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Item #6c  
9:05 AM  
January 25, 2024

## STAFF REPORT

**TO:** Planning Commission

**FROM:** Mireya G. Turner, Director  
Michelle Irace, Principal Planner  
Prepared by: Max Stockton, Assistant Planner

**DATE:** January 25, 2024

**SUBJECT:** Consideration of a proposed one-year extension (UPX 23-02) to Major Use Permit (UP 21-18) for Sunrise Shore Mutual Water Company / Brelje Engineering; location: 6030 Sunrise Court and 6200 Sunrise Drive, Lower Lake (APNs: 043-302-04 and 043-310-05)

**ATTACHMENTS:**

1. Approved Site Plans, Project Description and Existing Photographs
2. Draft Conditions of Approval
3. Initial Study (IS 21-19)
4. Agency Comments

## EXECUTIVE SUMMARY

Consideration of a one-year extension to Major Use Permit (UP 21-18) for the expansion of and improvements to a water production facility, located on two separate parcels. The improvements are intended to ensure that the water system complies with current State Drinking Water regulations, to enhance local fire protection, and ensure that the system operations are economically viable.

The use permit was approved on November 18, 2021; however, no construction has begun on the project. The original use permit had a two-year active period that would expire on November 18, 2023, if no extension is granted. The applicant has indicated that the one-year extension is necessary and has applied for the extension. A Mitigated Negative Declaration (file no. IS 21-19) was also completed and approved for the project in 2021. The approved project description, site plans, as well as existing photographs are included in Attachment 1. The proposed extension does not include modification of the approved plans or project components.

## PROJECT DESCRIPTION

Applicant: Brelje and Race Consulting Engineers

Owner: Sunrise Shore Mutual Water Company

Project Location: 6030 Sunrise Court and 6200 Sunrise Drive, Lower Lake, CA

A.P.N.s: 043-302-04; 043-310-05

Parcel Size: 0.34 acres (combined size)

General Plan: Rural Residential

Zoning: "RR-FF" – Rural Residential – Floodway Fringe

UPX 23-01, Sunrise Mutual Water Company

<u>Flood Zone:</u>	“AE” – Upper northwest portion of lot 043-302-04; no flood plain for other portions of either lot.
<u>Fire Hazard:</u>	SRA High Fire Area
<u>Earthquake Fault:</u>	None mapped
<u>Slope:</u>	APN 043-302-04 is relatively flat with a slope ranging between 2% and 5%. APN 043-310-05 is mostly steep with slopes over 30%.
<u>Fire Protection:</u>	South Lake Fire Protection District (CAL FIRE)
<u>Vegetation:</u>	Native oaks, shrubs, and native and invasive grass and weeds
<u>Approval Date:</u>	November 18, 2021 (UP 21-18)

Improvements that were approved with UP 21-18 include the following.

- New 10' x 14' filtration building.
- New aeration tank on concrete slab.
- Abandon existing wells #1 and #2 (under floor); fill in vault.
- New pipelines for water system.
- Removal of two 15,000-gallon redwood water tanks and concrete pads.
- Two new 45,000-gallon water tanks on concrete slabs.
- New concrete retaining wall.

The proposed extension does not include modification of the approved plans or project components.

## **PROJECT SETTING**

The Sunrise Mutual Water Company facility is on two parcels, as shown below in Figure 1. The sites are served by Sunrise Drive, a paved but narrow County maintained road. The following land uses and surrounding property details exist next to each of the two properties.

