



**COUNTY OF LAKE**  
COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Division  
Courthouse - 255 N. Forbes Street  
Lakeport, California 95453  
Telephone 707/263-2221 FAX 707/263-2225

Item #1  
9:05 A.M.  
September 28, 2017

## STAFF REPORT

**TO:** Planning Commission  
**FROM:** Robert Massarelli, Community Development Director  
Prepared by: Peggy Barthel, Assistant Resource Planner  
**DATE:** September 14, 2017  
**SUBJECT:** Bell Haven Homeowners Association Lakebed Encroachment Permit  
CEQA Initial Study IS17-21  
Supervisory District 4  
**ATTACHMENTS:** 1. Site Map  
2. Memorandum from Philip Moy, Water Resources Director  
3. Initial Study IS17-21  
4. Public Comments  
5. Recommended Mitigation and Monitoring Plan

### **I. PROJECT DESCRIPTION**

Project Name: Bell Haven Homeowners Association Lakebed Encroachment Permit  
Application: Lakebed Encroachment Permit, Initial Study  
Applicant: Bell Haven Homeowners Association  
3400 Dillard Ave, Kelseyville, CA 95451

Project Summary: The Applicant proposes to replace the existing ramp and floating dock system and create a contiguous elevated dock and pavilion with ramps down to a covered floating boat lift and a floating boat dock. The new dock features would necessitate installing 21 8" steel pilings. Lighting would also be installed to illuminate the dock deck and pavilion. The parcel currently has a private dock facility, composed of an elevated dock with a ramp down to a floating dock. The existing dock facilities occupy 1,457 square feet. The proposed facilities would occupy 3,063 square feet, increasing the floating dock area by 401 square feet and the elevated dock area by 1,205 square feet.

The rehabilitation is proposed to protect people and property from harm. The Applicant is taking this opportunity to upgrade its facilities with amenities to better serve property owners and guests.

Location: 6460 Soda Bay Drive, Kelseyville, CA  
APN: 044-030-01  
Zoning: "O-FF" Open Space-Floodway Fringe  
General Plan: Public Facilities

Flood Zone: Flood Zone AE: this parcel is in an area of 100-year flood; base flood elevation and flood hazard factors determined. Parcel is mapped within the Floodway Fringe Combining District.

Slope: Less than 10% slope

## **II. CLEAR LAKE SHORELINE ORDINANCE**

Construction, alteration, removal, maintenance, and use of any structure within the nearshore and foreshore, and alteration or use of the Lake or lands within the nearshore and foreshore shall be in compliance with the terms of the Clear Lake Shoreline Ordinance. Permits shall be granted or denied in conformity with the standards and provisions set forth in the Ordinance.

No person shall undertake or carry out any of the following activities within the nearshore or foreshore without first obtaining an administrative encroachment permit from the Lakebed Management.

- (A) Constructing or placing any pier, boat ramp, boat launching facility, navigational structure, buoy, jetty, breakwater, marina, harbor, shorezone protective structure, or any other improvement, a portion of which lies within the foreshore or nearshore. The terms "construction or placement" include any additions or alterations to existing structures.
- (B) Filling or dredging.
- (C) Constructing or placing in the lake any cable, pipeline or subaqueous conduit.
- (D) Any use, operation, or activity with a significant impact on the public trust purposes of commerce, navigation, recreation, and fisheries.
- (E) Beach clearing.

In accordance with the Clear Lake Shoreline Ordinance, applications for permits for above-listed projects which require an Initial Study to comply with the provisions of CEQA shall be submitted by the Community Development Department to the Planning Commission for action thereon when said application is deemed to be complete. The Planning Commission shall take final action whether to approve the project with appropriate findings, to require modification and mitigation of the negative impacts of the project, or to reject such application.

## **III. CLEAR LAKE SHORELINE ORDINANCE APPLICATION REQUIREMENTS**

The application for a shoreline encroachment permit was reviewed by Lake County Lakebed Management for consistency with the Clear Lake Shoreline Ordinance. Attachment 2 provides the determination prepared by Lakebed Management. Lakebed Management determined the project complies with the Clear Lake Shoreline Ordinance and submitted the application to the Community Development Department for CEQA review. A CEQA Initial Study was completed for the project, as discussed in Section VI below and included as Attachment 3. The Applicant provided additional reports and information as requested for completion of the Initial Study.

- (A) Applicants for any permit required pursuant to the terms of this chapter shall submit the application and information required to Lakebed Management. No permit shall be issued unless the application is complete and there is compliance with all the requirements of this chapter.

**Complete application was received by Lakebed Management.**

(B) Information Report.

- (1) Applicants for any permit required pursuant to the terms of this chapter shall provide such information and reports as are required by Lakebed Management. In establishing the information and reports that shall be provided, Lakebed Management shall require such information and reports as will demonstrate the applicant's compliance with the provisions of this chapter and as will adequately depict:
- (a) The site;
  - (b) The proposed construction or use and the nature thereof;
  - (c) Existing conditions on and near the site;
  - (d) Probable effects on the environment of the proposed construction or use;
  - (e) Wetlands in the area; and
  - (f) The location of the property lines relative to the proposed project.
- (2) Lakebed Management shall require a site water quality plan to be prepared that will detail procedures for containment when control of pollutants and/or erosion is required.
- (3) Lakebed Management shall submit permit applications to Community Development Department for CEQA Review.
- (4) When the Community Development Department determines that the proposed construction or use, because of its sensitive nature or proposed location, poses potentially significant environmental hazards, it shall require the applicant to provide such scientific analysis and expert opinion as will adequately explore the same.
- (a) This information may be required in the form of an Initial Study or Environmental Impact Report pursuant to the requirements of the California Environmental Quality Act (CEQA); and
  - (b) The Community Development Department may also require other information, feasibility studies, reports or environmental studies consistent with the Lakebed Encroachment Permit Environmental Review Policy as are reasonably necessary to evaluate shorezone applications.

**IV. CLEAR LAKE SHORELINE ORDINANCE STANDARDS FOR REGULATING USES, OPERATIONS, CONSTRUCTION, AND ALTERATIONS, AND ACTIVITIES ON THE LAKE**

23.5-1 Before Lakebed Management shall issue any administrative encroachment permit, it must be established that the proposed use, operation, alteration, construction, or activity will not cause significant harm to:

- (A) The water quality of the lake, including but not limited to its clarity, temperature, color, taste and odor.

**The project will not adversely affect water quality.**

(B) The nearshore and foreshore.

**The project will not adversely affect the nearshore or foreshore.**

(C) The land underlying the lake.

**The project will not adversely affect the lakebed.**

(D) Fish and other aquatic forms of life, their habitats, their breeding and spawning grounds.

**Potential impact to immature hitch in the nearshore and foreshore areas will be avoided by the seasonal timing of construction activities.**

(E) The natural beauty of the area.

**The project will not adversely affect the natural beauty of the area.**

(F) Navigation, safety, or health.

**The project will not adversely affect navigation, safety, or health.**

(G) The long-term preservation of the project site in its natural condition.

**No significant harm will be caused by this project.**

(H) Archeological or historical resources of state-wide significance.

**No archaeological or historical resources of state-wide significance have been identified.**

(I) The wetlands.

**No wetlands are identified in the location of the project.**

**A CEQA Initial Study was completed for the project, as discussed in Section VI below. Potential environmental impacts will be reduced to less than significant with Conditions of Approval and Mitigation Measures identified in the Mitigation and Monitoring Plan.**

23.5-2 Before Lakebed Management shall issue any administrative encroachment permit, it shall find that the proposed use, operation, alteration, construction, or activity will:

(A) Be in furtherance of general statewide interest.

**The project will further the general statewide interest.**

(B) Not be inconsistent with the public rights of commerce, navigation, fishery, recreation, and preservation of the project site in its natural state.

**The project is consistent with public rights and preservation of the natural state of the site.**

(C) Not result in substantial interference with public use of the lake's navigable waters.

**The project will not interfere with navigation.**

(D) Be supported by sufficient accessory uses to accommodate the proposed construction or use.

**The project will be used as proposed by the Applicant.**

(E) Not violate any other provision of law.

**The project does not violate any laws.**

(F) Not be incompatible with existing nearshore and foreshore uses or structures on or in the immediate vicinity of the littoral parcel.

**The project is consistent with nearby shorezone uses.**

**V. CLEARLAKE SHORELINE ORDINANCE PIERS, DOCKS, BUOYS, BOAT RAMPS AND LAUNCHING FACILITIES**

23.6-1 Location of Piers, Docks, Buoys, Boat Ramps, and Launching Facilities. Piers, docks, buoys, boat ramps, and launching facilities, shall be located such that the standards established in Sections 23-5.1 and 23-5.2 are not violated. No pier shall be located in such a manner as to interfere with the littoral rights of adjoining property owners.

