

**LAKE COUNTY PLANNING COMMISSION**

**MINUTES**

**REGULAR MEETING**

**June 27, 2013**

**Commission Members**

- P Joseph Sullivan, District I**
- P Bob Malley, District II**
- P Olga Martin Steele, District III**
- P Don Deuchar, District IV**
- P Gil Schoux, District V**

**Staff Members**

- P Richard Coel, Director**
- P Kevin Ingram, Principal Planner**
- P Robert Bridges, Sr. Deputy County Counsel**
- P Danae Bowen, Office Assistant III**

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**9:04 a.m.      CALL TO ORDER**

Pledge of Allegiance was led by Bob Malley.

Comm. Schoux moved, 2<sup>nd</sup> by Comm. Deuchar to approve the minutes of May 23, 2013.

**9:04 a.m.      CITIZEN'S INPUT – None**

**9:05 a.m.      Public Hearing on consideration of a mitigated negative declaration based in Initial (IS 99-28) for Major Use Permit (UP 12-10). The project applicant KENNETH DAVIS proposing indoor amplified voice or music at Maynard's Sports Bar. The project is located at 16203 Main Street, Lower Lake and further described as APN 024-292-42. (Stephen Mitchell)**

Stephen Mitchell, Associate Planner, provided background information.

Comm. Malley referenced the site visit in the staff report and referred to the spikes in the noise levels being from traffic on Main Street and that the music was only audible from the front door of the bar. He referenced the front and rear doors being open and the crowd noise of 57 decibels. He was confused as to the concerns of it being above 45 decibels and referred to the table in the staff report, which says the normal conversation at three feet is 60-65 decibels. He asked staff how it came to be set at 45 decibels.

Mr. Mitchell said that he was there at different hours of the day and there was always traffic on Main Street. He said that the zoning ordinance standard will be difficult to meet, which is at 45 decibels at the receiving property.

Richard Coel, Community Development Department, explained how the mitigation measures were set up and if they have amplified music in the future that they have adequate ventilation /cooling system, so they do not have to open the doors. He pointed out that residences are behind the building up on the hill.

Comm. Malley asked staff if there have been any formal complaints.

Mr. Mitchell said that he had one phone call after the legal notice was sent.

Comm. Sullivan asked staff if this amplified music was going to be on weekends or special occasions.

Mr. Mitchell said the request was for Friday and Saturday nights only. He explained that an Early Activation Permit was issued and on a couple of occasions, the doors were open in violation of the early activation, when he was there taking sound level readings..

Comm. Deuchar asked staff if the Early Activation Permit allowed them to have amplified music until 1:30 a.m.

Mr. Mitchell said yes.

Mr. Coel explained that Early Activation Permits are used as a test run to fester out any potential issues so they can be mitigated/addressed in the permanent permit. He said in the initial review of this application, staff suggested if live entertainment is to be allowed, that a double door system be installed or a better ventilation system, so that the sound thresholds are not exceeded. He said if these improvements are made, then there should not be any noise complaints.

**9:19 a.m. Opened Public Hearing**

Starr Skidmore, owner of Four Star Auto Park/Repair, which is across the street from the bar, submitted a petition from 42 people in the neighborhood against this project application.

Devon Williams, Assistant Manager at Maynard's Sports Bar, submitted a petition from 40 people and businesses in the neighborhood, stating that the Sports Bar is not a disturbance to the local businesses or the residences.

Kenneth Davis, owner of Maynard's Sports Bar, spoke to the sound level issues and stated that the mitigation measures of installing new doors would be costly.

Comm. Schoux asked Mr. Davis if the ventilation system was adequate.

Mr. Davis said that they currently have a swamp cooler. He added, a majority of people do not have a problem with the noise and because he is leasing the building, he would not be able to do any modifications to the buildings doors.

Comm. Schoux asked Mr. Davis would he be agreeable if staff were to write into the use permit conditions to install a ventilation system of some kind.

Mr. Davis said that they could work with that.

Mr. Coel said that some mitigation is needed given the location. He added that this is a Main Street and there are commercial activities and residents need to accept that when you live a half a block off a Main Street anywhere. He noted that at least half of the addresses on the petition submitted by Ms. Skidmore were not Lower Lake residents. He said with the petition supporting Maynard's Bar, most of those are Lower Lake addresses in close proximity. He added that it is significant to note, one of the residents in support of this application lives directly behind the bar.

George Davis, Manager of Maynard's Sports Bar, said that the signatures on the petition are all within 700 feet of the bar.

**10:04 a.m. Closed Public Hearing**

Comm. Schoux said as long as they have the ten foot hallway, the bouncer keeps the door closed and there is some type of ventilation, he would be in support of this application. He suggested modifications to condition 2 of the use permit.