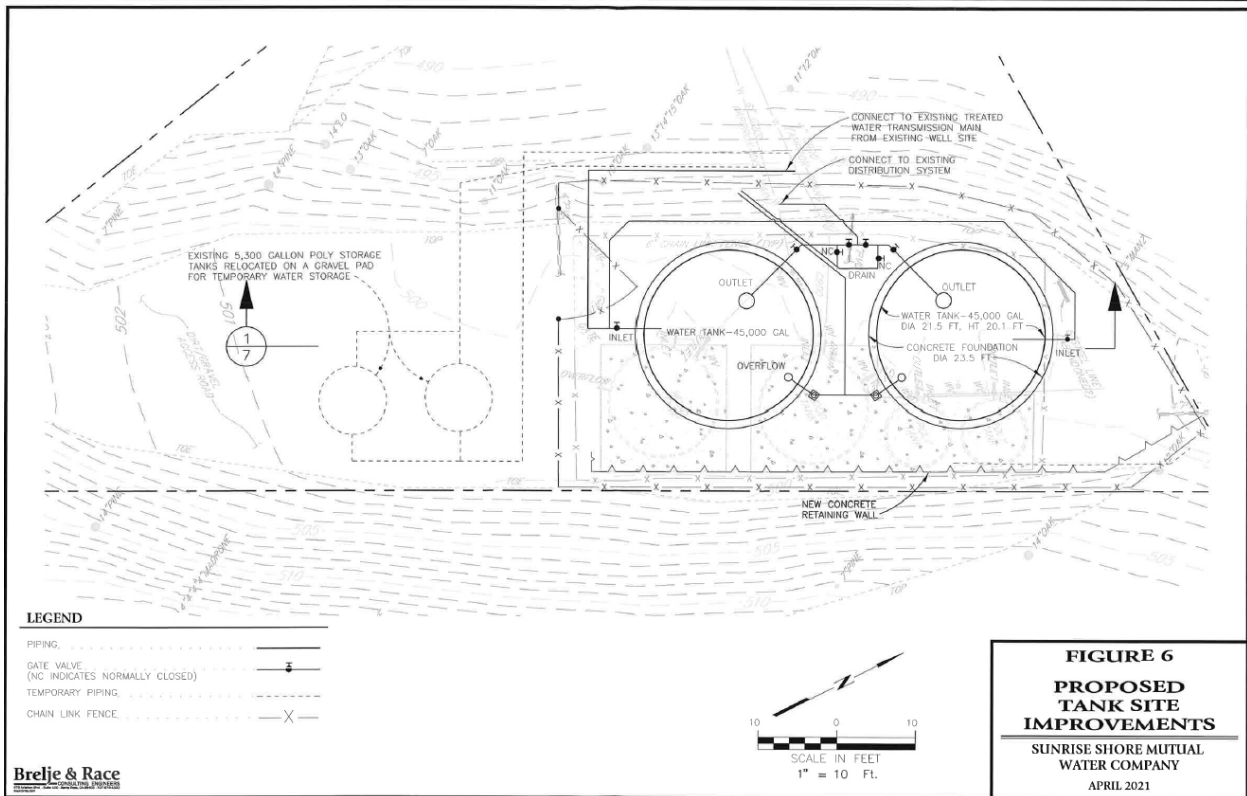
