZON WIRELESS – EPIC WIRELESS proposing a sixty-five foot tall mono-pine tree foliage wireless communication facility, with nine panel antennas, two six-foot microwave dishes and ancillary equipment, contained within a leased area of approximately 875 square feet with a six-foot chain link fence accessible from a twenty-foot wide gated non-inclusive utility easement off of Little Peak Road. The project is located at 15447 Spruce Grove Road, Hidden Valley Lake and further described as APN 013-060-05. Environmental Evaluation: Mitigated Negative Declaration. (Mark Roberts)

Comm. Malley noted that the Planning Commission is in receipt of a letter from Andrew Lesa, Epic Wireless Representative, requesting a continuance so that they can better prepare for the upcoming Planning Commission hearing. He said they have requested it be continued to December 14, 2017, which allow time for Verizon wireless to thoroughly review the 59 proposed conditions of approval to ensure their position to each condition moving forward.

Mark Roberts, Associate Planner, said that the applicant has reviewed the packet and they need to go over the proposed conditions to see if they can adequately meet them or propose slight modifications and address the public's concerns.

11:19 a.m. Opened Public Hearing

Lyn Hunstead, neighbor adjacent to the project site, said he is representing a group of homeowners in the Hidden Valley area, who are opposed to this cell tower on Middle Peak Road. He said the applicant has requested a continuance to next month's hearing, however he would like six-months to study this application, to understand what the radiation could possibly do. He said they disagree to the recommendations and findings in the staff report of conditions B1 and C2 on page 32 of the staff report.

Michalyn DelValle, Principal Planner, verified continuing this item to the December 14, 2017 hearing at 10:30 a.m.

Comm. Hess commented on the six-month study mentioned by Mr. Hunstead and felt there was not a need for that study and asked Mr. Hunstead if he would be hiring a professional to provide some kind of study.

Mr. Hunstead said they have contacted a professional on the east coast and have not had time to get a contract with them. He said their expertise is with the radiations that this new level 5 type of higher frequency vibrations is supposed to hold more data, and they want more time to study it.

Comm. Hess asked how the six-month time frame was arrived at.

Mr. Hunstead said that would give them enough time to contact them and see what needs to be done. He said they currently do not have a contract with this professional and they do not know what their timeframe requirements would be.

Comm. Hess said it would make it hard for the Commission to consider a six-month request.

Mr. Hunstead said he will be back at the December 14th hearing for further discussion.

Comm. Malley said in the meantime if Mr. Hunstead should work with someone from Verizon, and give them a workable idea in a change of location, before they spend any more money,

11:26 a.m. Closed Public Hearing

Comm. Malley confirmed the continuance of this item to December 14, 2017 at 10:30 a.m.

UNTIMED STAFF UPDATE

Robert Massarelli, Community Development Director, announced that there will be a special workshop on November 2, 2017 to review the Draft copy of the Lake County Zoning Ordinance.

Mr. Massarelli said there is a project being scheduled for the December 14, 2017 Planning Commission agenda for Kimco Development who is proposing a planned residential development, which will be scheduled in the afternoon. He said the presentation will be a couple of hours and there are a lot of moving parts and everything is interrelated.

Mr. Massarelli added that the Cannabis Ordinance is under review by County Counsel. He updated the Commission on the Building Plans and Permits and that the turnaround is under control for inspections. He said that he has interviewed for a Building Inspector and will offer the position next week, and hoped to fill the position for a Senior Planner soon. He added that there is a request for proposal for Guenoc Valleys Environmental Impact Report and there has been six responses received. He said four of the firms will be interviewed on October 30th.

Mr. Massarelli said the update for the General Plan is moving forward and Byron Turner, Principal Planner, is working on the Area Plans for local communities. He said the department has a steady stream of applications for Use Permits and Lot Line Adjustments and it has not slowed down.

Comm. Suenram asked about an ordinance on tiny homes or micro homes, and asked if there were any thoughts on getting something to move forward for those.

Mr. Massarelli said Jeffery Taylor, Assistant Planner gave a presentation to the Board of Supervisors on Tuesday, October 23rd on tiny homes. He said the recommendation to the Board was to take the existing 720 square foot minimum house requirements and move it down to 360 square feet, based on a minimal habitable area, standards from the State. He

said the Board of Supervisors has given staff direction to proceed ahead with bringing it to the Planning Commission.

Mr. Massarelli said that the Board approved the contract for the department's new cubicles and a contractor will need to be obtained to do the demolition of the existing offices. He said this will give the department more efficient workspace, as well as the ability to bring on additional staff, particularly on the cannabis side.

ADJOURNED 11:38

Bob Malley, Chair
Lake County Planning Commission

Respectfully Submitted,

By: _____
Danae Bowen
Office Assistant III