

LAKE COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

September 26, 2013

Commission Members

P Joseph Sullivan, District I
A 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 Shanda Harry, Deputy County Counsel
P Danae Bowen, Office Assistant III

9:02 a.m. CALL TO ORDER

Pledge of Allegiance was led by Gil Schoux.

Comm. Martin Steele moved, 2nd by Comm. Sullivan to approve the minutes of August 22, 2013.

9:03 a.m. CITIZEN'S INPUT – None

9:05 a.m. Public Hearing on consideration of a mitigated negative declaration based in Initial Study (IS 10-28) for Major Use Permit (UP 10-06). The project applicant is JESUS CHRIST FELLOWSHIP proposing construction of a church, retreat center in multiple phases, and up to twelve (12) outdoor special events with a maximum of six (6) outdoor amplified special events per calendar year. The project is located at 19650 State Highway 175, Middletown and further described as APN 013-011-60. (Michalyn DelValle)

Comm. Sullivan disclosed that he had seen a presentation by the Jesus Christ Fellowship at MATH meetings and is familiar with the site.

Michalyn DelValle, Associate Planner provided background information and a power point presentation on the project application.

Comm. Sullivan asked about overflow parking and if there was an offsite location picked out.

Ms. DelValle pointed out in condition C2 of the permit conditions that overflow parking spaces shall be provided at a ratio of 2 people to 1 parking space during special events and will need to be surfaced with gravel and properly maintained prior to use.

Kevin Ingram, Principal Planner, said the condition also states that the applicant would need to contact the South Lake County Fire Protection District to see if there are any additional mitigation measures in effect at the time due to local wild land fire conditions.

Ms. DelValle pointed out condition F9: Prior to each scheduled outdoor event that will exceed 100 persons in attendance, the permit holder shall submit an emergency operations and response plan for the review and approval of the Lake County Sheriffs Office and South Lake County Fire Protection District a minimum of six (6) weeks prior to the date of the scheduled event. She said along with that, they will need to indicate the locations of the designated overflow parking areas, which are all proposed to be onsite.

Comm. Martin Steele asked staff for clarification that the events would not exceed 200 people. She asked if there will be regular church services and what was the expected occupancy for non-event type services.

Ms. DelValle said that would be a question that the applicant could best answer.

9:15 a.m. Open Public Hearing

Hank Lecher, Associate Pastor at Jesus Christ Fellowship, spoke to their regular services and said the 81 parking spaces would accommodate everyone attending. He said it was a small congregation, currently with only 15 families. He asked if the overflow parking area could be mowed grass, which would be less of an impact on the environment rather than a permanent gravel parking surface. He asked the Planning Commission if the conditions could be amended to allow them to use mowed grass for the overflow parking.

Mr. Ingram said it would be consistent with other use permits that have been approved in the past and it could easily be added to the end of condition C2 to allow for mowed grass, if approved by the South Lake County Fire Protection District.

Grant Jordon, property owner abutting the eastern line of the church property, stated he has no issue with the church or the plans for the construction, but he has a real issue with amplified music events. He said that his parcel is for sale and if this project is approved with the six amplified events, he will have to list a noise nuisance on the disclosure form, which he felt would significantly reduce the value of his property. He said he would like to see a reduction in the amplified events.

Jeff Daily, Pastor of Jesus Christ Fellowship, responded to Mr. Jordon's concerns and that their approach will be to work with neighbors. He said they will be using best management practices for the sound and they want to make this work. He said that it is a worship center and prayer retreat and will not be a rock concert venue.

Comm. Martin Steele asked Mr. Daily if it was possible for them to have three amplified events instead of six. She also asked if the outside amplified music events would be choirs performing.

Mr. Daily said if it were a vital concern they could certainly reduce the number of events. He said that the vision for the outside events would be for choirs to visit from other parts of California and from around the lake.

Mr. Lescher said that they have applied for six amplified music events as a maximum, but in reality it will be fewer than six.

Mr. Jordon stated that he did not know why amplified music events were necessary at all. He said acoustic music does not impose on neighbors and asked if different decibel levels were a standard in the County.