Comm. Malley said if they continue to have noise problems then that issue will have to be addressed.

Robert Bridges proposed that a finding be added so the record reflects that the signatures opposing the project do not appear to be from immediate neighbors and staff has

determined that the petition signatures in opposition do not appear to be relevant to this project.

Comm. Martin Steele moved, 2<sup>nd</sup> by Comm. Sullivan that the mitigated negative declaration which was previously prepared for MUP 99-14 does meet the requirements of Section 15162(a) of the CEQA Guidelines that no additional environmental review need be prepared, and with the findings listed in the staff report dated June 11, 2013 and as modified today.

**RECONSIDERATION OF PREVIOUS MITIGATED NEGATIVE DECLARATION 5 Ayes 0 Noes**

Comm. Martin Steele moved, 2<sup>nd</sup> by Comm. Sullivan that the Planning Commission find that the Use Permit applied for by Kenneth Davis on property located at 16203 Main Street, Lower Lake meets the requirements of Section 51.4 of the Lake County Zoning Ordinance and approve the use permit, subject to the conditions and with the findings listed in the staff report dated June 11, 2013 including the statement from Robert Bridges.

**USE PERMIT APPROVAL 5 Ayes 0 Noes**

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

**10:14 a.m. Public Hearing on consideration of a Major Use Permit (UP 13-03). The project applicant is VERIZON WIRELESS proposing a Major Use Permit to replace a ninety foot tall wooden monopole with a new 110 foot tall metal monopole for the installation of six additional panel antennae. A new backup diesel powered generator for electrical power is proposed to be installed along with a new twelve foot by sixteen foot equipment shelter for the Verizon equipment. The project is located at 6685 Old State Highway 20, Upper Lake and further described as APN 003-001-14. (Keith Gronendyke)**

Keith Gronendyke, Associate Planner, provided background information.

Richard Coel, Community Development Director, stated that because this is a replacement and a minor expansion of the existing facilities, staff believes that it is consistent with the telecommunications provisions in the Zoning Ordinance and they do not have any significant concerns with it.

**10:19 a.m. Opened Public Hearing**

Pamela Nobel, Verizon Representative, stated that she was present to answer any questions the Planning Commission may have.

**10:20 a.m. Closed Public Hearing**

Comm. Martin Steele moved, 2<sup>nd</sup> by Comm. Sullivan that the Planning Commission find that, on the basis of the Initial Study No. 13-07 and the mitigation measures that have been added to the project, the use permit applied for by Verizon Wireless will not have a significant effect on the environment and, therefore, adopt the mitigated negative declaration with the findings listed in the staff report dated June 5, 2013.

**ADOPTION OF MITIGATED NEGATIVE DECLARATION 5 Ayes 0 Noes**

Comm. Martin Steele moved, 2<sup>nd</sup> by Comm. Sullivan that the Planning Commission find that the Use Permit UP 13-03 to replace a cellular facility with a new 110 foot tall steel monopole for the installation of six additional panel type antennae, and the construction of additional associated equipment structures applied for by Verizon Wireless on property located at 6685 Old State Highway 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 June 5, 2013.

**USE 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.

**10:22 a.m. Public Hearing on consideration of a General Plan Conformity Report (GPC 12-01). The project applicant is the LAKE COUNTY PUBLIC WORKS DEPARTMENT proposing the replacement of an existing bridge crossing Hendricks Creek. The project is located on Hendricks Road (CR-402) 0.9 miles south of the intersection of Hendrics Road and Scotts Valley Road, Lakeport and further described as APNs 005-013-23 & 24. (Will Evans)**

Will Evans, Resource Planner, provided background information.

**10:23 a.m. Opened Public Hearing**

No one present wished to speak.

**10:23 a.m. Closed Public Hearing**

Comm. Deuchar Moved, 2<sup>nd</sup> by Comm. Schoux that the Planning Commission report that the Hendricks Bridge Replacement Project as proposed by the Lake County Department of Public Works is in conformity with the Lake County General Plan with the findings listed in the Staff Report dated June 10, 2013.

**GENERAL PLAN CONFORMITY 5 Ayes 0 Noes**

**10:24 a.m. Public Hearing on consideration of a Major Use Permit (UP 13-02). The project applicant is STEVE LOCHER/APPARENT INC. proposing a Major Use Permit to install a two megawatt photovoltaic solar farm for power generation. The project is located at 4705 Soda Bay Road, Kelseyville and further described as APN 008-027-06. (Keith Gronendyke)**

Comm. Sullivan stated that he was familiar with this project before he took position on the Planning Commission and he had put an estimate in for a survey on this property.