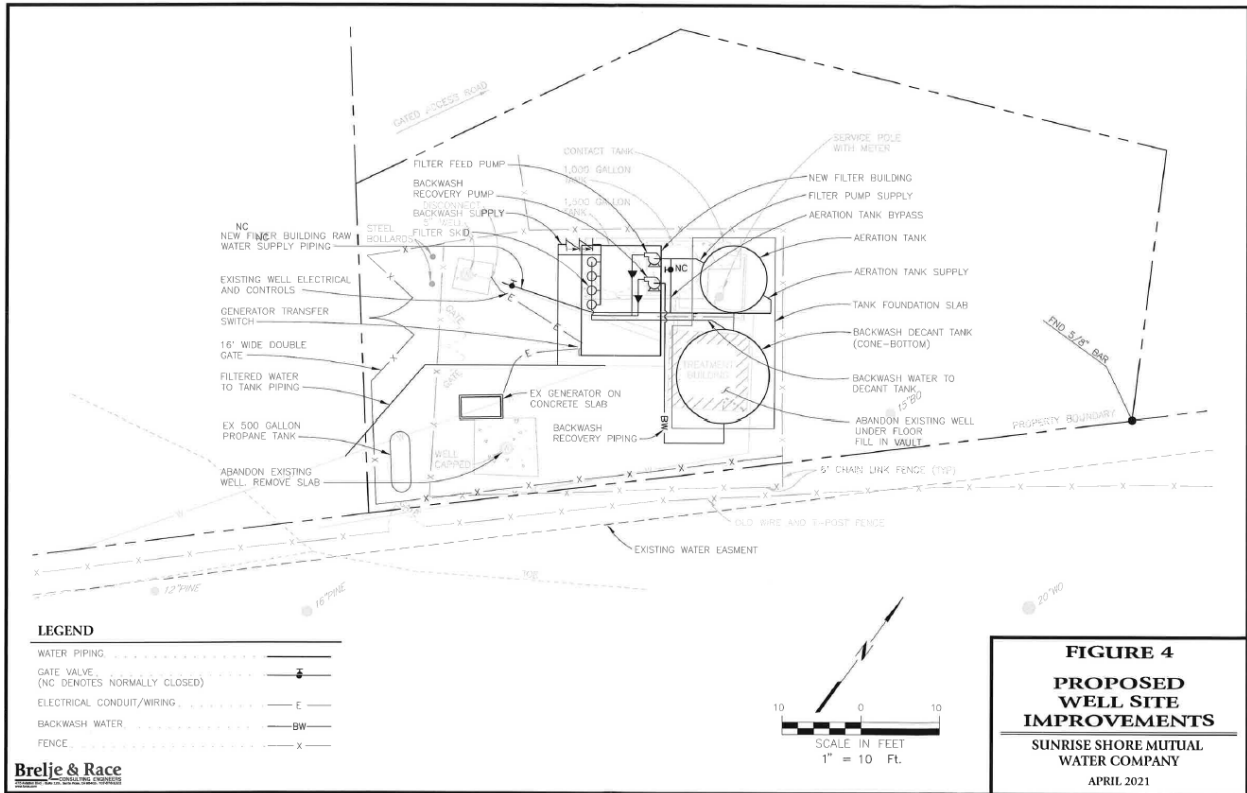
APN: 043-302-04

