LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING – October 23, 2008

Commission Members

P Monica Rosenthal, I
P Gary Briggs, II
P Clelia Baur, III
P Cliff Swetnam, IV
P Gil Schoux, V

Staff Members

P Richard Coel, Director
P Danae Bowen, Office Assistant III

9:02 a.m. CALL TO ORDER

Pledge of Allegiance was led by Gil Schoux.

Robert Bridges, Senior Deputy County Counsel introduced Clear Lake High School student Sarah Bowen. He said that Sarah was attending the hearing today to observe the Planning Commission for her Senior Government project.

Comm. Swetnam moved to approve the minutes of September 11, 2008. All were in favor.

9:03 a.m. CITIZEN’S INPUT – None

UNTIMED STAFF UPDATE

Richard Coel, Community Development Director, introduced Alan Flora, Keith Gronendyke and Melissa Mabery, the newest members of the Planning Division staff. He announced that the new General Plan will be posted on the website soon and paper copies will be distributed to the Board of Supervisors and Planning Commission. He said that the Shoreline Advisory Committee is expected to meet a few more times to go through mapping/polices and the Draft Shoreline Area Plan is expected to be completed sometime this winter. He added that staff will then be starting on the Lakeport Area Plan when the Shoreline Area Plan is finished. He also noted that Associate Planner, Catherine Young has been working on the Middletown Area Plan and a draft is expected to be completed sometime in the first week of November. He said the Middletown Advisory Committee has been notified of staff’s intentions and a meeting will be set in December.

9:08 a.m. Public Hearing on consideration of General Plan of Conformity (GPC 08-05). The project applicant is SOUTH LAKE COUNTY FIRE PROTECTION DISTRICT proposing acquisition of a .68 acre portion of land abutting the existing Cobb Fire Stations eastern property line. The project is located at 16595 State Highway 175, Cobb and further described as APN 013-056-18. (Brian Horn)

Brian Horn, Assistant Planner, provided background information.

9:10 a.m. Opened Public Hearing.

No one present wished to speak.

9:10 a.m. Closed Public Hearing.

Comm. Swetnam moved, 2nd by Comm. Briggs that the Planning Commission report that the land acquisition and construction of a barracks addition at 16595 State Highway 175, Cobb, also known as a portion of APN 013-056-18 as proposed by the South Lake County Fire Protection District is in conformity with the Lake County General Plan with the findings listed in the Staff Report dated October 7, 2008.
GENERAL PLAN CONFORMITY 5 Ayes 0 Noes

9:11 a.m. Public Hearing on consideration of General Plan of Conformity (GPC 08-06). The project applicant is the COUNTY OF LAKE REDEVELOPMENT AGENCY proposing acquisition of land from Eskaton Properties. The project is located at 14102 East Highway 20, Clearlake Oaks and further described as APN 006-550-24. (Continued from October 9, 2008) (Michalyn DelValle)

Michalyn DelValle, Assistant Planner, provided background information.

9:13 a.m. Opened Public Hearing.

No one present wished to speak.

9:13 a.m. Closed Public Hearing.

Comm. Briggs asked for further clarification on what the Redevelopment Agency was going to use the money for.

Robert Bridges, Senior Deputy County Counsel, explained that this site was acquired with the hope towards building low income housing. He said after it was purchased a more thorough investigation revealed that the sewer/water line extensions and other issues would make this project too expensive. He said the County is going to buy this property from the Redevelopment Agency and give the agency back their money so they can pursue another project in Clearlake Oaks.

Comm. Baur moved, 2nd by Comm. Rosenthal that Planning Commission report that the land acquisition of 14102 East Highway 20, Clearlake Oaks, as proposed by the County of Lake is in conformity with the Lake County General Plan with the findings listed in the Staff Report dated September 25, 2008.

