



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
255 N. Forbes Street – 3rd Floor
Lakeport, California 95453
Planning • Building • Code Enforcement
Phone: (707) 263-2221 • Fax: (707) 263-2225

Item 6b
9:20 AM
February 13, 2025

STAFF REPORT

TO: Planning Commission

FROM: Mireya G. Turner, Director
Prepared by: Laura Hall, Senior Planner

DATE: February 13, 2025

SUBJECT: Consideration of Major Use Permit (UP 24-14) Morgan Valley Temporary MET Towers to amend Major Use Permit (UP 22-06) Morgan Valley Temporary MET Towers to allow for a 6-year extension beginning August 25, 2024, and ending August 25, 2030; Applicant is Morgan Valley Wind Farm, LLC; sites located at 25650 Morgan Valley Road and 10888 Rocky Creek Road, Lower Lake (APNs: 012-014-02 and 012-014-08)

ATTACHMENTS:

1. August 25, 2022 Staff Report, Approved Site Plans, and Photos
2. Draft Conditions of Approval
3. Agency Comments
4. Public Comments

EXECUTIVE SUMMARY

The applicant, Morgan Valley Wind Farm, LLC, is proposing Major Use Permit (UP 24-14) to amend Major Use Permit (UP 22-06), to allow for a 6-year extension to continue collecting wind data from four 197' tall 'temporary' Meteorological (MET) on two parcels (APNs 012-014-02 and 012-014-08). With exception of two of the MET towers, all construction proposed in Major Use Permit UP 22-06 was completed in 2023. Confirmation was received from the Applicant on November 21, 2024, that the other two MET towers will not be constructed. The original use permit was approved by the Planning Commission on August 25, 2022, and a Notice of Exemption was filed on June 23, 2022 (Categorical Exemption [CE 22-12]). Construction of the MET towers was completed in 2023. Per the conditions of approval for Major Use Permit UP 22-06, the permit expired on August 25, 2024. The applicant timely filed an application in accordance with Section 60.33 of the Lake County Zoning Code, requesting an amendment Major Use Permit to extend the total life of the permit by six years (2024-2030). No modification to the approved plans or permit are otherwise requested.

The staff report and approved site plans completed for UP 22-06 are included in Attachment 1. The remaining attachments and video of the August 25, 2022, hearing may be viewed in the agenda (item 6f) online at:

<https://countyoflake.legistar.com/View.ashx?M=A&ID=1161888&GUID=E129F7CB-787D-4929-A513-E20FEDC6B7E3>