- North: Split-zoned “R1-FF-WW”, Single Family Residential-Floodway Fringe-Waterway, and “RR-FF-WW”, Rural Residential-Floodway Fringe-Waterway; 0.89 acres, undeveloped.
- East: “RR”, Rural Residential; 0.02 acres, undeveloped.
- East and South: “RR”, Rural Residential; 2.59 acres, developed with a dwelling.
- West: Sunrise Court.

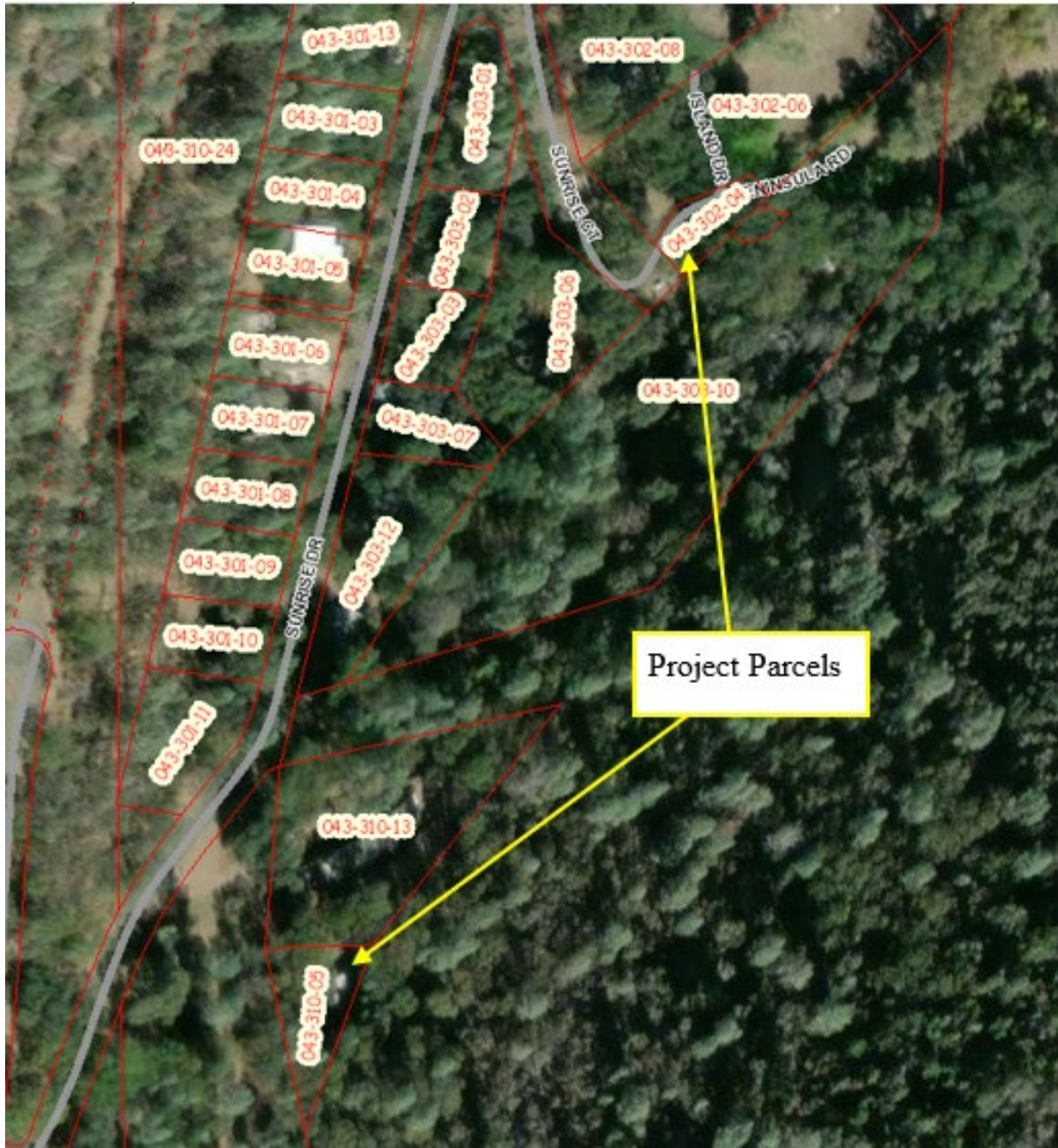
APN: 043-310-05

- North: “RR”, Rural Residential; 0.84 acres, undeveloped.
- East: Split-zoned “RL-WW-FF”, Rural Lands–Waterway–Floodway Fringe, and “O-WW-FF”, Open Space–Waterway–Floodway Fringe. 47.00 acres; undeveloped.
- South and West: “RR”, Rural Residential; 2.50 acres, undeveloped.