Mr. Ingram said the Zoning Ordinance includes performance standards related to noise and they vary depending upon the time of day. He said they drop down to 45 decibels at 10:00 p.m. as measured from the property line of the event site. He noted condition D10 of the permit conditions, which included a requirement, that prior to an amplified music event, there would be a sound check to measure with a sound device what the decibel reading is and require the permit holder to be onsite during the event doing periodic noise checks at different areas of the property line.

Comm. Martin Steele said there seems to be willingness from the applicant to work with the concerns of the neighbors and reduce the total number events. She asked if there was a willingness to go until 9:00 p.m. instead of 10:00 p.m.

Mr. Ingram said that amplified events are always very controversial and there is a balance that staff is trying to preserve between event venues and prospect owners. From an economic development perspective the allowance of outdoor events is necessary for resorts – the outdoors is a primary attraction feature of the County. He said staff has

worked hard in this case to mitigate potential conflicts and feels that six events was a reasonable number of amplified music events for this venue.

Richard Coel, Community Development Director, said staff has tried to mitigate for special events and the use permit as drafted by staff proposes sound mitigation measures for regulating those noise levels. He said shutting it down by 10:00 p.m., requiring the permit holder to have a sound meter to do their own monitoring while they do their sound check and then once during the middle of the event to keep the noise levels under control. He said it is covered well the way this is written and there is a provision at the Department level, that the Director can make minor modifications to the permit if issues arise.

Comm. Martin Steele asked staff if other retreats in Lake County use amplified music.

Mr. Ingram said there have been some in the past and that Big Pines Campground has requested a limited number of events. But generally mitigations are specific to the site and what the neighborhood impacts are.

Comm. Martin Steele asked staff how many residential homes and buildings are in this area.

Mr. Ingram said that most of the nearby residences are located along the eastern side of the property. He said there are a limited number of residents in this area and the zoning permit process for non-profit oriented events are for a maximum of three a year per property. He added that generally Weddings and Birthday parties are not counted, because they are one time only events.

9:41 a.m. Closed Public Hearing

Comm. Martin Steele said she appreciated and supports the concept of a retreat, but she said she lives above some resort areas that do not have amplified events and noted when they just have get-togethers, the noise does travel. She said it sounds like we are setting a precedent for a number of amplified events at a retreat type of facility. She asked if there was a willingness to reduce the number of amplified events.

Mr. Ingram said that he did not think staff was establishing a precedent level on this, because in the "CR" Zoning District, resorts are permitted with outdoor events with the use permit. He said they looked at these permits individually and the characteristics of the site and try to strike a balance with the needs of the property owners.

Comm. Schoux and Sullivan were in favor of the six amplified music events.

Ms. DelValle read in the amendment to condition C2 to read: "Overflow parking spaces shall be provided at a ration of 2 people to 1 parking space during special events. All overflow parking areas for special events shall be *mowed or graveled* and properly maintained prior to use. The permit holder shall contact the South Lake County Fire Protection District/Calfire to determine if wildfire hazard warnings or other mitigation measures shall be taken."

Comm. Sullivan moved, 2nd by Comm. Martin Steele that the Planning Commission find on the basis of the Initial Study No. 10-28 prepared by the Planning Division and the mitigation measures which have been added to the project, that the use permit as applied for by the Jesus Christ Fellowship 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 September 9, 2013 as amended today.

MITIGATED NEGATIVE DECLARATION 4 Ayes 0 Noes 1 Absent (Comm. Malley)

Comm. Sullivan moved, 2nd by Comm. Martin Steele that the Planning Commission find that the Use Permit (UP 10-06) as amended today applied for by the Jesus Christ Fellowship on property located at 19650 State Highway 175, Middletown 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 September 9, 2013.

USE PERMIT APPROVAL 4 Ayes 0 Noes 1 Absent (Comm. Malley)

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

9:49 a.m. Consideration of DENIALS WITHOUT PREJUDICE ONLY for the following properties:

DIAMOND VIEW ESTATES – Subdivision (SD 08-02) and Deviation (DV 08-04) proposing to divide approximately 153 acres into seven (7) lots with a deviation request for a 3,144 foot long dead-end road. The project is located at 7703, 7713 and 7717 S. State Highway 29, Kelseyville and further described as APNs 009-022-32, 47 and 48. (Kevin M. Ingram)

Kevin Ingram provided background information.

