

**COUNTY OF LAKE**

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

Telephone 707/263-2221 FAX 707/263-2225

DISTRIBUTION DATE: March 7, 2025

**REQUEST FOR REVIEW FOR SUFFICIENCY**

___ AG. COMMISSIONER	___ @ CA FISH & WILDLIFE LAKEBED	___ TRAFFIC ADV. COMM.
___ @ AIR QUALITY MGMT	___ @ MANAGEMENT	___ TRIBES:
___ @ ARMY CORPS	___ STATE LANDS COM.	___ @ Big Valley Rancheria
___ ASSESSOR	___ LAKE TRANSIT	___ @ Elem Colony
___ BLM	___ @ NATIVE AM. HERITAGE	___ @ Koi Nation
___ @ BUILDING DIVISION	___ NRCS	___ @ Middletown Rancheria
___ CALFIRE	___ OFFICE OF EDUCATION	___ @ Robinson Rancheria
___ CALTRANS	___ @ PG&E	___ @ Scotts Valley Band of Pomo
___ CLEARLAKE CITY	___ PUBLIC SERVICES	___ @ Upper Lake Habematolel
___ @ CRWQCB	___ SHERIFF	___ HERC
___ DPW ROADS	___ SONOMA STATE, NWIC	___ US FOREST SERVICE
___ @ CA FISH & WILDLIFE	___ @ SPECIAL DISTRICTS	___ WASTE DISPOSAL:
___ FISH & WILDLIFE SVC	___ STATE DEPT. HEALTH	___ WATER
___ @ FIRE DIST:	___ @ SURVEYOR	___ CO
___ @ ENV. HEALTH	___ @ CITY OF LAKEPORT	___ @ WATER RESOURCES
___ @ TAX COLLECTOR		___ YOLO COUNTY FLOOD

FROM: Michelle Irace, Resource Planner

REQUEST: Variance From Shoreline Ordinance (PI-25-18 For VR 24-01)

APPLICANT: Brandon Disney, Disney's Boat Rentals

PROJECT: Disney's Boat Rental Variance

PROJECT LOCATION: 2200 Lakeshore Blvd., City of Lakeport

PARCEL NUMBER(S) (APN): APN 026-031-29

PARCEL SIZE: ±6.08 acres

GENERAL PLAN DESIGNATION: N/A, within City of Lakeport

ZONING DISTRICT(S): N/A, within City of Lakeport

FLOOD ZONE: AE, 1% annual chance of flooding

PROPOSAL: The Planning Commission will consider a request for Variance from the County's Shoreline Ordinance for the Disney's Boat Rental Facility Project (Disney Development Project). Although the Disney Development Project is within the City of Lakeport's jurisdiction, the shoreline development portion (installation of two floating docks) is within the County's jurisdiction and requires a Lakebed Encroachment Permit, in accordance with Chapter 23, Clearlake Shoreline, of the Lake County Municipal Code ("Shoreline Ordinance").

Through the County's Lakebed Encroachment Permit process, as well as the City of Lakeport's entitlement and CEQA process (described below), the applicant received feedback from Water Resources, Environmental Health, CA Dept. of Fish and Wildlife, local Tribes, etc. and designed the project in response to concerns raised.

To support the development, protect sensitive species, and mitigate environmental concerns, the applicant seeks a Variance from the following three sections of the Shoreline Ordinance. Please refer to the attached application and documents for more information.

- 23.6.3(E)(2) - Types and Numbers of Piers, Docks, Boat Ramps, etc.
- 23.6.3(D) - Mooring Buoys
- 23.6.5(A) - Size, Length

*Background.* The Disney Development Project includes the construction of a two-story, 4,778-square-foot building that will serve as a rental office, shop, and boat storage facility, including space for the repair of fleet boats; the development is located within the jurisdiction of the City of Lakeport and was approved by the City's Planning Commission on January 8, 2025. Additionally, an Initial Study and Mitigated Negative Declaration (ISMND; [SCH No. 2024091171](#)) was approved for the Disney Development Project and included an analysis of the shoreline development. The City of Lakeport's January 8, 20205, Planning Commission agenda packet, including the staff report and ISMND, can be found online at: <https://www.cityoflakeport.com/Full%20Packet%20-%20Compressed.pdf>

**This referral request is specific to the Variance portion of the project.** Please advise us if any additional information is needed, which permits are required from your agency (if any), and of your environmental concerns. Additionally, please advise if your agency recommends any modifications to the project. **Due to the provisions of state law, it is essential that we receive your comments as soon as possible, but in no case later than March 20, 2025.** Please email your comments to [resourceplanning@lakecountyca.gov](mailto:resourceplanning@lakecountyca.gov) or mail them to the address listed in the letterhead above.

COMMENTS:

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NAME AND AGENCY: \_\_\_\_\_

DATE: \_\_\_\_\_

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## Central Valley Regional Water Quality Control Board

20 March 2025

Michelle Irace  
County of Lake  
Community Development Department  
255 North Forbes Street  
Lakeport, CA 95453  
[michelle.irace@lakecountyca.gov](mailto:michelle.irace@lakecountyca.gov)

### **COMMENTS TO REQUEST FOR REVIEW FOR THE DISNEY'S BOAT RENTAL VARIANCE (PL-25-18/VR 24-01) PROJECT, LAKE COUNTY**

Pursuant to the County of Lake Community Development Department's 7 March 2025 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review* for Disney's Boat Rental Variance (PL-25-18/VR 24-01) Project, located in Lake County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

#### **I. Regulatory Setting**

##### **Basin Plan**

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by

the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/)

### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/sacsjr\\_2018\\_05.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at: [https://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality/certification/](https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality/certification/)

**Waste Discharge Requirements – Discharges to Waters of the State**

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: [https://www.waterboards.ca.gov/centralvalley/water\\_issues/waste\\_to\\_surface\\_water/](https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/)

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at: [https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2004/wqo/wqo2004-0004.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf)

**Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:  
[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2018-0085.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf)

**Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:  
[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2016-0076-01.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf)

**NPDES Permit**

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.