GENERAL PLAN CONFORMITY 5 Ayes 0 Noes

9:17 a.m. Public Hearing on consideration of a mitigated negative declaration based on Initial Study (IS 08-17) for a Major Use Permit (UP 08-05). The project applicant is JOHN PETERS proposing radio controlled race car activities. The project is located at 3851 Hill Road, Lakeport and further described as APN 005-010-16. (Michalyn DelValle)

Michalyn DelValle, Assistant Planner, provided background information.

Comm. Rosenthal asked staff how close was the nearest home and since the early activation of this permit was issued, have there been any complaints or special events.

Ms. DelValle said that the nearest home was over 800 feet away from the project site and did not know if there have been any special events since the early activation of this permit.

Comm. Rosenthal asked about the portable toilets on-site and questioned the triggers for having more than one.

Richard Coel, Community Development Director did not know the Health rules, but according to the statement from Lake County Environmental Health there would need to be a minimum of one (1) unisex handicapped portable toilet.

Comm. Briggs asked if it was legal to do this because this parcel is currently in Williamson Act Contract.

Mr. Coel said because the site area is in the compound around the house/barn, it would not be impacting any grazing or farm land and the use overall is minimal. He said part of
the reason this is a Major Use Permit was because of the Williamson Act Contract issues on the property and the contract is to expire in March of 2010. He said as long as it is not impacting the agricultural viability of the property it is allowable.

Comm. Rosenthal made reference to lined parking areas in condition D1 and asked staff what the surface would be for the overflow parking. She also referenced that on page 3 of the staff report it stated that this project is likely eligible for a fee waiver from the Department of Fish and Game, due to the fact that no construction is authorized by this permit. She pointed out B4 of the use permit conditions states Fish and Game fees are required.

Mr. Coel addressed the overflow parking and that a sentence could be added to condition D1 to read: “Should additional overflow parking be needed for the special events, it shall be in a designated area on the site plan and shall be maintained with a mowed grass surface or gravel.” He clarified condition B4 and noted whenever a mitigated negative declaration is done, Fish and Game automatically charges the fee and staff includes this as a standard condition.

9:35 a.m.   Opens Public Hearing

Karleen Wilbur, nearby resident, asked how this would affect the whole piece of land as far as zoning.

Mr. Coel said that this application is for permission to use a small portion of the large piece of land for the radio controlled track. He said that there is not a parcel split proposed with this.

John Peters, the applicant, submitted an aerial photograph depicting the size of the radio controlled race car track. He explained that this will be opened to the public for up to twenty-five people, there will be a cost of operations fee and will be only on Saturday afternoons.

9:40 a.m.   Closes Public Hearing

Comm. Swetnam moved, 2nd by Comm. Briggs that the Planning Commission find that on the basis of the Initial Study No. 08-17, prepared by the Planning Division and the mitigation measures that have been added to the project, that the use permit as applied for by John Peters will not have a significant effect on the environment and, therefore, a mitigated negative declaration shall be approved with the findings listed in the staff report dated October 6, 2008.

PROPOSED MITIGATED NEGATIVE DECLARATION 5 Ayes 0 Noes

Comm. Swetnam moved, 2nd by Comm. Briggs that the Planning Commission find that the Use Permit (UP 08-05) applied for by John Peters, on property located at 3851 Hill Road, Lakeport, 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 Use Permit be granted subject to the conditions and with the findings listed in the staff report dated October 6, 2008 and as amended today.

USE PERMIT APPROVAL 5 Ayes 0 Noes

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

9:42 a.m.   Public Hearing on consideration of a mitigated negative declaration based on Initial Study (IS 08-09) for Major Use Permit (UP 08-03). The project applicant is PEACOCK ASSOCIATES INC./METRO PCS proposing the replacement of a 120 foot guy wired lattice tower with a new 120 self-supporting lattice tower. The project is located at
9280 Konocti Road, Kelseyville and further described as APN 009-002-09. (Melissa Floyd)

Richard Coel, Community Development Director, said some additional relevant information and clarification needed to be confirmed with reference to the electrical upgrades and staff requests that this item be continued to November 13, 2008 at 9:05 a.m.