(A) Where permanent structures are to be approved in order to provide lake access through wetland areas, the use of piers or elevated rail ramps is required to reduce the loss of wetland habitat.

**The proposed structure will utilize existing nearshore pilings, consequently no nearshore vegetation will be affected and there are no wetlands in the vicinity of the proposed construction. Because the proposed work will utilize the existing dock infrastructure and the original structure complied with property line setbacks, the proposed work will comply with the Clear Lake Shoreline Ordinance. In 2000, the Planning Commission approved a variance for the Bell Haven Resort dock such that it could extend 182 feet beyond zero Rumsey, this is 82 feet longer than normally allowed. This extension was required to allow guests to safely moor their boats in the shallow waters of Soda Bay. The proposed work will not extend the length of the structure beyond the approved variance and will not interfere with the littoral access rights of adjoining property owners.**

23.6-2 Placement of Piers, Docks, Buoys, Boat Ramps, and Launching Facilities. The placement of all piers, docks, buoys, boat ramps or launching facilities shall be permitted only within an area and to a depth defined as follows:

(A) An area within lines extended parallel to and ten feet (10') inward of property lines extending lakeward from the high water mark (7.79 feet Rumsey) into the foreshore and nearshore. Lakebed Management may require verification of the location of the property lines by a legal record of survey. Piers, docks, buoys, boat ramps and launching facility structures shared by two (2) adjacent properties or more may qualify for a zero lot line setback."

**In 2000, the Planning Commission approved a variance for the Bell Haven Resort dock such that it could extend 182 feet beyond zero Rumsey, this is 82 feet longer than normally allowed. This extension was required to allow guests to safely moor their boats in the shallow waters of Soda Bay. The proposed work will not extend the length of the structure**

**beyond the approved variance and will not interfere with the littoral access rights of adjoining property owners.**

(B) To a depth necessary for the safe mooring of a boat.

**In 2000, the Planning Commission approved a variance for the Bell Haven Resort dock such that it could extend 182 feet beyond zero Rumsey, this is 82 feet longer than normally allowed. This extension was required to allow guests to safely moor their boats in the shallow waters of Soda Bay. The proposed work will not extend the length of the structure beyond the approved variance and will not interfere with the littoral access rights of adjoining property owners.**

23.6-3 Types and Numbers of Piers, Docks, Buoys, Boat Ramps, and Launching Facilities. For purposes of this chapter, contiguous parcels under the same ownership shall be considered a single parcel, except as provided in subsection 6.3(E), below.

(A) An owner of a littoral parcel may be permitted to construct one pier or dock and one or two launching facilities other than a boat ramp within the area described in Section 23-6.2 for use in connection with the parcel by an individual or a family and guests if such pier, dock or launching facility will not violate the standards established in Sections 23-5.1, 23-5.2 or 23-6.1.

**The Bell Haven Resort is a commercial enterprise, consequently section 26.6-3(A) does not apply.**

(B) An owner of a littoral parcel may be permitted to construct one boat ramp within the area described in Section 23-6.2, for use in connection with the parcel by an individual or a family and guests if such boat ramp will not violate the standards established in Sections 23-5.1, 23-5.2 or 23-6.1.

**No boat ramp is proposed.**

(C) Regulatory Buoys. An owner of a littoral parcel may be permitted to install one or more regulatory buoys within the area described in Section 23-6.2 if such buoy will not violate the standards established in Sections 23-5.1 or 23-5.2. More than one regulatory buoy may be permitted only if the application is reviewed and approved with appropriate findings by Lakebed Management.

**No regulatory buoys are proposed.**

(D) Mooring Buoys. An owner of a littoral parcel may be permitted to install one mooring buoy within the area described in Section 23-6.2 for use in connection with the parcel by an individual or family and guests if such buoy will not violate the standards established in Sections 23-5.1 or 23-5.2.

**No mooring buoys are proposed.**

(E) Homeowner's Associations, Condominium and Townhouse Developments, Mobile Home Parks, Resorts and Commercial Properties.

(1) If a homeowner's association, condominium or townhouse development or mobile home park owns contiguous littoral parcels as common property for its residents, guests or tenants, it may be permitted to construct one pier or dock and two (2) launching facilities, other than a boat ramp, for use in connection with the parcels by its residents, guests or tenants if such pier, dock or launching facility will not violate the standards established in Sections 23-5.1, 23-5.2 or 23- 6.1.

**The proposed structure is consistent with this section of the Clear Lake Shoreline Ordinance that applies to commercial properties. The proposed structure consists of a single existing pier and expansion of the lakeward end of the facility to include a launching facility (boat lift), a second dock and a pavilion.**

(2) If a resort or commercial property owns contiguous littoral parcels for the use of its residents, guests, or tenants, it may be permitted to construct two (2) piers or docks and two (2) launching facilities, other than a boat ramp, for use in connection with the parcels by its residents, guests or tenants, if such piers, docks or launching facilities will not violate the standards established in Sections 23-5.1, 23- 5.2 or 23- 6.1. The second pier or dock shall be for the use of non-boating activities.

**No new facilities are proposed; the project proposes to increase the width of the existing pier.**

(3) A single pier or dock with more than one launching facility may be placed within the area described in Section 23-6.2 if the application is reviewed and approved with the appropriate findings by the Planning Commission as provided by Section 23-4.6 (B). More than one boat ramp shall not be permitted.

**No new facilities are proposed; the project will maintain the existing structure and widen the lakeward end of the pier.**

(4) For any proposed multiple launching facility, the structure shall not cover more than fifty percent (50%) of the shoreline frontage of the parcel or two hundred feet (200'), whichever is most limiting.

**The proposed structure will be 75 feet in width. Lakebed management Staff determined that the shoreline frontage of the Bell Haven parcel is 150 feet. Therefore, the proposed structure complies with the Clear Lake Shoreline Ordinance.**

#### 23.6-4 Construction.

(A) A pier or dock shall not be permitted that includes a rockfilled cribbing, sheet piling, closely spaced wood or metal pilings or any other construction that would significantly impair water circulation. To permit free circulation of water, piers or docks shall be floating or shall be built on a foundation which is at least ninety percent (90%) open.

**Complies**

- (B) Only those materials having no deleterious effect upon water quality shall be used in the construction of any nearshore or foreshore structure. The work site shall be kept free of waste materials which could enter the water. Toxic materials, including oil, fuel oil, gasoline, coolant, fluid filters, and other contaminants shall be transported off site and disposed of at an approved facility.

**Complies**

- (C) Regulatory buoys and mooring buoys shall be of a type approved by regulations of the U. S. Coast Guard. Vessels attached to mooring buoys shall conform to Title 14, Section 6600.1 of the California Code of Regulations.

**Not applicable.**

- (D) Fish houses located on docks or piers shall be open on at least one side unless they occupy an area no greater than one hundred (100) square feet.

**Not applicable.**

- (E) Construction methods shall minimize disturbance of the underlying lands of Clear Lake and shall eliminate any subsequent siltation or other pollution resulting from the construction operations. Lakebed management may require pre-approval of construction methods and a site water quality plan.

**Complies**

- (F) No structure within the nearshore or foreshore shall be constructed of any material which could subject members of the public to unreasonable risk of harm.

**Complies**

- (G) All floating structures shall be clearly marked with the owner's name and address.

**Complies**

- (H) All new structures shall be clearly marked with the street address of the property so that the address is visible from the water.

**Complies**

**23.6-5 Size.**

- (A) Length. Piers or docks shall not extend beyond a point where the water depth is greater than ten feet (10') when the lake is at a level of zero on the Rumsey Gauge or that length necessary to dock or service the proposed number of boats, or one hundred feet (100') measured lakeward from Zero Rumsey perpendicular to the shoreline, whichever is most limiting.

**The existing structure extends 182 feet beyond zero Rumsey as permitted in a variance issued by the Planning Commission; however neither the existing structure nor the proposed addition will exceed a depth of minus ten feet Rumsey.**

(B) Height. No portion of any pier, dock or accessory thereto shall exceed a height of twenty feet (20') above zero on the Rumsey Gauge.

**The height of the proposed structure will not exceed 20 feet Rumsey.**

(C) Width.

(1) The width of a residential pier or dock, including all of its parts, shall not exceed fifty percent (50%) of the shoreline frontage of the parcel or thirty-five feet (35'), whichever is most limiting.

**The proposed width of the structure is compliant with the regulations for a commercial property.**

(2) The width of a single lane boat ramp shall not exceed fourteen feet (14').

