

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

August 9, 2018

Commission Members

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

Staff Members

**A Michalyn DelValle, Director
P 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 Eddie Crandell.

CITIZENS INPUT – None

9:06 a.m. Public Hearing on consideration of a Major Use Permit (UP 18-03) and Categorical Exemption (CE 18-12). The project applicant is DAN RUSH proposing to construct a new single family residence that would exceed the maximum height limitation requirement of eighteen feet pursuant to Article 34, Section 34.11(3). The project is located at 2724 Lakeshore Blvd., Lakeport and further described as APN 028-151-20. (Mark Roberts)

Mark Roberts, Associate Planner, provided background information and a power point presentation of the project application. He explained that the purpose of the project is to replace an existing family home, which is approximately 750 square feet and 11 feet in height, with an elevated residence. He said the new residence will be approximately 1600 square feet and 20.7 feet in height, exceeding the overall height requirement by 2.7 feet.

Comm. Suenram asked how the height was measured.

Mr. Roberts said depending upon the distance of the property line, it would be limited to 18 feet in height with the distance from the property line to the structure.

Comm. Hess asked if the Lakeport Area Plan language is different from what the Lakeport Planning Commission might have on height.

Mr. Roberts said he did not know the answer to that.

Comm. Suenram said the main issue is the current elevation is below the one hundred year flood plain and asked how high the property has to be raised before the foundation can be completed.

Mark Komada, General Contractor for the applicant said that it has to be raised four to five feet. He said the finished grade to the floor has to be at 13.32 feet in order to get insurance from an insurance company. He said he is the owner of Frontier Construction and is helping Mr. Rush to get it out of the flood zone.

Comm. Hess referenced the green sheet submitted from the apartment owners across the street. He said their letter referenced that all the mitigations could be done and still keep the height at 18 feet.

Mr. Kamoda said to do that, you would have to have a ceiling of 7.6 feet and a regular ceiling in a house is 8 feet, which does not make sense. He said the building next door is towering over everything and they did not feel that it would affect anyone's view. He said Mr. Rush is willing to top the trees back, or get rid of them entirely to give them a better view and he is not trying to create any problems.

9:21 a.m. Opened Public Hearing

No one present wished to speak

9:21 a.m. Closed Public Hearing

Comm. Levesque said he received a call from the owner of the property across the street and conducted a site visit of the project application. He said he noticed that there are a number of houses that are substantially above the 18 feet height along that road and the trees mentioned are far above that. He said he did not believe there was a maximum height limit on trees in the County. He noted that the view from the apartments is oblique and not a direct view from their site. He said as he understands it, the rule is if you want to exceed the 18 foot height limit, you need to get a Major Use Permit and if you get one and comply with all the requirements of the permit, it is completely legal and reasonable. He said he did not have a problem with this project and no precedent is being set or violations of any rules and regulations.

Comm. Suenram said the 18 feet is above existing grade, but in order to be buildable the grade has to be elevated. He said the 18 feet would be above current grade and not above the new grade that has to be met in order to legally build on the property.

Comm. Hess said it makes perfect sense with the height of the trees and architecture.

Comm. Levesque moved, 2nd by Comm. Hess that the Planning Commission find that the Use Permit, UP 18-03 applied by Dan Rush on property located at 2724 Lakeshore Blvd, Lakeport, CA 95453 further described as APN: 028-151-20 is exempt from CEQA because it falls within Categorical Exemption Class 3 set forth in the Staff Report dated July 19, 2018.

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

Comm. Levesque moved, 2nd by Comm. Hess that the Planning Commission find that the Use Permit, UP 18-03 applied by Dan Rush on property located at 2724 Lakeshore Blvd, Lakeport, CA 95453 further described as APN: 028-151-20 does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and grant the Major Use Permit subject to the conditions and with the findings listed in the Staff Report dated July 19, 2018.