Comm. Sullivan moved, 2nd by Comm. Martin Steele that the Planning Commission deny without prejudice Deepak Chopra and Hector Garcia's Diamond View Estates Subdivision SD 08-02 and Deviation DV 08-04 with the findings listed in the memo dated September 10, 2013.

DENIAL WITHOUT PREJUDICE 4 Ayes 0 Noes 1 Absent (Malley)

NORMAND & SHIELA HEBERT – Parcel Map (PM 06-12) proposing to divide an approximately 15 acre property into two (2) parcels. The property is located at 17777 Morgan Valley Road, Lower Lake, and further described as APN 012-045-21. (Kevin M. Ingram)

Kevin Ingram provided background information and noted that there was a request for an extension and staff was in favor of a six month extension.

Comm. Sullivan moved, 2nd by Comm. Martin Steele that the Planning Commission not deny without prejudice Normand and Shelia Herbert's Parcel Map 06-12 with the findings listed in the memo dated September 10, 2013 and allow a six month extension for the owners to come forward with a follow-up with this matter.

DENIAL WITHOUT PREJUDICE 4 Ayes 0 Noes 1 Absent (Comm. Malley)

BILL & PATTY BUFFINGTON – Parcel Map (PM 07-10) proposing to divide approximately 12 acres into three (3) parcels. The property is located at 14754 Emerford Road, Cobb, and further described as APN 011-045-10. (Kevin M. Ingram)

Kevin Ingram provided background information.

Comm. Sullivan moved, 2nd by Comm. Martin Steele that the Planning Commission deny without prejudice Bill & Patty Buffington's Parcel Map 07-10 with the findings listed in the memo dated September 10, 2013.

DENIAL WITHOUT PREJUDICE 4 Ayes 0 Noes 1 Absent (Comm. Malley)

JASON KETCHUM – Parcel Map (PM 06-017) proposing to divide approximately 45 acres into four (4) parcels. The property is located at 20001 Jerusalem Grade, Middletown, and further described as APN 013-060-27. (Kevin M. Ingram)

Kevin Ingram provided background information.

Comm. Sullivan moved, 2nd by Comm. Martin Steele that the Planning Commission deny without prejudice Jason Ketchum's Parcel Map 06-01 with the findings listed in the memo dated September 10, 2013.

DENIAL WITHOUT PREJUDICE 4 Ayes 0 Noes 1 Absent (Comm. Malley)

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

9:59 a.m. Zoning Ordinance Update discussion: Expansion of uses within the Resort Commercial "CR" Zoning District. (Richard Coel and Kevin M. Ingram)

Kevin Ingram, Principal Planner and Richard Coel provided information on the Zoning Ordinance Update Discussion Expansion of Uses within the Resort Commercial "CR" Zoning District. Key items discussed included: allowing a greater range of uses such as permanent living, kitchenettes, allowing greater commercial uses to serve guests and local communities.

Comm. Martin Steele noted she likes the idea of making a distinction between small and large resorts that would allow larger resorts a larger range of amenities to offer in order to allow sustainability during the off-seasons.

Mr. Coel discussed potential options to explore in order to create incentives that would make it more economically viable for some illegally converted resorts, especially along the northshore, to return again to transient uses.

Comm. Sullivan suggested staff look into methods utilized by Monte Rio and Guerneville Resort areas in Sonoma County as they appear to be having some success with some of the same issues we are facing with illegally converted resorts.

Mr. Coel discussed the possible need of adding a resort element to the General Plan to identify areas of the County where the retention of resorts is most critical.


Comm. Sullivan stated a concerted effort should be made by staff to get resort owners together to look at any Zoning Amendment proposals.

Alan Flora, Administrative Office, commented that they are supportive of the ideas that have been presented today and noted that the Community Development Department are phenomenal to work with when potential economic development projects come forward. He said Mr. Coel and Mr. Ingram have become creative to try to help figure out ways to help businesses survive and prosper.

ADJOURNED 11:01


Gil Schoux, Chair
Lake County Planning Commission

Respectfully Submitted,

By: 
Danae Bowen
Office Assistant III