Richard Coel, Community Development Director, said the significant concerns with this application are with scenic and aesthetic issues and also concerns with the conversion of agricultural land expressed by the Lake County Ag. Commissioner and the Lake County Farm Bureau. He said staff felt it was appropriate to recommend denial and did not complete the environmental analysis, which would require an archeological study and further review of the site. He said if the Planning Commission were to decide not to deny the application and allow it to move forward, then staff would need to complete the environmental analysis and hire a consultant to prepare an archeological study, then bring it back under a new noticed hearing for consideration of a mitigated negative declaration.

Keith Gronendyke, Associate Planner, provided background information and a power point presentation.

**10:30 a.m. Opened Public Hearing**

Vincent Price, adjoining neighbor to this proposed project said he did not receive a notice of this project application and was informed last night of the meeting today. He said he was upset that he did not have more time to study the impacts of this project and even though it is referred to as a solar farm, it is nothing more than a power plant, which was nonconforming to any agricultural uses. He said he was opposed to anything of this nature and did not want to live next to a power plant. He felt it would reduce the value of his property.

Mr. Gronendyke pointed out that Mr. Price's legal mailing was sent to a San Francisco address.

Mr. Price stated that his son lives in San Francisco.

Melina Clark, adjoining neighbor, said she was opposed to this solar farm, because of the loss of agricultural land.

Fred Williams, resident on Soda Bay Road, spoke in opposition of this power plant.

Steve Locher, Apparent Inc. representative explained the project and how the solar panels are installed and noted that fencing could be installed.

Stephan Martin, owner of the property and Technician on this solar farm project. He explained the type of transformers used for this project and noted that they are dry and there would not be any oil on the ground.

Claudia Street, Lake County Farm Bureau Executive Director, stated that the Farm Bureau is not in support of the land use change, because of its potential removal of agricultural land from production.

Eric Frye, Solar Contractor, spoke in support of this project application and felt that agriculture and renewable energy can co-exist.

Timothy Toye, Real Estate Agent, stated that this property has not been a productive agricultural property for 25 years and is an eyesore with rotting grapevines that detract from the scenic corridor. He spoke in favor of this project application.

Mr. Coel explained that agricultural fencing is required to be set back 30 feet in order to exceed a height of 4 feet. He said primary concerns are with the height of the fence, because of the result of visual impacts of this large stretch of Soda Bay Road, which is in the scenic combining district. He said the purpose of the Scenic Combining District is to try to preserve views for the traveling public of nearby or distant land features, like Mount Konocti.

Comm. Malley noted that once this solar farm is allowed it can go on in perpetuity.

Comm. Sullivan stated that this use is permitted in agricultural zoning and planting trees/landscaping could be a mitigating factor when trying to shield the visual impacts of the solar panels, which could combine the agricultural use with an energy use. He said this County is a good place for this type of development, although this site may not necessarily be the best choice.

Mr. Coel said the provisions of the Zoning Ordinance were developed in the 1980s and power generation facilities were geothermal. He said these can be permitted in agricultural zonings, rural lands, rural residential and in manufacturing zonings, but not the community/local commercial.

Mr. Martin, property owner, said he would work with the neighbors to make this project a success as to not impact any of his neighbors.

Mr. Price said he appreciated that Mr. Martin was willing to try and make things work, but he said this project is ill-suited in this area.

**11:18 a.m. Closed Public Hearing**

Comm. Martin Steele stated that she was in support of the advancement of Solar Power in Lake County, but did not support ignoring the General Plan and was not in support of this project moving forward.

Comm. Schoux said this was not the right place for this project and was not in support of it.

Comm. Malley concurred with Commissioners Schoux and Martin Steele

Comm. Schoux moved, 2<sup>nd</sup> by Comm. Deuchar that the Planning Commission find that the Major Use Permit UP 13-02 applied for by Apparent Inc. to install a 2 megawatt photovoltaic solar farm for power generation on property located at 4705 Soda Bay Road in Kelseyville does not meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and deny the Major Use Permit with the findings listed in the staff report dated June 6, 2013.

**USE PERMIT 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.

**UNTIMED STAFF UPDATE**

Robert Bridges, Senior Deputy County Counsel, updated the Commission on the Rattle Snake Island project. He said the Judge issued a tentative decision in favor of the property owner and upholding the County's approval.

Richard Coel, Community Development Director, gave an overview of the Marijuana Ordinance and how staff is focusing on compliance.

**ADJOURNED 11:37**



Bob Malley, Chair  
Lake County Planning Commission

Respectfully Submitted,



By: Danae Bowen  
Office Assistant III