FIGURE 1- SITE PLANS

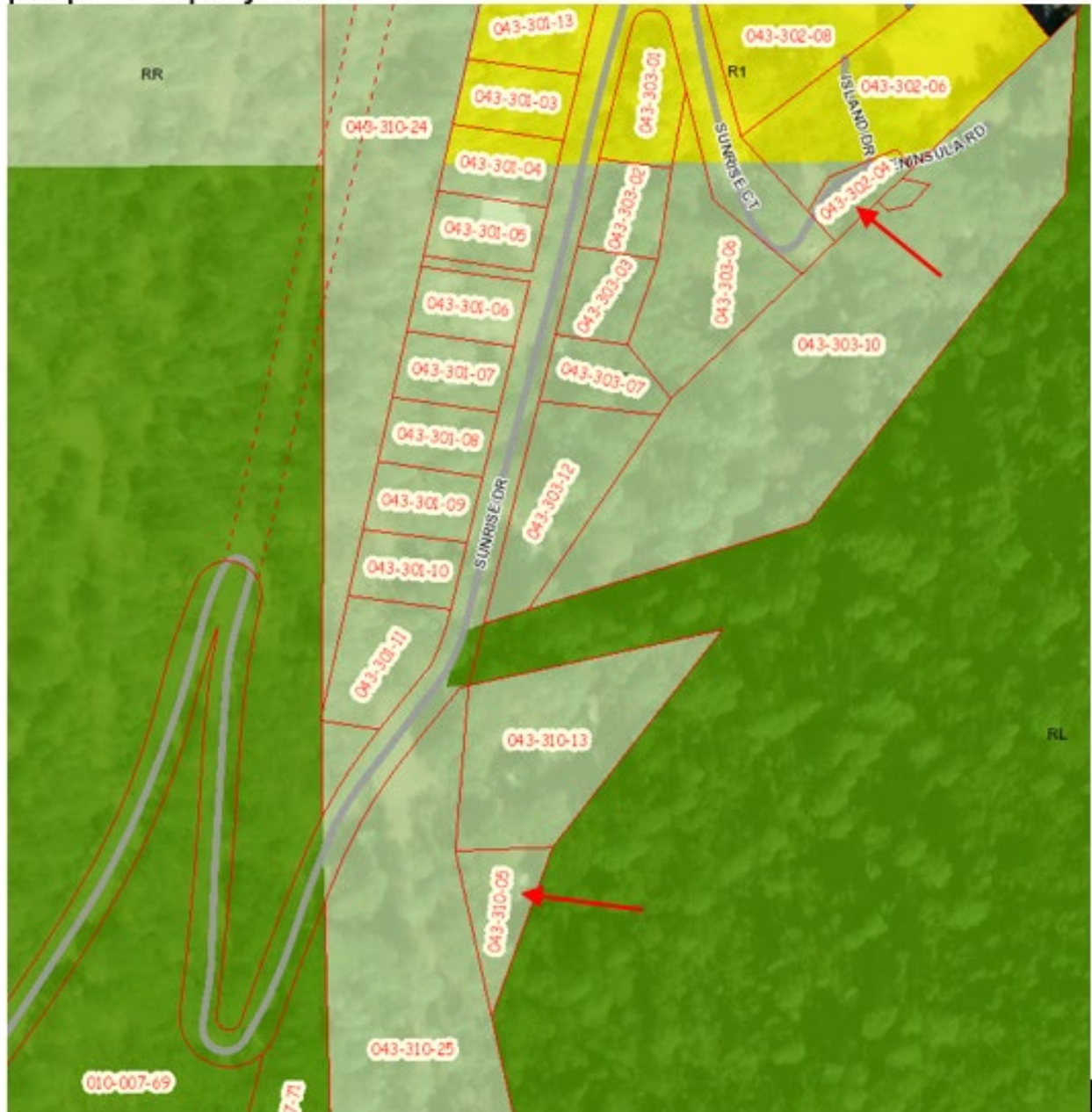


**FIGURE 2- VICINITY MAP**



Source: Lake County GIS Mapping 2023

**FIGURE 3 – ZONING MAP**



*Source: Lake County GIS Mapping 2023*

**PROJECT ANALYSIS**

The original use permit and associated upgrades were deemed consistent with the General Plan and zoning code at the time of approval. However, below provides a summary of the analysis, as well as an analysis of the request for extension.

**General Plan Conformity**

The General Plan designation for the two subject parcels is Rural Residential. This land use category is designed to provide single-family residential development in a semi-rural setting. The “RR” Rural Residential zoning district allows utilities with a use permit, which the applicant was

approved for on November 18, 2021. The following General Plan goals and policies are applicable to the proposed project:

### **Chapter 3 – Land Use**

Goal LU-6: “To maintain a healthy and diverse local economy that meets the present and future employment, shopping, recreational, and service needs of Lake County residents”.

The proposed project is an extension of an approved use permit to facilitate upgrades to an existing and small water company facility that serves local residences. The upgrades would not create additional permanent jobs but will continue to provide a vital non-industrial corporate utility service to its service area.

### **Lower Lake Area Plan Conformity**

The subject site is within the Lower Lake Area Plan’s boundary. The Plan contains some specific policies that are applicable to the expansion of the facility as follows:

Objective 5.1a: Orderly growth and development shall be encouraged within the Lower Lake area by focusing higher intensity development within the community of Lower Lake. Low intensity land use patterns are encouraged in the remainder of the planning area.

- Policies 5.1a-1: The Lower Lake land use plan should recognize existing development patterns and logically provide for future development in the area.
- 5.1a-2: The focus of new development in the planning area should be within the community of Lower Lake and contiguous to existing development and available public services.
- 5.1c-1: Land use planning decisions should encourage the efficient and cost-effective development of public services in the planning area.
- 5.1c-2: New residential development around the community of Lower Lake should be directed to areas where water and sewer services are available rather than by past land use patterns if key services are not readily available.
- 5.1c-5: In-fill development shall be encouraged within Lower Lake’s community development area.