Peter G. Minkel  
Engineering Geologist



March 24, 2025

Michelle Irace, Resource Planner  
County of Lake  
Community Development Department  
Planning Division

Re: Disney Boat Rental Variance PL-25-18 & VR 24-01  
2200 Lakeshore Blvd., Lakeport, CA; APN 026-031-29

Dear Michelle,

Thank you for providing PG&E the opportunity to review the proposed plans for PL-25-18 & VR 24-01 dated March 7, 2025. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to the design, we ask that you resubmit the plans to the email address listed below.

If the project requires PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at [pgeplanreview@pge.com](mailto:pgeplanreview@pge.com).

Sincerely,

PG&E Plan Review Team  
Land Management

**From:** [Lori Baca](#)  
**To:** [Lake County Community Development - Resource Planning](#)  
**Subject:** RE: Request for Review- Disney's Boat Rental Variance (PL-25-18/VR 24-01)  
**Date:** Monday, March 10, 2025 9:14:25 AM  
**Attachments:** [image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image011.png](#)

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The parcel listed is outside of Special Districts service area and is served by the City of Lakeport.

## Lori A. Baca

Customer Service Supervisor

[Lori.Baca@lakecountycalifornia.gov](mailto:Lori.Baca@lakecountycalifornia.gov)

Office Number (707) 263-0119

Fax (707) 263-3836



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**From:** Lake County Community Development - Resource Planning  
<[mbx.CDD\\_ResourcePlanning@lakecountycalifornia.gov](mailto:mbx.CDD_ResourcePlanning@lakecountycalifornia.gov)>  
**Sent:** Friday, March 7, 2025 11:35 AM  
**Subject:** Request for Review- Disney's Boat Rental Variance (PL-25-18/VR 24-01)

Hello,

Please find the attached RFR for a Variance from the County's Shoreline Ordinance for the Disney's Boat Rental Facility Project (Disney Development Project). Although the Disney Development Project is within the City of Lakeport's jurisdiction, the shoreline development portion (installation of two floating docks) is within the County's jurisdiction and requires a Lakebed Encroachment Permit and Variance, in accordance with Chapter 23, Clearlake Shoreline, of the Lake County Municipal Code ("Shoreline Ordinance").

**This referral request is specific to the Lakebed Encroachment Permit and Variance portion of the project.** Through the County's Lakebed Encroachment Permit process, as well as the City of Lakeport's entitlement and CEQA process, the applicant received feedback from Water Resources, Environmental Health, CA Dept. of Fish and Wildlife, local Tribes, etc. and designed the project in response to concerns raised. Please refer to the attached request for referral for a link to the City's documents, including the Mitigated Negative Declaration that was prepared for the project.

Please advise us if any additional information is needed, which permits are required from your agency (if any), and of your environmental concerns. Additionally, please advise if your agency



recommends any modifications to the project. **Please submit your comments no later than March 20, 2025.**



*Michelle Irace*

Resource Planner, Community Development Department  
255 N. Forbes St. Lakeport, CA 95453

Phone: (707) 263-2221 x 38121

Email: [michelle.irace@lakecountyca.gov](mailto:michelle.irace@lakecountyca.gov)

**STAY CONNECTED:**





**HABEMATOLEL POMO**  
**CULTURAL RESOURCES**

March 11, 2025

County of Lake, Community Development Department, Planning Division  
Attn: Michelle Irace, Resource Planner  
255 N. Forbes Street  
Lakeport, CA 95453  
E: [resourceplanning@lakecountyca.gov](mailto:resourceplanning@lakecountyca.gov)

RE: Disney's Boat Rental Variance Project, HP-20250307-01

Dear Michelle Irace:

Thank you for your project notification letter dated March 7, 2025, regarding cultural information on or near the proposed 2200 Lakeshore Blvd., Lakeport, CA, Lake County. We appreciate your effort to contact us.

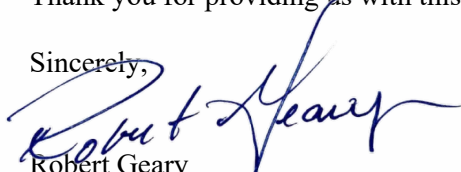
The Cultural Resources THPO Department has reviewed the project and concluded that it is not within the aboriginal territories of the Habematolel Pomo of Upper Lake. Therefore, we respectfully decline any comment on this project. However, based on the information provided, please defer correspondence to the following:

**Scotts Valley Band of Pomo Indians**  
Attn: Jesse Gonzalez – Vice Chairman  
804 11<sup>th</sup> St.  
Lakeport, CA 95453  
707-263-4220

Please refer to identification number HP-20250307-01 in any future correspondence with Habematolel Pomo of Upper Lake concerning this project.

Thank you for providing us with this notice and the opportunity to comment.

Sincerely,

  
Robert Geary  
Tribal Historic Preservation Officer

HABEMATOLEL POMO OF UPPER LAKE

P: 707.275.0737 F: 707.275.0757 P.O. Box 516 Upper Lake, CA 95485