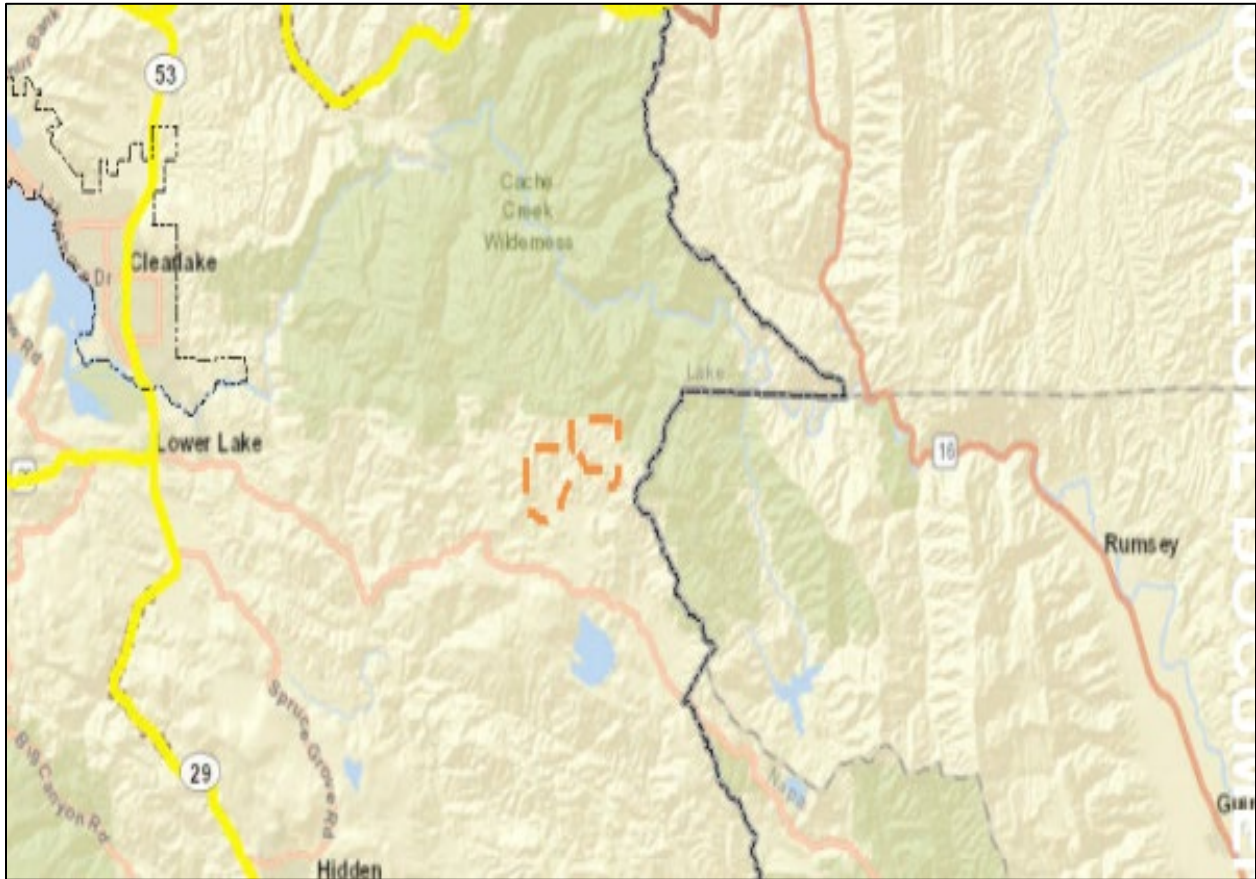
PROJECT DESCRIPTION

<u>Applicant</u>	Morgan Valley Wind Farm, LLC
<u>Owner</u>	Larry Morrison and Harry Hanson
<u>Project Location</u>	25650 Morgan Valley Road, Lower Lake and 10888 Rocky Creek Road, Lower Lake
<u>APN(s)</u>	012-014-02 and 012-014-08
<u>Parcel Size(s)</u>	617.69 acres 473.60 acres
<u>General Plan</u>	Agriculture A/ Rural Lands RL and Rural Lands RL
<u>Zoning</u>	Split “A” Agriculture- “WW” Waterways/ “RL” Rural Lands, and “APZ” Agricultural Protection Zone
<u>Flood Zone</u>	X is the area determined to be outside the 500-year flood and protected by levee from 100- year flood, and D is areas with possible but undetermined flood hazards. No flood hazard analysis has been conducted. Flood insurance rates are commensurate with the uncertainty of the flood risk.
<u>Fire Hazard</u>	State Responsible Area (SRA) Very High and High Fire Hazard Severity Zone
<u>Earthquake Fault</u>	None mapped
<u>Slope</u>	0 to greater than 30%
<u>Fire Protection</u>	Lake County Fire Protection District and CAL FIRE
<u>Vegetation</u>	Native oaks, shrubs, and native and invasive grass and weeds

As described within the original project description for UP 22-06 (Attachment 1), the project includes operation of four 197-foot-tall MET towers (reduced to two as stated in the Executive Summary of this report) to collect wind energy data for a potential permanent site. The project site is accessible from Morgan Valley Road (a paved County maintained road), which connects with Butte Rock Ranch Road (a private unpaved road) which provides access to the sites (Figures 1 and 2). The total footprint for each tower is 0.03 acres, or about 1,307 sq. ft. For maximum safety, the towers are painted orange and aviation white, with visibility balls on the guy wires.

As mentioned previously, all construction was completed in 2023, and data collection has begun. The applicant requests to operate the towers for six more years, extending the date from the original approval to August 25, 2030.