**Not applicable.**

23.6-6 Safety Devices. Lakebed Management may require piers or docks in the nearshore or extending lakeward from the nearshore to display in a conspicuous manner hazard lighting or similar devices as aids to navigation of a type approved by regulation of the United States Coast Guard.

**The proposed structure will not extend so far into the lake as to create a navigation hazard.**

23.6-7 Lost, Abandoned and Unsecured Floating Structures.

(A) All floating structures placed or constructed upon the waters of Clear Lake must be securely attached to an immovable structure to prevent the floating structure from becoming a navigational hazard.

**The floating portions of the proposed structure will be affixed to anchored parts of the structure and consequently are in compliance with the Clear Lake Shoreline Ordinance.**

(B) Any unattended, lost, abandoned or unsecured structure found floating upon the waters of Clear Lake or in the nearshore or foreshore of the lake that has a value less than two hundred dollars (\$200.00) may be removed by any police agency of a city, the Sheriff of Lake County, or the staff of Lakebed Management. The recovered structure may be disposed of at the discretion of the agency that removed it.

**Not applicable.**

(C) Any unattended, lost, abandoned, or unsecured structure found floating upon the waters of Clear Lake or in the nearshore or foreshore of the lake that has a value in excess of two hundred dollars (\$200.00) shall be removed by Lakebed Management and stored for a period of three (3) months. If at the end of the three (3) months, no owner appears and proves his ownership, Lakebed Management shall cause a notice of the lost structure to be published at least once in a newspaper of general circulation. If, after seven (7) days following the first publication of the notice, no owner appears and proves his ownership, the structure shall be used by the County of Lake as it deems proper, or sold by the

Purchasing Agent of Lake County. If the Purchasing Agent is unable to sell any such structure, it may be disposed of at the discretion of Lakebed Management.

**Not applicable.**

- (D) Before any such structure is returned to its owner, or the proceeds from the sale of any such structure are deposited into the County Treasury, the owner or the Purchasing Agent shall pay to the Lakebed Trust Fund storage fees at the rate of ten cents (\$0.10) per square foot of structure per day of storage, reasonable costs for towing and transporting such structure to the place of storage, and the cost of publication of any notice required by this section.

**Not applicable.**

**VI. ENVIRONMENTAL ANALYSIS**

A CEQA Initial Study for this project was completed (Attachment 3). Comments were received from the public and are included as Attachment 4. Recommendations and mitigation measures provided in IS17-21 were incorporated into the Mitigation and Monitoring Plan (Attachment 5) to reduce potential environmental impacts.

Implementation of and compliance with project mitigation measures and conditions of approval identified in the CEQA Initial Study and the Mitigation and Monitoring Plan, as outlined below, would avoid or reduce potential impacts to less than significant levels.

1. AESTHETICS

**No potentially-significant impacts were identified. Conditions are in place to ensure that lighting will not cause significant impacts.**

2. AGRICULTURE AND FORESTRY RESOURCES

**No potentially-significant impacts were identified.**

3. AIR QUALITY

**No potentially-significant impacts were identified.**

4. BIOLOGICAL RESOURCES

**Potential impacts will be reduced to less than significant with Mitigation Measures identified in the Mitigation and Monitoring Plan.**

5. CULTURAL RESOURCES

**No cultural resources are identified. Conditions are in place to ensure that activity is halted and proper authority is consulted in case of discovery of cultural resources.**

6. GEOLOGY AND SOILS

**No potentially-significant impacts were identified.**

7. GREENHOUSE GAS EMISSIONS

**No potentially-significant impacts were identified.**

8. HAZARDS & HAZARDOUS MATERIALS

**No potentially-significant impacts were identified.**

9. HYDROLOGY & WATER QUALITY

**No potentially-significant impacts were identified.**

10. LAND USE & PLANNING

**No potentially-significant impacts were identified.**

11. MINERAL RESOURCES

**No potentially-significant impacts were identified.**

12. NOISE

**No potentially-significant impacts were identified. Conditions are in place to ensure that construction will not cause significant noise impacts.**

13. POPULATION & HOUSING

**No potentially-significant impacts were identified.**

14. PUBLIC SERVICES

**No potentially-significant impacts were identified.**

15. RECREATION

**No potentially significant impacts were identified.**

16. TRANSPORTATION/TRAFFIC

**No potentially-significant impacts were identified.**

17. TRIBAL CULTURAL RESOURCES

**No cultural resources are identified. Conditions are in place to ensure that activity is halted and proper authority is consulted in case of discovery of cultural resources.**

18. UTILITIES & SERVICE SYSTEMS

**No potentially-significant impacts were identified.**

## **VII. RECOMMENDATION**

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

### **A. Adopt a mitigated negative declaration for a Lakebed Encroachment Permit with the following findings:**

1. Potential environmental impacts related to biological resources have been mitigated to insignificant levels by use permit condition section C.
2. Potential environmental impacts related to timing and monitoring have been mitigated to insignificant levels by use permit conditions section F.
3. This project is consistent with land uses in the vicinity.
4. This project is consistent with the Clear Lake Shoreline Ordinance with the incorporated mitigations and conditions of approval.
5. As mitigated, this project will not result in any significant adverse environmental impacts.

### **B. Approve Lakebed Encroachment Permit with the following findings:**

1. The proposed use, operation, alteration, construction, or activity will not cause significant harm to:
  - (A) The water quality of the lake, including but not limited to its clarity, temperature, color, taste and odor.
  - (B) The nearshore and foreshore.
  - (C) The land underlying the lake.
  - (D) Fish and other aquatic forms of life, their habitats, their breeding and spawning grounds.
  - (E) The natural beauty of the area.
  - (F) Navigation, safety, or health.
  - (G) The long-term preservation of the project site in its natural condition.
  - (H) Archeological or historical resources of state-wide significance.
  - (I) The wetlands.
2. The proposed use, operation, alteration, construction, or activity will:
  - (A) Be in furtherance of general statewide interest.
  - (B) Not be inconsistent with the public rights of commerce, navigation, fishery, recreation, and preservation of the project site in its natural state.
  - (C) Not result in substantial interference with public use of the lake's navigable waters.
  - (D) Be supported by sufficient accessory uses to accommodate the proposed construction or use.

- (E) Not violate any other provision of law.
- (F) Not be incompatible with existing nearshore and foreshore uses or structures on or in the immediate vicinity of the littoral parcel.

**Sample Motions:**

**Mitigated Negative Declaration**

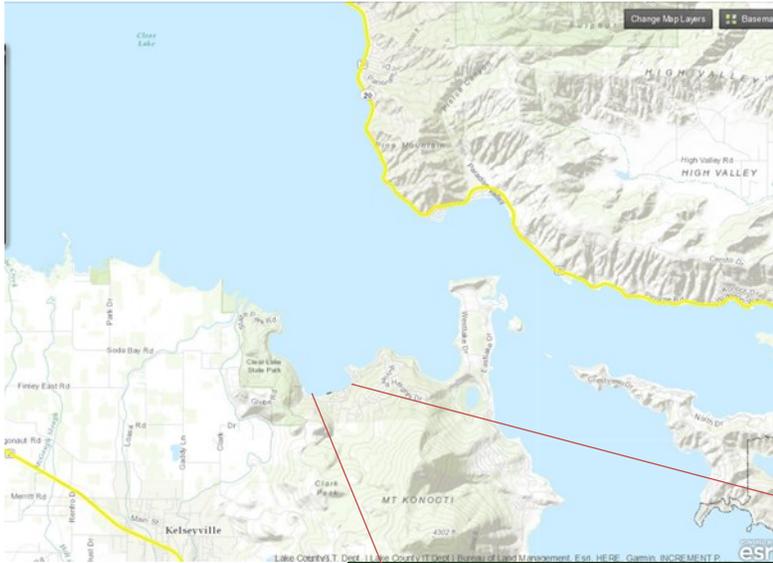
I move that the Planning Commission find on the basis of the Initial Study (IS17-21) prepared by the Planning Division and the mitigation measures and conditions of approval which have been added to the project, that the Lakebed Encroachment Permit as applied for by the Bell Haven Homeowners Association will not have a significant effect on the environment and therefore a mitigated negative declaration shall be issued with the findings listed in the staff report dated September 14, 2017.

**Lakebed Encroachment Permit Approval**

I move that the Planning Commission find that the Lakebed Encroachment Permit applied for by the Bell Haven Homeowners Association on property located at 6460 Soda Bay Drive, Kelseyville does meet the requirements of the Clear Lake Shoreline Ordinance and that the Planning Commission has reviewed and considered the Mitigated Negative Declaration which was adopted for this project and the Lakebed Encroachment Permit be granted subject to the conditions and with the findings listed in the staff report dated September 14, 2017.