9:44 a.m.  Opened Public Hearing.

No one present wished to speak.

Comm. Schoux confirmed the continuance of this item to the November 13, 2008 Planning Commission hearing at 9:05 a.m.

9:45 a.m.  Break

10:05 a.m.  Back to Order

10:05 a.m.  Public Hearing on consideration of a mitigated negative declaration based on Initial Study (IS 07-74) for a Minor Use Permit (MUP 07-52). The project applicant is ERIK RUPPE proposing the replacement of a failing wood bridge with a new steel bridge. The project is located at 14051 Ettawa Springs Road, Middletown and further described as APN 005-026-33. (Continued from Minor Use Permit Hearing on May 21, 2008 and PC Hearings June 26th, July 24th, August 28th and October 9, 2008) (Ted Elliott)

Richard Coel, Community Development Director, explained that the last couple of continuances have been a result of the Board of Supervisors direction given to the Public Works Director to look into the possibility of the County setting up some sort of a maintenance/improvement agreement. He said the environmental analysis will still need to be completed and an adoption of a negative declaration and minor use permit approval needed. He referenced the additional information that was submitted from Katzoff & Riggs dated October 22, 2008, and said he would take direction from the Commission if they felt the suggestions referenced in the letter were appropriate and include them in the use permit conditions. He also added that the new bridge is already constructed, but needs to be retrofitted to meet the CDF standards, which essentially means adding one-foot to each side.

Comm. Swetnam asked if the retrofit has to take place before the bridge can be used and if it was a wooden or steel bridge.

Mr. Coel said that it was a steel bridge and the retrofit would have to take place before it could be used because that was the standard for CDF.

Comm. Swetnam referenced page 2 of the letter submitted by Katzoff & Riggs dated October 22, 2008, referencing the Ettawa Springs residents concerns of; a 96 hour advance notice of the removal of the existing bridge, 14 calendar days for the replacement of the bridge and the new bridge will be open to all residents. He asked counsel if these suggestions could be imposed.

Robert Bridges, Senior Deputy County Counsel, said based on the last hearing there was testimony that this is their only access to their residences. He said the concepts of what the residents were asking for are not unreasonable conditions, and if the Commission wants to entertain these, they could.

There was further discussion between the Commission and staff on the clarification of the removal/replacement of the old bridge in the same location to minimize impacts to the creek; impacts to residents, safety issues/heavy fire equipment usage and construction timelines.

10:16 a.m.  Opened Public Hearing
Eric Ruppe, the applicant, described the current situation of the bridge. He said the new bridge has been reengineered in accordance of the requirements of the Fire Marshal and staff to be 12 feet wide and to support 40,000 pounds. He asked the Commission for dispensation to allow this bridge to be completed this year. He said if approved today, after the 7 day appeal period they could have the bridge completed within three weeks. He said because of the unsafe conditions of the current bridge, it would be hazardous to let this go another winter season.

Mr. Ruppe said that he thought the plan was for the new bridge to be adjacent to the existing bridge and it was never intended to replace it for reasons of engineering. He said to make it a condition to remove the bridge does not seem realistic, because he does not own the bridge. He said he would be glad to do it at an appropriate point after the new bridge is installed, but he would like to seek compensation from the existing residents as part of the overall settlement process.

Mr. Coel said that he had previously misspoken about the replacement of the bridge and condition A1 references that the bridge is to be immediately adjacent to the old bridge.

Mr. Ruppe was concerned if the 96 hours and 14 day timetable for replacement of the bridge was applicable.

Comm. Swetnam asked Mr. Ruppe what he felt the anticipated timeframe was to install the new bridge.

Mr. Ruppe said that he has been told that it would take three weeks maximum after the appeal period. One week for the excavation, one week for the pouring of the footings/curing of the concrete and another week to get the bridge in place and fasten it down.