Figure 1: Vicinity Map

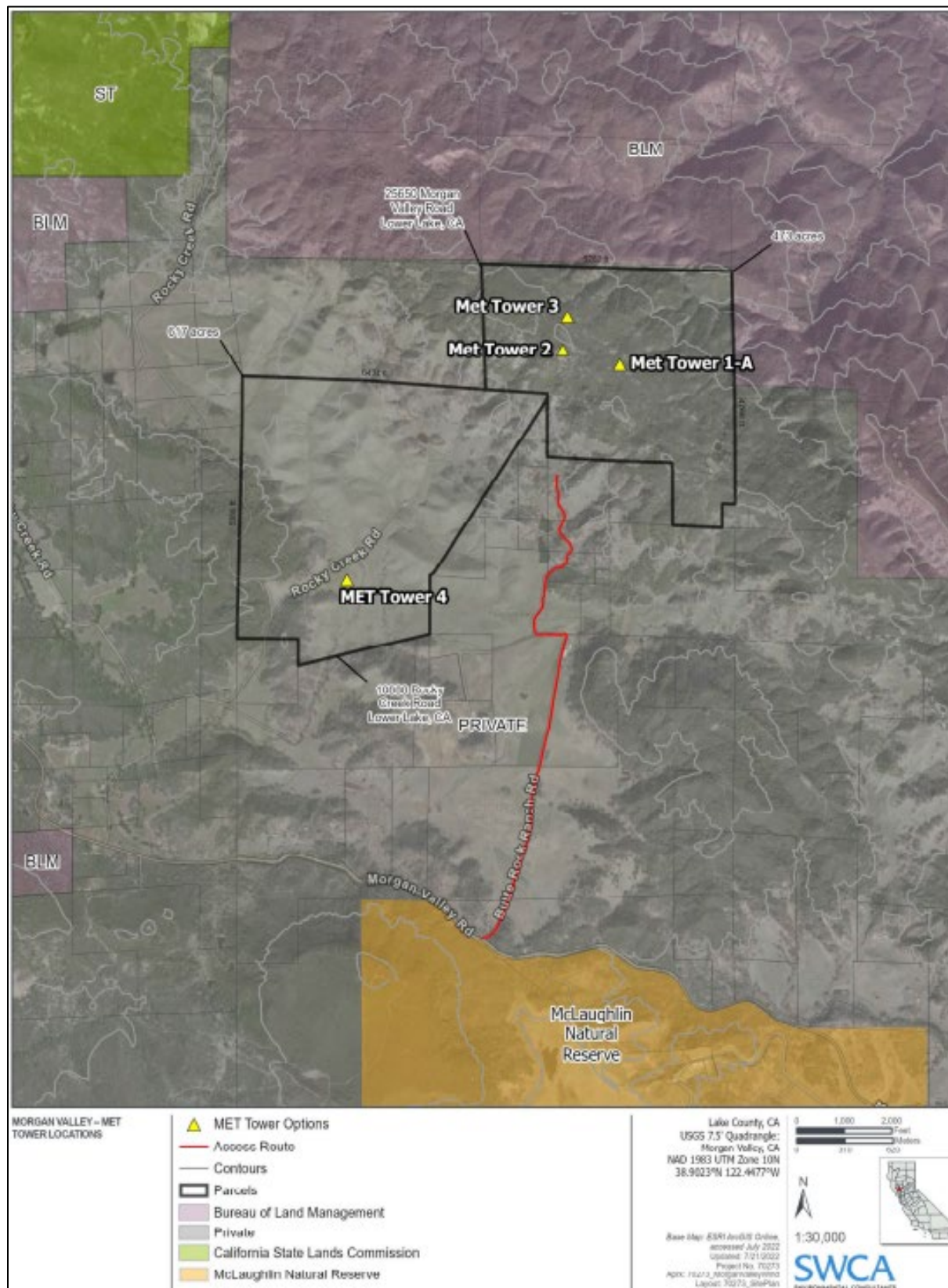


Source: Lake County GIS Mapping 2023.