NOTE: The applicant or any interested person is reminded that the Clear Lake Shoreline 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.

Reviewed by:\_\_\_\_\_





**COUNTY OF LAKE**  
**WATER RESOURCES DEPARTMENT**  
255 N. Forbes Street  
Lakeport, California 95453  
Telephone 707-263-2344  
Fax 707-263-1965

**Philip B. Moy, PhD**  
Water Resources Director

MEMORANDUM

TO: Robert Massarelli, Community Development Director

FROM: Philip Moy, Water Resources Director

DATE: 7 September, 2017

SUBJECT: Lakebed Management determinations for the Bell Haven Resort lakebed encroachment permit application.

Lakebed Management received the original Dohring lakebed encroachment permit application on April 17, 2016. The complete application was received in August, 2016.

It was initially unclear as to whether the property was commercial or residential, which affects the size restrictions on the proposed structure. Beyond the issue of size, there were environmental concerns as well. The proposed structure will be 75 feet wide, add 21 pilings and will nearly double the square footage of the existing structure, a significant expansion.

One of staff's first concerns regarded the width of the proposed structure, as residential property docks can be no wider than 35 feet; commercial docks can extend half the width of the shoreline frontage. Working with Mrs. Dohring, staff eventually concluded that the Bell Haven property was commercial. The widest point of the shoreline parcel was determined to be 150 feet, which would allow a 75-foot wide dock; consistent with the shoreline ordinance. Once the application was deemed to be complete and compliant with the shoreline ordinance, it was transferred to the Community Development Department for CEQA review.

Lakebed Management staff considered the potential environmental impacts of the project and determined the most likely adverse impact could be the potential for pile driving to affect young hitch in the nearshore and foreshore areas. Staff recommended that impacts to emergent shoreline vegetation be avoided or minimized and that pile driving be performed in accordance with California Fish and Wildlife guidelines.

23.5-1 Based on the application and discussions with the applicant, lakebed staff concluded the project will not adversely affect water quality, the nearshore or foreshore, the lakebed, navigation, the natural beauty of Soda Bay or the lake, the natural condition of the site or any wetlands. The potential impact to immature hitch in the nearshore and foreshore areas will be avoided by the seasonal timing of construction activities.

23.5-2 Lakebed management staff further determined that the proposed structure will further the general statewide interest, is consistent with public rights and preservation of the natural state of the site, nor will it interfere with navigation and that the structure will be used as proposed by the applicant. The proposed structure will not violate any laws and is consistent with nearby shorzone uses.

23.6-1 and 2 The proposed structure will utilize existing nearshore pilings, consequently no nearshore vegetation will be affected and there are no wetlands in the vicinity of the proposed construction. Because the proposed work will utilize the existing dock infrastructure and the original structure complied with property line setbacks, the proposed work will comply with the shoreline ordinance. In 2000, the Planning Commission approved a variance for the Bell Haven Resort dock such that it could extend 182 feet beyond zero Rumsey, this is 82 feet longer than normally allowed. This extension was required to allow guests to safely moor their boats in the shallow waters of Soda Bay. The proposed work will not extend the length of the structure beyond the approved variance and will not interfere with the littoral access rights of adjoining property owners.

26.6-3 Lakebed management staff concluded that the Bell Haven Resort is a commercial enterprise, consequently section 26.6-3(A) does not apply. No boat ramp, regulatory buoys or mooring buoy are proposed in the application. 26.6-3(E)(1) the proposed structure is consistent with this section of the shoreline ordinance that applies to commercial properties. The proposed structure consists of a single existing pier and expansion of the lakeward end of the facility to include a launching facility (boat lift), a second dock and a pavilion.

23.6-4 Lakebed staff considered the materials and design of the proposed structure and found it to be in compliance with the shoreline ordinance.

23.6-5 As noted above, the existing structure extends 182 feet beyond zero Rumsey as permitted in a variance issued by the Planning Commission; however neither the existing structure nor the proposed addition will exceed a depth of minus ten feet Rumsey. The height of the proposed structure will not exceed 20 feet Rumsey and the proposed width of the structure is compliant with the regulations for a commercial property. No boat ramp is proposed.

23.6-6 The proposed structure will not extend so far into the lake as to create a navigation hazard.

23.6-7(A) Lakebed management determined that the floating portions of the proposed structure will be affixed to anchored parts of the structure and consequently are in compliance with the shoreline ordinance. Sections 23.6-7(B) through (D) are not applicable.



## COUNTY OF LAKE

### COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

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

August 16, 2017

### California Environmental Quality Act

## INITIAL STUDY 17-21

### ENVIRONMENTAL CHECKLIST FORM

1. **Project Title:** Bell Haven Homeowners Association Lakebed Permit
2. **Permit Number:** IS 16-24
3. **Lead Agency Name and Address:** County of Lake  
Community Development Department, Planning Division  
Courthouse – 255 North Forbes Street  
Lakeport CA 95453
4. **Contact Person and Phone Number:** Peggy Barthel, Assistant Resource Planner II (707) 263-2221
5. **Project Location:** 6460 Soda Bay Drive, Kelseyville; APN 044-030-01  
Lucerne Quad Section 6; T13N R8W, M.D.M.
6. **Project Sponsor's Name and Address:** County of Lake  
255 N Forbes St  
Lakeport, CA 95453
7. **General Plan Designation:** Public Facilities
8. **Zoning:** "O" Open Space
9. **Description of Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary).**

The Applicant proposes to replace the existing ramp and floating dock system and create a contiguous elevated dock and pavilion with ramps down to a covered floating boat lift and a floating boat dock. The new dock features would necessitate installing 21 8" steel pilings. Lighting would also be installed to illuminate the dock deck and pavilion. The parcel currently has a private dock facility, composed of an elevated dock with a ramp down to a floating dock. The existing dock facilities occupy 1,457 square feet. The proposed facilities would occupy 3,063 square feet, increasing the floating dock area by 401 square feet and the elevated dock area by 1,205 square feet.

The rehabilitation is proposed to protect people and property from harm. The Applicant is taking this opportunity to upgrade its facilities with amenities to better serve property owners and guests.

The properties associated with the littoral parcel 044-030-01 are zoned Resort Commercial, where accessory structures including piers and boat docks are allowed uses.

A diesel powered, floating steel barge with a Bucyrus Series 22B crane and a free falling 2,700 lb. drop hammer pile-driver would be used to install 21 pilings and transport dock structure modules for disposal and assembly. The free-falling drop hammer pile-driver is the least obtrusive method available for installing pilings. A 1-inch rubber spacer would be placed between the metal piling and the hammer to reduce noise and vibrations and protect the piling during installation. The existing elevated dock would be removed from its pilings (the pilings would remain), and be disposed of by the contractor. The existing dilapidated floating dock would also be removed by the contractor for disposal. Construction is planned between October 15th and be December 24th.

**10. Surrounding Land Uses and Setting: Briefly describe the project’s surroundings:**

The proposed project is located on a littoral parcel adjacent to parcels zoned “CR” Resort Commercial. The proposed project would be provide additions to existing dock facilities.

**11. Other public agencies whose approval is required (e.g., Permits, financing approval, or participation agreement.)**

California Dept. of Fish and Wildlife	---	Lakebed Alteration Agreement
County of Lake Water Resources	---	Lakebed Encroachment Permit
County of Lake Building Department	---	Building Permit

**12. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?** Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission’s Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3 (c) contains provisions specific to confidentiality.

Requests for review of the project were sent to representatives of Middletown Rancheria, Big Valley Pomo, Elem Colony, and Koi Nation. Middletown Rancheria responded that they have no specific comments. They requested that if evidence of human habitation is found as the project progresses, that the work cease and they are notified immediately.