There was further discussion on Mutual Benefit Zones, formulas to allocate costs to the neighbors, traffic surveys and a possible timetable extension for demolition/removal the old bridge.

Mr. Bridges said that he thought it would be reasonable as part of the mitigated negative declaration to allow Mr. Ruppe to construct the new bridge this season and demolition of the old bridge in the next construction season.

Mr. Ruppe was not sure that he had the right unilaterally to do the demolition.

Comm. Swetnam was in support of more time to sort out and determine who has ownership of the bridge.

Comm. Briggs said he felt it was the responsibility of everyone that is a resident on Ettawa Springs Road to remove the bridge that is in existence and he did not think it is appropriate to put a timeframe on the removal of the old bridge.

Comm. Rosenthal stated that a condition should be added for the removal of the old bridge due to safety issues for people residing in the area and for the environment if the bridge deconstructs on its own and flows down the creek. She suggested the condition to read: “The demolition of the bridge as a condition of the project will need to be removed because of the safety issue to the people and the environment.”

Comm. Schoux suggested putting a two year timeframe on the removal of the bridge and if it is not completed by this time, it would then come back to the Planning Commission. He asked Mr. Ruppe if he was in agreement with this.

Mr. Ruppe said it sounded fair to him.

Mr. Coel said that they could work with them on the construction of the new bridge for this time of year and it would be up to the Building Official and himself to make that decision, based on the Grading Ordinance and done in a safe window of a dry period.
Rebecca Turney spoke on behalf of the residents of Ettawa Springs. She said that Mr. Ruppe clarified and satisfied the concerns of the residents who will be accessing their properties and that the old bridge will remain in tact during construction of the new bridge. She also asked if the new bridge would be wide enough for emergency vehicles.

Comm. Swetnam said that the South Lake County Fire Protection District required the 12 foot minimums and there has been approval and conformation in writing for the new designs.

10:48 a.m.  Closed Public Hearing

Mr. Coel said that a condition A6 could be amended to read: “The new bridge shall be open to use by all Ettawa Springs property owners and others having easement rights on Ettawa Springs Road. The old bridge shall be blocked off to prevent use once the new bridge is completed.”

Mr. Coel also added that a new condition A7 be added to read: “The old bridge shall be removed within 2 years of completion of the new bridge, unless a time extension for its removal is granted by the Planning Commission. The materials from the old bridge shall be disposed of at an approved disposal site. Receipts will be required to be submitted to the Community Development Department for verification of disposal. No riparian vegetation is permitted to be removed. Best Management Practices shall be employed to ensure no pollutants, such as construction debris, reach the waterway.”

Comm. Schoux asked Mr. Ruppe if he was in agreement to the modifications of the use permit conditions.

Mr. Ruppe said that he was in agreement.

Comm. Rosenthal moved, 2nd by Comm. Baur that the Planning Commission find that on the basis of the Initial Study (IS 07-74) prepared by the Planning Division and the mitigation measures which have been added to the project, that the minor use permit as applied for by Erik Ruppe and as modified will not have a significant effect on the environment and, therefore, a mitigated negative declaration shall be issued with the findings listed in the memo dated September 26, 2008.

MITIGATED NEGATIVE DECLARATION 5 Ayes 0 Noes

Comm. Rosenthal moved, 2nd by Comm. Baur that the Planning Commission find that the Minor Use Permit (MUP 07-52) applied for by Erik Ruppe and as modified on property located at 14051 Ettawa Springs Road, Middletown, CA, does meet the requirements of Section 50.4 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 Minor Use Permit be granted subject to the conditions and with the findings listed in the staff report dated September 26, 2008 and with the amendments made today.

MINOR USE PERMIT APPROVAL 5 Ayes 0 Noes

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

ADJOURNED 10:56 a.m.

Respectfully Submitted,

Gil Schoux, Chair
Lake County Planning Commission

By: ___________________
Danae Bowen,
Office Assistant III