PROJECT SETTING

As described in detail in the August 25, 2022, staff report (Attachment 1), property in the project vicinity consists of private land and federal land managed by the Bureau of Land Management. The land within proximity to the project site is zoned Rural Lands, Agriculture and Open Space; and is primarily undeveloped land, with a few scattered single-family residences. The project site and general area has varied slopes ranging from 0 to greater than 30%. Both soil types are characterized by rapid erosion rates and high shrink-swell potential. The majority of APN 012-014-08 and approximately 40% of APN 012-014-02 has serpentine soils. Prior to grading for installation of the towers in 2023, the applicant submitted a Serpentine Dust Control Plan to the Lake County Air Quality Management District.

Figure 2: Site Map



Source: SWCA Environmental Consultants, 2021.

PROJECT ANALYSIS

According to the staff report prepared for UP 22-06, the project was deemed consistent with the Lake County General Plan and Zoning Ordinance. The proposed amendment would allow for a 6-year extension and there would be no modification to the previously proposed property. Below is a summary of the analysis prepared under UP 22-06 which would remain valid under the extension for UP 24-14, as no modifications to the approved project plans or operation are proposed.

General Plan Conformance

According to the Lake County 2008 General Plan, the land use designations for the two parcels are Agricultural and Rural Lands. The Agricultural land use category includes areas with prime farmland, vineyard soils and grazing lands, along with areas characterized by steep slopes and limited services, while Rural Lands is intended to allow rural development in areas that are primarily in their natural state, although some agricultural production, especially vineyards, can occur on these lands. These two designations allow for utilities with an approved major use permit, which the Applicant was approved for on August 25, 2022. The following General Plan goals and policies are applicable to the proposed project.

Chapter 5 Public Facilities & Services

Goal PFS-6: To ensure that adequate and efficient public utilities are provided to meet the needs of residents and businesses in the County

Policy PFS-6.1 Electric Service: The County shall coordinate with electricity providers in planning for the timely expansion of electrical facilities to meet future demand, and for projects affecting public health, schools, or for significant air emissions reductions.

Policy PFS-6.2 Appropriate Siting of Electric Facilities: The County shall coordinate with electricity providers to locate transmission systems that minimize environmental and other impacts.

Response: Meteorological towers are important for the County to provide valuable information on weather patterns, such as wind speeds. The towers can detect wind speeds and provide data to support an analysis to determine the feasibility of alternative sources of energy production (via permanent wind turbines) in the County of Lake.

Lower Lake Area Plan Conformance

According to the 2022 staff report, the Lower Lake Area Plan does not address planning elements for alternative energy sources such as wind turbines. However, the following objective and policy would apply to the project.

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.

Policy 5.1c-1: Land use planning decisions should encourage the efficient and cost-effective development of public services in the planning area.

Response: Approval of UP 22-06 allows for four MET towers, which was recently reduced to two, that will collect wind data to determine if future renewable energy is viable at this location. This would support the future provision of energy to the Lower Lake area.

Zoning Ordinance Conformance

Under the previous approval for UP 22-06, the project was determined to meet all applicable requirements found within County of Lake Zoning Ordinance for the following: Article 4 – Agricultural Preserve Zone “APZ” Zoning District; Article 7 – Rural Lands “RL” Zoning District; Article 5 – Agriculture “A” Zoning District; Article 37 – Waterway “WW” Combining Zoning District.

The towers are taller than the height allowed by the County of Lake for accessory structures in the Rural Lands “RL” zoning district. The functionality of the towers relies on height to obtain accurate weather readings. The towers were permitted pursuant to Article 42, Sections 42.12 and 42.14 “Height Exceptions” if they meet all applicable standards and criteria for a major use permit. These zoning code sections allow structures more than accessory structure allowable heights in the Agriculture “A”, Agricultural Preserve Zone “APZ”, and Rural Lands “RL” zoning districts subject to a major use permit. The functionality of the towers relies on height to obtain accurate weather readings.

As proposed, the project is in compliance with the Lake County Municipal Code Zoning Ordinance Article 60, Section 21-60.20, subsection 60.33 which states:

Reapplication for amendment of permits: Any permit pursuant to this Chapter may be amended by the granting of a new permit of the same type and following the same procedure for adoption of the original permit, except as specifically provided for in this Chapter. Amendments to permits may include extensions of expiration periods as provided for in Section 60.10 and changes in uses, structures, and conditions previously approved; however, any change in conditions must be approved by the Review Authority that originally adopted such conditions.