**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- Aesthetics
- Green House Gas Emissions
- Population / Housing
- Agriculture & Forestry
- Hazards & Hazardous Materials
- Public Services
- Air Quality
- Hydrology / Water Quality
- Recreation
- Biological Resources
- Land Use / Planning
- Transportation / Traffic
- Cultural Resources
- Mineral Resources
- Tribal Cultural Resources
- Geology / Soils
- Noise
- Utilities / Service Systems
- Mandatory Findings of Significance

**DETERMINATION: (To be completed by the lead Agency)**

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Initial Study prepared by:  
Peggy Barthel, Assistant Resource Planner

\_\_\_\_\_  
 SIGNATURE

Date: \_\_\_\_\_

Robert Massarelli, Director  
 Community Development Department

## SECTION 1

### EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, and then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance

**KEY: 1 = Potentially Significant Impact**  
**2 = Less Than Significant with Mitigation Incorporation**  
**3 = Less Than Significant Impact**  
**4 = No Impact**

IMPACT CATEGORIES*	1	2	3	4	All determinations need explanation. Reference to documentation, sources, notes and correspondence.	Source Number**
<b>I. AESTHETICS</b> <i>Would the project:</i>						
a) Have a substantial adverse effect on a scenic vista?			X		The project is not located in view of a scenic vista.  There would be temporary visual impact to the site during construction related to the presence of equipment and materials.	1, 2, 3, 4, 5, 6, 7
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X		Soda Bay Road is not considered a state scenic highway. The project is anticipated to have only temporary visual impacts during construction and would not damage visual resources in the area. No trees or rock outcroppings would be disturbed for the project.	1, 2, 3, 4, 5, 6, 7
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X		See response to Section I (a).	1, 2, 3, 4, 5, 6, 7
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X		The proposed project includes lighting to illuminate the elevated dock deck and pavilion. Lighting would not remain on all night. Lights would be set on a timer for hours of predominant nighttime use or turned off when not in use.  All lighting shall be consistent with Zoning Ordinance Section 21-41.8. Lighting shall be kept to the minimum necessary for safety and security purposes and shall be shielded and directed downwards onto the facility and not onto adjacent properties.	1, 2, 3, 4, 5, 6
<b>II. AGRICULTURE AND FORESTRY RESOURCES</b> <i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board.</i> <i>Would the project:</i>						
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	The project site is not on agricultural land.	1, 2, 3, 4, 5, 6, 8, 9, 10, 11
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	The subject parcel is not in a Williamson Act contract.	1, 2, 3, 4, 5, 6, 8, 9, 10, 11

IMPACT CATEGORIES*	1	2	3	4	All determinations need explanation. Reference to documentation, sources, notes and correspondence.	Source Number**
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X	The project would not result in the rezone of forest land, timber land, or Timberland Production lands.	1, 2, 3, 4, 5, 6, 8, 9, 10, 11
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X	The project would not result in the loss or conversion of forest land to a non-forest use.	1, 2, 3, 4, 5, 6, 8, 9, 10, 11
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X	The project would not induce changes to existing farmland that would result in its conversion to non-agricultural use.	1, 2, 3, 4, 5, 6, 8, 9, 10, 11
<b>III. AIR QUALITY</b> <i>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.</i>						
<i>Would the project:</i>						
a) Conflict with or obstruct implementation of the applicable air quality plan?			X		The project is not expected to conflict with an air quality plan. The project would involve limited use of welding equipment to remove the existing elevated dock and to construct new dock structures. There would be temporary impacts to the site during construction related to the presence of equipment and materials.  Motor boats currently use the existing dock, and future motor boat use of the repaired and expanded dock are expected to be consistent with existing use. Potential air quality impacts associated with motor boat exhaust are not likely.	1, 2, 3, 4, 5, 10, 12
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X	See response to Section III (a).	1, 2, 3, 4, 5, 10, 12
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under and applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?				X	The Lake County Air Basin is designated as an attainment area. No criteria pollutants for the project region have been exceeded.	1, 2, 3, 4, 5, 10, 12
d) Expose sensitive receptors to substantial pollutant concentrations?				X	The parcels in the project area are zoned "CR" Resort Commercial with residences and resort-related facilities in the immediate vicinity. The project would involve limited use of welding equipment to remove the existing elevated dock and to construct new dock structures. Construction would be temporary.  Motor boats currently use the existing dock, and future motor boat use of the repaired and expanded dock are expected to be consistent with existing use. Potential air quality impacts associated with motor boat exhaust are not likely.	1, 2, 3, 4, 5, 10, 12
e) Create objectionable odors affecting a substantial number of people?			X		No objectionable odors are expected. Any odors from construction would be temporary.	1, 2, 3, 4, 5, 10

IMPACT CATEGORIES*	1	2	3	4	All determinations need explanation. Reference to documentation, sources, notes and correspondence.	Source Number**
<b>IV. BIOLOGICAL RESOURCES</b> <i>Would the project:</i>						
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X			<p>A <i>Findings Report for Juvenile Clear Lake Hitch Habitat Assessment</i> (Ross Taylor and Associates [RTA]) was prepared in June 2017. Habitat used by juvenile Clear Lake hitch was observed in two of the four plot areas studied the project vicinity. The report noted that the use of this habitat by juvenile hitch may be limited due to the extensive shoreline development to the west of the subject property. The nearly one mile of developed shoreline has isolated this fragmented, yet relatively intact patch of shoreline vegetation. For juvenile hitch to access the shoreline along the project property they would have to migrate through an extensive stretch of barren, low-quality shoreline habitat. RTA noted a weed barrier mat had been placed on the lake bottom of the existing dock and no vegetation was present. Upon conversation with the contractor, RTA reported that the barrier mat could be removed during project implementation, which would increase the natural lake bottom within the proposed project area by 668 square feet.</p> <p>Clear Lake hitch are known to spawn in tributaries like Kelsey and Cole Creeks, which are approximately 2.3 miles away from the proposed project site. CDFW recommends construction between October 15 and January 1 to protect Clear Lake hitch habitat. Construction of this proposed project is planned to begin October 15th and be completed by December 24th.</p> <p>According to Laird (2017), direct project impacts to hitch could occur from the use of a pile-driver installing new pilings. Pile-driving activities may generate in-water noise and vibrations sound exposure/pressure levels that could cause harm or displacement of juvenile hitch from nursery habitat to unprotected waters. Gas-filled organs in fish that are exposed to excessive under water noise or vibrations can rupture. Common underwater sound pressure levels from impact pile driving at 10 meters have been reported to range from 170-205 decibels. Impacts to hitch from noise and vibrations can be avoided if this activity is limited to October 15th through December 31st when juvenile hitch would not be occupying habitats in the littoral zone. During this period, juvenile hitch will most likely be located in pelagic environments away from the project area.</p> <p>Laird also notes that indirect impacts to hitch nursery habitat vegetation could occur because of the partial shade created by the elevated dock structure and by floating dock structures covering vegetation. The existing dock traverses the littoral zone through 75 feet and out to 130 feet (100 feet Rumsey). The emergent and submergent vegetative cover in this area was rated heavy to very heavy (by RTA). The width of the rehabilitated dock would be one foot wider than the existing dock; no impacts to hitch nursery habitat are expected from this dock expansion. The new elevated dock will be extended from 130 to 270 feet (182 feet Rumsey), which is the same footprint currently occupied by a floating dock. The new elevated dock would improve light transmission to any submergent vegetation in this reach (130 to 270 feet), as sunlight will be better able to penetrate the water because there will be more distance between the elevated dock and the water surface.</p> <p><b><u>Mitigation Measures:</u></b></p> <p><b>BIO-1: Work within Clear Lake and the adjacent bank and riparian area shall be confined to the period October 15th to December 31st when juvenile hitch are pelagic.</b></p> <p><b>BIO-2: A qualified biologist shall be on site daily during pile driving to ensure impacts of fish and wildlife habitat are minimized and to determine if any protected species such as hitch are present. CDFW shall be notified if</b></p>	1, 2, 3, 4, 5, 6, 10, 13, 14, 15, 16, 17

IMPACT CATEGORIES*	1	2	3	4	All determinations need explanation. Reference to documentation, sources, notes and correspondence.	Source Number**
					<p>hitch is observed at the project site. If there is a threat of harm to hitch or other aquatic wildlife, the biologist shall halt construction and notify CDFW.</p> <p><b>BIO-3:</b> Prior to initiating pile driving a biologist shall enter the water and attempt to physically move any fish at least 33 feet away from the piling being driven into the lakebed.</p> <p><b>BIO-4:</b> A rubber spacer shall be placed between the metal piling and the hammer to reduce noise and vibrations.</p> <p><b>BIO-5:</b> Peak under-water noise levels from pile driving activities shall not exceed 206 decibels and 187 decibels accumulated Sound Exposure Levels. If pile driving activities exceed the peak noise level threshold or any fish are killed during pile driving activities, all pile driving activities shall cease, and CDFW shall be contacted for further consultation.</p> <p><b>BIO-6:</b> Whenever there has been downtime of 30-minutes or more without pile driving, the contractor shall initiate the driving with a soft-start/ramp-up procedure. For impact driving, an initial set of three strikes shall be made by the hammer at 40-percent energy, followed by a one-minute waiting period, then two subsequent three-strike sets at 40-percent energy, with one-minute waiting periods, before initiating continuous driving.</p> <p><b>BIO-7:</b> The contractor shall take precautions to minimize turbidity/siltation during construction and post-construction periods. Precautions shall include, but are not limited to: best management erosion control practices to stabilize all exposed/disturbed areas within the project site to the greatest extent possible.</p>	
<p>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</p>			X		<p>There is no riparian vegetation on either side of the existing dock itself, as the shoreline is a developed beach and lawn.</p>  <p>The construction footprint would be limited to the immediate vicinity of the dock and the area of shoreline immediately located on either side of the existing dock. Riparian vegetation located further away from the existing dock would not be impacted.</p>	<p>1, 2, 3, 4, 5, 6, 10, 13, 14, 15, 16, 17</p>
<p>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</p>				X	<p>No removal, filling, or hydrological interruption is proposed with this project.</p>	<p>1, 2, 3, 4, 5, 6, 10, 13, 14, 15, 16, 17</p>