Major Use Permit Ayes 4 Noes 1 Absent (Comm. Malley)

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

9:26 a.m. Public Hearing on reconsideration of a previously approved Mitigated Negative Declaration based on Initial Study (IS 06-86) for a Subdivision Map Extension (SDX 17-04). The project applicant is WALTER SCHLICHER proposing approval of a two year Subdivision Extension of time for a previously approved Tentative Merger and Re-subdivision Map (MRS 06-01). The project is located at 5105 & 5209 Konocti Road and 5575 Vista Mountain Estates Drive, Kelseyville and also described as APNs 008-054-22, 23 & 24. (Eric Porter)

Eric Porter, Associate Planner, provided background information and a power point presentation of the project application. Mr. Porter said that staff is recommending a two year extension and explained that the California State Subdivision Map Act allows for up to six years of extensions. He said staff is not recommending six years, because conditions have not been met. He said if the Planning Commission agrees it would extend this approval until January 25, 2020.

9:32 a.m. Opened Public Hearing

Walter Schlicher, the applicant, said that he did not have any changes since this project has been started. He said this project is going to take longer than two years and requested that the extension go for six years.

Comm. Hess said he believed this housing would be great for Kelseyville and asked if there was a reason for the lack of the conditions not being addressed in the period prior to asking for an extension.

Mr. Schlicher said he was just waiting for the right time. He said they did not have enough time and money to do things.

Comm. Hess asked if it was unrealistic to make progress within a two year period on any of the conditions.

Mr. Schlicher said if the state gives you six years to complete the subdivision, they obviously figured that it would take a while to complete a subdivision and he agrees with them.

Comm. Levesque asked why it could not be extended for six years and what ramifications would there be if that was the approval.

Mr. Porter said historically, the department has not recommended the maximum extension whenever conditions have not been met mainly because it does not show good faith in completing the project. He added that there is no reason why it cannot go longer than two years.

Comm. Levesque said in this case there are some mitigating factors with the downturn in the economy and even if a six year extension is granted and he does not do anything, then nothing has changed.

Comm. Suenram thought this was a great project and the time is right for this type of development. He thought a six year extension would be fine.

9:41 a.m. Closed Public Hearing

Comm. Suenram moved, 2nd by Comm. Levesque that the Mitigated Negative Declaration, which was previously prepared for MRS 06-01 for the property located at 5105 and 5209 Konocti Road, and 5575 Vista Mountain Estates Drive, Kelseyville, CA does meet the requirements of Section 15162(a) of the CEQA Guidelines, and that no additional environmental review need be prepared with the findings listed in the staff report dated **June 18, 2018**.

Reconsideration of a previous Mitigated Negative Declaration 4 Ayes 0 Noes 1 Absent (Comm. Malley)

Comm. Suenram moved, 2nd by Comm. Hess that the Planning Commission recommend that the Board of Supervisors approve Subdivision Map Extension (SDX 17-04) for Tentative Merger Re-subdivision Map (MRS 06-01) for Walter Schlicher on properties located at 5105 and 5209 Konocti Road, and 5575 Vista Mountain Estates Drive, Kelseyville, CA for a period of six years to August 9, 2024, with the findings listed in the staff report dated June 18, 2018.

Subdivision Map Time Extension 4 Ayes 0 Noes 1 Absent (Comm. Malley)

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

UNTIMED STAFF UPDATE

Byron Turner, Principal Planner, introduced new staff members Daniel Houck, Assistant Planner and Kelly Wilkinson, Office Assistant. He said that the County is open again for business after the week off due to the mandatory evacuations in Lakeport from the Mendocino Complex fires, and staff is trying to do their best with keeping up with people at the counter.

Comm. Levesque introduced Dan Comacha, who will be taking his place on the Planning Commission. He said he will be attending one more hearing before he starts his new job as an English Teacher at Kelseyville High School.

ADJOURNED 9:45

Eddie Crandell, Chair
Lake County Planning Commission

Respectfully Submitted,

By: _____
Danae Bowen
Office Assistant III