These policies indicate the need for adequate services such as water to be provided to the Lower Lake planning area. Granting the use permit extension to allow upgrading of the water system will allow for continued safe provision of water services and potential population increases in this area if adequate water supply is available to new and existing users.

### **Zoning Ordinance Conformity**

The subject lots are zoned “RR-FF”, Rural Residential and Floodway Fringe. The following findings apply to these zoning districts.

Article 8 – “RR” Rural Residential Zoning District. The purpose of this zone is to provide for single-family residential development in a semi-rural setting along with limited agriculture.

Public and private utilities are a permitted use in the Rural Residential zoning district per Article 27, Table B. Public and private utilities require a Major Use Permit. Article 51 establishes the rules for obtaining a Major Use Permit.

Article 36 – “FF” Floodway Fringe Combining District. This article provides regulations for development that is proposed within a floodplain to assure protection from hazards related to flooding. The northern portion of APN: 043-302-04 is located within an AE flood plain, however the affected portions of both lots are outside the flood plain.

#### Article 27 - Use Permits

Public and private utilities are a permitted use in the Rural Residential zoning district per Article 27, Table B. Public and private utilities require a Major Use Permit. Articles 51 and 60 establish the rules for obtaining a Major Use Permit. This project was approved for a major use permit on November 18, 2021, however no construction has begun on the project. The original use permit had a two-year active period that would expire on November 18, 2023 if no extension is granted. The applicant has indicated that the one-year extension is necessary and has applied for the extension, in accordance with the regulations outlined in Article 60, as described below.

#### Article 60- Expiration, Revocation, or Modification of Permits and Reapplication

Per Section 60.1(c), if prior to expiration of a permit, the applicant files a written application for extension, the period within which substantial physical construction or use commenced, may be extended one (1) year by order of the Planning Director, Zoning Administrator, Development Review Committee, Planning Commission, or Board of Supervisors, whichever granted the permit, at any time within ninety (90) days of the date of expiration. An application for such an extension shall be made on the prescribed form and shall be accompanied by any applicable fee as established by the Board of Supervisors.

Article 41 – Performance Standards: All discretionary projects in the “RR” Rural Residential zoning district are required to undergo a review using the performance standards found in Article 41. The Planning Director may require pertinent information demonstrating that the proposed use will comply with all applicable performance standards prior to issuance of any discretionary approval. With the incorporation of mitigation measures and conditions of approval, the project meets all required performance standards within Article 41, including, but not limited to, those related to air quality, erosion control, fire and hazards, noise, and outdoor storage.

Construction is expected to last between one and two months. Hours of construction would be Monday through Friday, between the hours of 7:00 a.m. and 7:00 p.m. There will be minimal ground disturbance that will occur during pad preparation for the project given that the existing concrete pads will be replaced with the upgraded facilities. The 10’ x 14’ air filtration building has a small footprint at 140 square feet (sf), which will not cause significant dust during pad preparation.

#### **AGENCY COMMENTS**

The original use permit application was routed to all applicable county departments and other entities with interest or jurisdiction over the project. Additionally, the proposed use permit extension application was routed to all of the appropriate public and private service providers including: CalTrans, CAL FIRE, Public Works, Special Districts, Environmental Health, Water Resources, and all area Tribes. Agency comments are attached as Attachment 4. No adverse comments were received from any notified agency regarding granting the proposed one-year extension.

#### **ENVIRONMENTAL REVIEW**

The original use permit (UP 21-18) underwent a CEQA evaluation (IS 21-19) for compliance with the California Environmental Quality Act regulations. Mitigation measures were determined to be needed

to protect and/or avoid impacts to biological resources, cultural / tribal resources, and noise-related impacts.

Extensions are not projects under CEQA's definition of projects per CEQA section 15060(c) (1) through (3), which sets the parameters on what constitutes a project. Therefore, no new CEQA evaluation is needed. The mitigation measures found in IS 21-19 are added as conditions of approval that will be extended with changes to the expiration date if this extension request is approved.