IMPACT CATEGORIES*	1	2	3	4	All determinations need explanation. Reference to documentation, sources, notes and correspondence.	Source Number**
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X	Relative to the footprint of Clear Lake, the proposed project area is small and would not impede the ability of any fish or aquatic species to move freely throughout the lake or along the shoreline. The shoreline would not be physically blocked. The proposed construction window is brief (2 to 4 weeks), and construction would only occur during standard daylight work hours. Once construction is complete, the migration of fish or other wildlife species would not be impeded.	1, 2, 3, 4, 5, 6, 10, 13, 14, 15, 16, 17
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X			The Clear Lake hitch was listed as threatened under California Endangered Species Act in 2014. Potential impacts to the Clear Lake hitch, along with mitigation measures, are discussed in Section IV (a).  <b>See Mitigation Measures in Section IV (a).</b>	1, 2, 3, 4, 5, 6, 10, 13, 14, 15, 16, 17
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X	Although Clear Lake hitch was listed as threatened, no habitat conservation plan has been established.	1, 2, 3, 4, 5, 6, 10, 13, 14, 15, 16, 17
<b>V. CULTURAL RESOURCES</b> <i>Would the project:</i>						
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				X	The existing dock is not old enough to be considered a historical structure. The project does not propose excavation. Historic resources are not likely to be located under water in the project area.	1, 2, 3, 4, 5
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?			X		Archaeological resources are not likely to be discovered under water in the project area.  Should any cultural, archaeological or paleontological materials be discovered during construction, the applicant will be required to halt all activity in the vicinity of the find(s), and a qualified archaeologist retained to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Director.	1, 2, 3, 4, 5
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X		See response to Section V (b).	1, 2, 3, 4, 5
d) Disturb any human remains, including those interred outside of formal cemeteries?			X		The project does not propose excavation. Human remains are not likely to be discovered under water in the project area.  The applicant shall immediately contact the Lake County Sheriff's Department and the Community Development Department if any human remains are encountered.	1, 2, 3, 4, 5

IMPACT CATEGORIES*	1	2	3	4	All determinations need explanation. Reference to documentation, sources, notes and correspondence.	Source Number**
<b>VI. GEOLOGY AND SOILS</b> <i>Would the project:</i>						
<p>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</p> <p>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist- Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</p> <p>ii) Strong seismic ground shaking?</p> <p>iii) Seismic-related ground failure, including liquefaction?</p> <p>iv) Landslides?</p>				X	<p><u>Earthquake Faults</u> An Earthquake Fault Zone map has not been established by the California Geological Survey under the Alquist-Priolo Earthquake Fault Zoning Act.</p> <p><u>Seismic Ground Shaking and Seismic-Related Ground Failure, including liquefaction.</u> Lake County contains numerous known active faults. Future seismic events in the Northern California region can be expected to produce seismic ground shaking at the site. All construction would be required to be built consistent with Current Seismic Safety construction standards.</p> <p><u>Landslides</u> According to the Lawrence Livermore landslide map series for Lake County, the area is considered generally stable and not a landslide risk.</p>	1, 2, 3, 4, 5, 6, 8, 18, 19, 20, 21
b) Result in substantial soil erosion or the loss of topsoil?				X	Ground disturbance will occur within the lakebed, where no topsoil will be disturbed. Pilings are designed to be installed deep enough to support the associated structures.	1, 2, 3, 4, 5, 6, 8
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X	According to the soil survey of Lake County, prepared by the U.S.D.A., the on-shore soils near the site are considered "generally stable" and there is little risk of landslide at the site.	1, 2, 3, 4, 5, 6, 8, 18, 21
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X	Ground disturbance will occur within the lakebed, where soil type is unknown. Pilings are designed to be installed deep enough to support the associated structures.	1, 2, 3, 4, 5, 6, 8
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?				X	No septic tanks are proposed or needed for the project.	1, 2, 3, 4, 5

IMPACT CATEGORIES*	1	2	3	4	All determinations need explanation. Reference to documentation, sources, notes and correspondence.	Source Number**
<b>VII. GREENHOUSE GAS EMISSIONS</b> <i>Would the project:</i>						
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		The project would involve limited use of welding equipment to remove the existing elevated dock and to construct new dock structures. A single diesel engine floating barge and drop hammer pile-driver would be utilized to install 21 pilings over a 20-hour period and to remove and install dock structures during a 2 to 4-week construction period.  Combustion engine emissions are anticipated to be temporary and would not result in a significant impact to air quality standards. During the construction period, equipment would produce combustion emissions including criteria pollutants. (Carbon Monoxide – CO, Carbon Dioxide - CO <sub>2</sub> , Nitrogen Dioxide – NO <sub>2</sub> , Sulfur Dioxide – SO <sub>2</sub> , and Particulate Matter less than 2.5 and 10 microns – PM <sub>2.5</sub> & PM <sub>10</sub> ). Ozone is not emitted directly into the environment but is formed in the atmosphere by complex chemical reactions between oxides of nitrogen and reactive organic gasses (ROG) in the presence of sunlight. Ozone formation is greatest on warm, windless, sunny days. The main sources of nitrogen oxides (NO <sub>x</sub> ) and ROG, often referred to as ozone precursors, are a result of combustion processes. This project is unlikely to result in a violation of an air quality standard.	1, 2, 3, 4, 5, 12
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X		This project would not conflict with any adopted plans or policies for the reduction of greenhouse gas emissions.	1, 2, 3, 4, 5, 12
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS</b> <i>Would the project:</i>						
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X		The boat facilities would not create an increased routine hazard for accidents that could involve the release of hazardous materials into the environment. There would be no storage of large quantities of hazardous materials. The barge has a self-contained fuel tank that meets current fuel storage standards.	1, 2, 3, 4, 5, 6, 22, 23
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X		See response to Section VIII (a).	1, 2, 3, 4, 5, 6, 22, 23
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X		Project is not within a quarter-mile of an existing or proposed school.	1, 2, 3, 4, 5, 6
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X		Property is not listed as a site containing hazardous materials.	1, 2, 3, 4, 5, 6, 25
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X		Project is not located within an airport land use plan or within 2 miles of an airport.	1, 2, 3, 4, 5, 6, 26

IMPACT CATEGORIES*	1	2	3	4	All determinations need explanation. Reference to documentation, sources, notes and correspondence.	Source Number**
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X	Project is not located in the vicinity of a private airstrip.	1, 2, 3, 4, 5, 6, 26
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	1, 2, 3, 4, 5, 6, 22, 23
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	The project is not expected to increase the risk of wildland fires.	1, 2, 3, 4, 5, 6, 22, 27, 28
<b>IX. HYDROLOGY AND WATER QUALITY</b> <i>Would the project:</i>						
a) Violate any water quality standards or waste discharge requirements?				X	The project is not expected to violate any water quality standards or waste discharge requirements.	1, 2, 3, 4, 5, 6, 8, 29
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	The project does not propose to utilize groundwater resources.	1, 2, 3, 4, 5
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on-site or off-site?				X	The project would not alter existing drainage patterns nor result in soil erosion. Driving pilings may result in limited and short-term generation of suspended sediment on site but not as a result of altering any drainage.	1, 2, 3, 4, 5, 6, 29
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-site or off-site?				X	The project would not affect the volume of stormwater runoff nor affect or increase the volume of surface runoff in the project area.	1, 2, 3, 4, 5, 6, 8, 29, 30
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				X	The project would not affect the volume of stormwater runoff nor add any source of polluted runoff in the project area.	1, 2, 3, 4, 5, 6, 8, 29, 30
f) Otherwise substantially degrade water quality?				X	The project would not affect water quality in the project area.	1, 2, 3, 4, 5, 6, 8, 29, 30

