



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

Telephone 707/263-2221 FAX 707/263-2225

9:30 A.M. ITEM
15 JULY 1999

STAFF REPORT

TO: Planning Commission

FROM: Danielle Zalusky, Associate Planner

RE: Denials Without Prejudice

I. BACKGROUND/SUMMARY

Periodically, the Planning Division reviews its files to determine which applications have been incomplete for long periods of time. No substantial progress has been made on the following applications, except as discussed below, and staff recommends that the Planning Commission deny them without prejudice unless evidence is presented at the hearing that justifies additional time. These items have been advertised for consideration of denial without prejudice only. They may be denied, continued to another date for consideration of denial, or they may be dropped from the consideration of denial. No action to approve a project can be taken at this hearing.

II. PROJECTS

- A. Initial Study 95-41, Rezone 95-12 for Indian Island Properties/Peter Reichert proposing a rezone from "O" (Open Space) to "RR" (Rural Residential) on Indian Island, Lower Lake, and further described as APN 010-007-09.

Date submitted: 7/14/95. Applications for a revised rezone, general plan amendment and parcel map were later submitted which replaced this application, although this application was never formally withdrawn.

- B. Initial Study 96-37, General Plan Amendment Proposal 96-03, Rezone 96-08, Parcel Map 96-08, and Minor Use Permit 96-12 for Indian Island Properties/Peter Reichert, proposing a general plan amendment from Resource Conservation (RC) to Suburban Residential Reserve (Sre), a rezone from "O" to "SR-B5" (3 acre min.) and "O", a parcel map to create three lots, and a minor use permit to shoreline structures on each new lot. Proposed location on Indian Island, Lower Lake, and further described as APN 010-007-09. (Cont. from 1/8/98)

Date submitted: 6/20/96. This application has remained incomplete pending preparation of an EIR or major project revisions. This item was previously

recommended for denial without prejudice on January 8, 1998. The hearing was continued at the applicant's request. No new information has been received from the applicant, other than a letter dated 7/1/99 from the applicant's representative again requesting that the project not be denied without prejudice.

- C. Initial Study 96-06, Use Permit 96-03 for Mike Burns proposing a recycling center for scrap metal, located at 19355 Highway 29, Middletown, and further described as APN 014-270-02. (Cont. from 1/8/98)

Date submitted: 2/6/96. A public hearing was held on this item on April 25, 1996. The applicant requested a one-year continuance of the hearing to an undetermined future date so that he could resolve some water quality concerns of the Hidden Valley Community Services District. No new information was received and a denial without prejudice hearing was held on January 8, 1998. The applicant subsequently submitted a revised project description, but no new site plan was received and a second incomplete letter from staff dated 5/28/98 remains unanswered.

- D. Initial Study 96-50, Rezone 96-12 for George G. Davis proposing a rezone from "R1" (Single-family Residential) to "SR" (Suburban Residential) to allow a home occupation to be located in a detached building, located at 4690 Sylar Lane, Kelseyville, and further described as APN 242-031-113.

Date submitted: 9/18/96. A public hearing was held on this item on November 14, 1996. The item was continued indefinitely to allow time for an amendment to the home occupation ordinance which would eliminate the need for the rezone (allowing a home occupation in a detached building in the "R1" district). The zoning ordinance amendment did not occur, and no further action was taken on the application by the county or the applicant.

- E. Initial Study 95-34, Rezone 95-10, PM 95-09, DV 95-08 for Bob Luhrs and Dennis Fuller proposing a rezone of 15 acres from "R3" (Multi-family Residential) to "SR" (Suburban Residential), division into 2 parcels, and a deviation to allow reduced road standards, located at end of Rice Fork Road, Lake Pillsbury, and further described as APN 001-052-06 & 001-053-04.

Date submitted: 6/12/95. This project has remained incomplete pending submittal of water availability information. The last submittal from the applicant was made on 7/10/97.

- F. Initial Study 96-34, Parcel Map 96-6 for Andrew Drozdowicz proposing a division of 2+ acres into two lots, located at 14222 Tomolea Lane, Clearlake Oaks, and further described as APN 006-550-02. (Cont. from 1/8/98)

Date submitted: 6/10/96. This application has remained incomplete since July 1998 pending submittal of septic information and information about existing structures on the site.

III. **RECOMMENDATION**

Staff recommends that the Planning Commission consider each of these applications individually, and deny them without prejudice with the following findings, or continue the item to allow additional time for the applications to be completed:

1. The applicant has failed to submit complete or adequate information.
2. No significant progress in completing this application is apparent.
3. The project has remained incomplete for a substantial length of time.
4. Projects which are denied are exempt from CEQA.

Sample Motion:

Mr. Chairman, I move the Planning Commission deny _____, with the findings listed in the staff report dated July 15, 1999.

NOTE: The applicant or any interested person is reminded that the zoning ordinance provides for a seven (7) calendar day appeal period and that the subdivision ordinance provides for a fifteen (15) calendar day appeal period. If there is disagreement with the Planning Commission decision, an appeal to the Board of Supervisors may be filed within this period. The appropriate forms and applicable fee must be submitted prior to 5:00 p.m. on or before the seventh/fifteenth calendar day following the Commission's final determination.