FINDINGS FOR APPROVAL

Major Use Permit (Article 51, Section 51.4a)

Major Use Permit (UP 22-06) was found to meet all required findings for approval. The conditions of approval for this extension allow for a six-year extension (Attachment 2). 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.

Response: The following finding for UP 22-06 is still accurate and correct under UP 24-14. The proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the person residing and/or working within the vicinity as no potential environmental impacts have been determined to be present with this project. The site is not located in a scenically designated area. There are no observed sensitive biological species on the site. The site is roughly 1091 acres in size (about 45,500,000 sq. ft.); the towers have a combined footprint of 5,000 sq. ft.

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.

Response: Major Use Permit UP 24-14 does not propose any changes to previously approved UP 22-06 and therefore the following still applies. The project site is approximately 1091 acres in size (both parcels combined) with slopes that range from less than 10% to greater than 30%. The site is located in an area of the county where the majority of parcels are undeveloped.

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

Response: The following finding is still accurate under UP 24-14, as no changes to UP 22-06 are being proposed. The site is accessed by Morgan Valley Road, a paved county-maintained road, which connects with Butte Rock Ranch Road, an unpaved private road. The towers are unmanned, and it is anticipated that one vehicle trip per month will occur to conduct routine tower maintenance. The towers are temporary and will be used for and additional 6 years. A condition of approval shall be added requiring the site to be restored to its present condition following the removal of the towers.

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.

Response: This finding would remain the same under UP 24-14. The project site is served by an existing onsite waste disposal system (septic) and onsite well(s) and has adequate emergency service protection through South Lake Fire Protection District (CalFire), the County of Lake Sheriff's Office and the California Highway Patrol (CHP).

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.

Response: Approval of the major use permit will ensure consistency with the County of Lake General Plan, Lower Lake Area Plan (which is silent on this type of use), and the Lake County Zoning Ordinance as a permitted use in the “APZ” - Agricultural Preserve Zone, “A” Agricultural, and “RL” Rural Lands Zoning Districts subject to issuance of a Major Use Permit.

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.

Response: A check of the County’s Accela database for violations was performed and none were found.

AGENCY COMMENTS

Major Use Permit UP 22-06 was routed to all applicable Lake County Departments and other entities with interest or jurisdiction over the project. Additionally, Major Use Permit 24-14 (previous application UPX 24-01 was changed to Major Use Permit 24-14) was routed to all of the following Lake County Departments, State Agencies, and affiliated tribes: Lake County Fire Protection District CAL FIRE, Community Development Department, Building Division, Public Works, Special Districts, Environmental Health, Water Resources, California Department of Transportation, California Fish and Wildlife Service, Air Quality Management District, and all area Tribes. Agency comments are attached as Attachment 3. No adverse comments were received from any notified agency regarding granting the proposed six-year extension.

PUBLIC COMMENTS

Major Use Permit UP 22-06 was routed to all interested parties including surrounding property owners. Additionally, Major Use Permit 24-14 (previous application UPX 24-01 was changed to Major Use Permit 24-14) was routed to the same interested parties and one comment was received (Attachment 4).

ENVIRONMENTAL REVIEW

It was concluded under Major Use Permit UP 22-06 that given the project’s small footprint and negative findings within the cultural and biological resources reports that were conducted, the project was exempted (CE 22-12) under California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15303(e), Class 3 New Construction or Conversion of Small Structures. A Notice of Exemption was filed on June 23, 2022. Because there will be no changes to the previous approved activities for Major Use Permit UP 22-06, Major Use Permit UP 24-14 may rely on CE 22-12 per California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15153(b).

RECOMMENDATION

Staff recommends that the Planning Commission approve the project with the following findings:

A. Approve of Major Use Permit UP 24-14 with the following findings:

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.
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.
3. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use.
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.
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.
6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property.

Sample Motions:**Major Use Permit**

I move that the Planning Commission find Major Use Permit UP 24-14, amending UP 22-06, does meet the requirements of Sections 51.4 and 60.33 of the Lake County Zoning Ordinance and grant Major Use Permit UP 24-14 subject to the conditions and with the findings listed in the staff reports dated February 15, 2025, and August 25, 2022.

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, 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 Commission's final determination.