IMPACT CATEGORIES*	1	2	3	4	All determinations need explanation. Reference to documentation, sources, notes and correspondence.	Source Number**
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X	The project does not involve the construction of housing within the 100-year floodplain.	1, 2, 3, 4, 5, 6
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X	The project is in a 100-year flood hazard area and the elevation of the dock structures are less than 12.74 ft. Rumsey (100-year flood level). The floating dock structures would be of limited size (277 square feet and 768 square feet) and located 190 to 270 feet off-shore. As such, they would not impede or redirect flood flows on Clear Lake.	1, 2, 3, 4, 5, 6, 30
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X		There is no levee or dam located within the project area that could induce flooding within the project area. The dock structures will be exposed to flooding. While the floating dock is exposed and at risk from flood damage, it would not expose people to injury or death. It is highly unlikely that people would be using the dock during a flood hazard event. If the floating docks were to break away from their pilings, they could become a water hazard to navigation as flood debris.	1, 2, 3, 4, 5, 6, 30
j) Inundation by seiche, tsunami, or mudflow?				X	The dock structure could be inundated by a lake-generated tsunami, but the new elevated and floating dock structures would not cause inundation by a tsunami.	1, 2, 3, 4, 5, 6, 8, 22, 30
<b>X. LAND USE AND PLANNING</b> <i>Would the project:</i>						
a) Physically divide an established community?				X	The project would not divide a community.	1, 2, 3, 4, 5, 6
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X		<p>The project does not conflict with any applicable land use plan, policy, or regulation. The construction and use of accessory structures such as piers and boat docks are principally permitted uses and structures in Resort Commercial zoned property (Section 21-17.3). Lake County's local noise standards have an exemption for construction site sounds between 7:00 am and 7:00 pm., provided standard, reasonable practices are being followed (Section 21-41.11). Lake County's local ground vibrations standards also have an exemption if they are caused by temporary construction (Section 21-41.15).</p> <p>The County of Lake Lakebed Management Department is the responsible agency to determine if the project meets the Shoreline Ordinance and the Variance on file for this facility. Lakebed Management has determined that the project in in conformance, and will issue a Lakebed Encroachment Permit upon the completion of the CEQA process.</p> <p>CDFW is a responsible agency for projects subject to the CEQA that are also subject to CDFW's Lake and Streambed Alteration regulatory authority (F&amp;G C Section 1600), and for projects that may result in a "take" of any species protected under California's Endangered Species Act (CESA) (F&amp;GC 2050). CDFW has been consulted during the development of this project's environmental assessment and design.</p> <p>The project's proposed pile driving activity is subject to CDFW's Lakebed Alteration authority, and that activity could result in a "take" of Clear Lake hitch a state protected species. The project applicant has submitted a Notification to CDFW to secure a Lakebed Alteration Agreement. With the successful implementation of mitigation measures described in Section IV, Biological Resources, the project will not impact or involve any "take" of Clear Lake hitch.</p>	1, 2, 3, 4, 5, 6, 31

IMPACT CATEGORIES*	1	2	3	4	All determinations need explanation. Reference to documentation, sources, notes and correspondence.	Source Number**
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?			X		There are no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan covering the project area. The Clear Lake hitch was listed as threatened under California Endangered Species Act in 2014.  <b>See Mitigation Measures in Section IV (a).</b>	1, 2, 3, 4, 5, 6, 17
<b>XI. MINERAL RESOURCES</b> <i>Would the project:</i>						
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	The project site is not identified by the Lake County Aggregate Resource Management Plan as a mineral resource site.	1, 2, 3, 4, 5, 6, 32
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X	See response to Section XI (a).	1, 2, 3, 4, 5, 6, 32
<b>XII. NOISE</b> <i>Would the project result in:</i>						
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X		There is the potential that construction activities could increase temporary ambient noise levels in the vicinity. Lake County's local noise standards have an exemption for construction site sounds between 7:00 am and 7:00 pm., provided standard, reasonable practices are being followed (Section 21-41.11).	1, 2, 3, 4, 5, 6
b) Exposure of persons to or generation of groundborne vibration or groundborne noise levels?			X		Construction activities may result in small scale ground vibrations related to grading and excavation activities. However, this vibration would be short-term and is not anticipated to affect neighboring properties. Impacts are expected to be less than significant. Lake County's local ground vibrations standards have an exemption if they are caused by temporary construction (Section 21-41.15).	1, 2, 3, 4, 5, 6
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X	The increases in noise levels would be temporary and would not result in a permanent increase in noise levels at the project site.	1, 2, 3, 4, 5, 6
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X		See response to Section XII (a).	1, 2, 3, 4, 5, 6
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	Project is not located within an airport land use plan or within 2 miles of a public airport.	1, 2, 3, 4, 5, 6, 26
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X	The project is not located within the vicinity of a private airstrip.	1, 2, 3, 4, 5, 6, 26

IMPACT CATEGORIES*	1	2	3	4	All determinations need explanation. Reference to documentation, sources, notes and correspondence.	Source Number**
<b>XIII. POPULATION AND HOUSING</b> <i>Would the project:</i>						
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	The project would not induce substantial population growth in the area.	1, 2, 3, 4, 5
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	No housing would be displaced as a result of the project	1, 2, 3, 4, 5
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	No people would be displaced as a result of the project.	1, 2, 3, 4, 5
<b>XIV. PUBLIC SERVICES</b> <i>Would the project:</i>						
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:  Fire Protection? Police Protection? Schools? Parks? Other Public Facilities?				X	The project would not result in substantial adverse physical impacts associated with government facilities.	1, 2, 3, 4, 5
<b>XV. RECREATION</b> <i>Would the project:</i>						
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X	The proposed project is on a parcel zoned "O" Open Space, and ownership of the parcel is listed as "Community Property. However, the project proposes to make additions to an existing private dock on the parcel. No increase of public recreational facilities would occur.	1, 2, 3, 4, 5, 6
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X	The proposed project is the rehabilitation and expansion of a private recreational dock facility.	1, 2, 3, 4, 5

IMPACT CATEGORIES*	1	2	3	4	All determinations need explanation. Reference to documentation, sources, notes and correspondence.	Source Number**
<b>XVI. TRANSPORTATION / TRAFFIC</b> <i>Would the project:</i>						
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X	The project would not conflict with any transportation plan, ordinance, or policy.	1, 2, 3, 4, 5, 6, 33
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X	See response to Section XVI (a).	1, 2, 3, 4, 5, 6, 33
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X	The project does not involve any impact to air traffic patterns.	1, 2, 3, 4, 5, 6, 26
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X	The project would not increase hazards due to a design feature.	1, 2, 3, 4, 5, 6, 22, 22
e) Result in inadequate emergency access?				X	The project would not result in inadequate emergency access.	1, 2, 3, 4, 5, 6, 22, 33
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X	The project does not conflict with alternative transportation programs.	1, 2, 3, 4, 5, 6, 22, 33

IMPACT CATEGORIES*	1	2	3	4	All determinations need explanation. Reference to documentation, sources, notes and correspondence.	Source Number**
<b>XVII. TRIBAL CULTURAL RESOURCES</b> <i>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</i>						
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X		A request for review of the project was sent to representatives of Middletown Rancheria, Big Valley Pomo, and Koi Nation. The Middletown Rancheria responded that they have no specific comments. They requested that if evidence of human habitation is found as the project progresses, that the work cease and they are notified immediately.  Should any cultural, archaeological or paleontological materials be discovered during construction, the applicant will be required to halt all activity in the vicinity of the find(s), and a qualified archaeologist retained to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Director. The applicant shall immediately contact the Lake County Sheriff's Department and the Community Development Department if any human remains are encountered.	1, 2, 3, 4, 5
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X		See response to Section XVII (a).	1, 2, 3, 4, 5
<b>XVIII. UTILITIES AND SERVICE SYSTEMS</b> <i>Would the project:</i>						
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X		No wastewater treatment would be required for this project.	1, 2, 3, 4, 5, 34
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		This project would not induce the need for new wastewater treatment facilities.	1, 2, 3, 4, 5, 34
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		The project would not require the construction of new storm water facilities or the expansion of existing facilities.	1, 2, 3, 4, 5, 34
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X		There is no requirement for water supplies for this project.	1, 2, 3, 4, 5, 34