#### **Article 51.4, Major Use Permit Findings for Approval**

The original use permit (UP 21-18) was found to meet all required findings for approval. Articles 51 and 60 of the Lake County zoning code note that a one-year extension may be granted to expired use permits, however, they do not list separate findings to grant such requests. As such, the findings to grant a Major Use Permit (Article 51) are applicable to this project, as summarized below.

1. *That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.*

The immediate area contains small rural lots that are partially developed with dwellings. The expansion of the water purveyor's facility will enable higher water quality for those who are within its service district. The proposed project would grant an extension to the approved use permit to facilitate upgrades to the existing facilities to address safety concerns of the aged infrastructure. The site will use chlorine to help purify the water, but there are no documented cases of the chlorine adversely affecting the area in the past, and the applicant must follow State Water Board standards for chlorine rates. There are no other aspects of this project that would be detrimental to the health, safety, morals, comfort or general welfare of the area neighboring properties.

2. *That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.*

The two project lots are small, about 0.34 acres in combined size. The lots already contain an established water treatment facility; this project will enlarge the storage tanks on site; remove the two 15,000-gallon redwood storage tanks that are leaking, and would provide additional filtration and piping, as well as requiring the construction of a retaining wall for protection from earth movement into the treatment facility originating from higher up the hill. The proposed project meets all development regulations specified throughout the Lake County zoning code related to siting of projects.

3. *That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use.*

The sites are served by Sunrise Drive, a paved but narrow County maintained road. The small water company has several on-site employees that monitor the water system. An estimated four daily vehicle trips are anticipated following construction. Construction trips will be minimal; the two new tanks will be placed on site once the pads are prepared; the two existing tanks will be removed; construction supplies for the 10' x 14' filtration building and materials for the retaining wall will be delivered to the site. Estimated construction trips are up to 10 trips per day over a one- to two-month period. Post construction trips are estimated to average four trips per day. The project has been reviewed by the Department of Public Works, CalTrans, CAL FIRE, etc. and no adverse comments were received related to traffic and circulation.



4. *That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.*

This application was routed to all of the appropriate public and private service providers including: CalTrans, CAL FIRE, Public Works, Special Districts, Environmental Health, Water Resources, and all area Tribes. Agency comments are attached as Attachment 4. No adverse comments were received from any notified agency regarding granting this one-year extension.

5. *That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.*

As described throughout the Project Analysis section of this staff report, the project is consistent with the General Plan, Lowe Lakr Area Plan, the zoning code, and all applicable development and performance standards.

6. *That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.*

The site does not have any violations of Chapters 5, 17, 21, 23 or 26 of the Lake County Code.

## **RECOMMENDATION**

Staff recommends the Planning Commission take the following actions:

- A. Approve the one-year extension (UPX 23-02) for Major Use Permit (UP 21-18) with the following findings:
  1. That the original use permit was adequately analyzed under CEQA (IS 21-19), and the proposed extension is not classified as a project under CEQA section 15060(c)(1) through (3), and no additional environmental review is necessary to approve this extension.
  2. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental to property and improvements in the neighborhood or the general welfare of the County.
  3. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.
  4. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use with mitigation measure added.
  5. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
  6. That the project is in conformance with the applicable provisions and policies of this Code, the Lake County General Plan, the Lower Lake Area Plan and the Lake County Zoning Ordinance.

UPX 23-01, Sunrise Mutual Water Company

7. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.
8. That the project meets all requirements found within Articles 8, 36, 41 and 51.4.

**Sample Motion:**

Major Use Permit Extension (UPX 23-01 affecting UP 21-18)

I move that that the Planning Commission approve a one-year extension (UPX 23-01) for Major Use Permit (UP 21-18) for Sunrise Mutual Water Company and Brejle and Race Engineering on properties located at 6030 Sunrise Court and 6200 Sunrise Drive, Lower Lake (APNs: 043-302-04 and 043-310-05) with the findings and subject to the conditions listed in the Staff Report dated January 25, 2024.

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