IMPACT CATEGORIES*	1	2	3	4	All determinations need explanation. Reference to documentation, sources, notes and correspondence.	Source Number**
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X	There is no need for wastewater treatment for this project.	1, 2, 3, 4, 5, 6, 34
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X	Very little, if any, waste would be disposed at the local landfill. The landfill has the capacity to accommodate the minimal construction-related waste. The proposed project would not significantly impact local or regional landfills.	1, 2, 3, 4, 5, 6, 24
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X	The county landfill has sufficient capacity to service the minimal solid waste disposal needs of the project.	1, 2, 3, 4, 5, 6, 24
<b>XIX. MANDATORY FINDINGS OF SIGNIFICANCE</b>						
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X			The potential impacts to Clear Lake hitch identified in the project area would be adequately minimized through the implementation of mitigation measures such that the project would have a less than significant impact on biological resources.	1, 2, 3, 4, 5, 6, 7, 13, 14, 15, 16, 17
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		X			Potentially significant impacts have been identified related to Biological Resources. Implementation of and compliance with mitigation measures and project conditions of approval would avoid or reduce potential impacts to less than significant levels and would not result in cumulatively considerable environmental impacts.	ALL
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X			The mitigation measures relating to Biological Resources would insure that there would be less than significant impacts to neighboring residents due to the construction and use of the proposed facilities.	ALL

\* Impact Categories defined by CEQA

**\*\*Source List**

1. Lake County General Plan
2. Kelseyville Area Plan
3. Lake County Zoning Ordinance
4. Site Visit July 13, 2017
5. Community Development Department Application Materials
6. U.S.G.S. Topographic Maps
7. California Department of Transportation: <http://www.dot.ca.gov>
8. U.S.D.A. Lake County Soil Survey
9. Lake County Important Farmland 2006 map, California Department of Conservation Farmland Mapping and Monitoring Program
10. Lake County Serpentine Soil mapping
11. Lake County Department of Agriculture
12. Lake County Air Quality Management District
13. California Natural Diversity Database
14. U.S. Fish and Wildlife Service National Wetlands Inventory
15. Letter to County of Lake from Pacific Coast Fish, Wildlife & Wetlands Restoration Association, February 6, 2017
16. Findings Report for Juvenile Clear Lake Hitch Habitat Assessment, Ross Taylor and Associates, June 23, 2017
17. Bell Haven Homeowners Association Dock Rehabilitation and Expansion Initial Study and Mitigated Negative Declaration, Alderon Laird, June 2017
18. Lake County Natural Hazard database
19. U.S.G.S. Geologic Map and Structure Sections of the Clear Lake Volcanics, Northern California, Miscellaneous Investigation Series, 1995
20. Official Alquist-Priolo Earthquake Fault Zone maps for Lake County
21. Lawrence Livermore landslide map series for Lake County, 1979
22. Lake County Emergency Management Plan
23. Lake County Hazardous Waste Management Plan, adopted 1989
24. Lake County Countywide Integrated Waste Management Plan and Siting Element, 1996
25. Hazardous Waste and Substances Sites List: [www.envirostor.dtsc.ca.gov/public](http://www.envirostor.dtsc.ca.gov/public)
26. Lake County Airport Land Use Compatibility Plan, adopted 1992
27. California Department of Forestry and Fire Protection, fire hazard mapping
28. Kelseyville Fire Protection District
29. National Pollution Discharge Elimination System (NPDES)
30. Lake County Water Resources Department
31. Lake County Shoreline Ordinance
32. Lake County Aggregate Resource Management Plan
33. 2010 Lake County Regional Transportation Plan, Dow & Associates, October 2010
34. Lake County Special Districts

**From:** Joan Sturges  
**To:** [Peggy Barthel](mailto:Peggy.Barthel); ["do.it.n@hotmail.com"](mailto:do.it.n@hotmail.com); ["Aldaron Laird"](mailto:Aldaron.Laird); ["tanya.sgeya@wildlife.ca.gov"](mailto:tanya.sgeya@wildlife.ca.gov); [Mireya Turner](mailto:Mireya.Turner); [chuck sturges](mailto:chuck.sturges) ([chucksturges@hotmail.com](mailto:chucksturges@hotmail.com)); [kelseyngalls@hotmail.com](mailto:kelseyngalls@hotmail.com); ["Dana Sturges"](mailto:Dana.Sturges)  
**Cc:** ["Rob.Brown@lakecounty.gov"](mailto:Rob.Brown@lakecounty.gov); [Tina Scott](mailto:Tina.Scott); [Jim Steele](mailto:Jim.Steele); [Jeff Smith](mailto:Jeff.Smith); [Moke Simon](mailto:Moke.Simon); [Scott Webb](mailto:Scott.Webb); [Robert Massarelli](mailto:Robert.Massarelli)  
**Subject:** Re: Bell Haven Homeowners Association Lakebed Permit  
**Date:** Friday, September 01, 2017 2:11:00 PM

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Peggy ---

I am opposed to the changes of this dock for the following reasons:

- 1) I do not want to look at the structure at the end of the dock as it will be blocking half of my view shed.
- 2) Bell Haven is a private family compound and is no longer a resort. One does not spend \$6 million dollars on structures and another million dollars on landscaping to generate rental income, even high end.
- 3) I understand that a variance in the year 2000 was granted for extra boat parking along the floating dock at the end. Since the reason for the variance is no longer valid, the new dock needs to be 82 feet shorter than the existing dock. The 2000 variance was for boat parking along the floating dock and not for structures with high roofs, etc.
- 4) The property owners do not own enough lake frontage for the width of the structures they are proposing. I will drop off to your office the 1923 maps of the subdivision, compliant filed on August 18, 1970, and the judgment filed August 30, 1978, current pictures of the area, and the homeowners association that currently controls the promenade and other common areas in the Soda Bay Spring Subdivision Property Owners Association. Even with the lot line adjustment in 1930, you will see from the maps all they have is a single rounded corner lot on the lake with less than 50 feet of actual lake frontage, therefore that proposed dock will be sitting in front of my property. Again, I do not want to look at it. I am opposed to any structure at the end of the dock. An umbrella would have the same effect and not be permanent when not in use.
- 5) The length, width, and height of the proposed structures is way different then the dock currently there. I understand they are trying to accomplish this project on a rebuild, remodel, repair permit. They are adding 21 new piling, which is major and not just a repair/remodel. They just built a 3,000+ square foot home on the remodel permit of a 1,000 square foot home.
- 6) Currently they are in a half dozen violations of the court judgement by blocking access to the lake and the promenade. It seems that the current violations should be brought into compliance before any new privileges are extended.
- 7) I have been sitting here working and watching the lake and wild life for 35 years. I have seen on my property and lake frontage 128 species of birds, mink, otters, foxes, raccoons, possums, skunk, turkeys, deer, etc. The most disruptive element of the new proposed dock would be the disruptions of the flock feeding that involves thousands of coots, pelicans, geese, ducks, eagles, herons, egrets, etc. The feeding patterns are often in from of my property as it is the only place left on the water fount in Soda Bay that does not have monstrous docks. You are the custodians for the lake. Are we going to let southern Californian aristocrats pave our lake?
- 8) We have a quit peaceful neighborhood and docks make a lot of noise. We do not need more noise.

- 9) The lights on the dock destroys your night vision and most of the stars disappear.
- 10) There is a lot of daily maintenance on docks as a goose poops 26 times a day and I counted 20 of them on their front lawn yesterday.
- 11) As the court judgement out lines and the homeowners association agrees that no trees, or plantings, or any permeant structures or items should be made to the promenade without board consent. Any toys left along the promenade and Soda Bay Drive are concerned for community use.
- 12) If the dock building structures were close to the shore line behind the trees it would not be so offensive and be more in compliance.
- 13) Mireya Turner advised me that this matter will go before the planning commission on Thursday, September 28<sup>th</sup> at 9:05am. I have a number of concerned citizens that want to attend. I will have them contact your office. Please let me know the place and of any changes and dates or time for the planning commission hearing for public input.

Thank you for your consideration in this very import matter to me.

*Cheers!*

*Joan Sturges*

3385 White Oak Way

Kelseyville, CA 95451

Office: 707-279-1188

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Cell: 707-272-1866

Certified Public Accountant

Certified Fraud Examiner

Certified Valuation Analyst

Private Investigator

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Pursuant to U.S. Treasury Department Circular 230, we are informing you that any U.S. federal tax advice contained in this communication (including any attachments hereto) was not intended or written to be used, and it cannot be used by any taxpayer for the purpose of avoiding tax penalties that may be imposed n the taxpayer. In addition, if any such tax advice is used or referred to by others in promoting, marketing or recommending any partnership or other entity, investment plan or arrangement (which should be assumed to the case by a taxpayer that is not our client with respect to the subject matter of the communication), then (1) the advice should be construed as written in connection with the promotion or marketing by others of the transactions(s) or matters(s) addressed in this communication and (2) the taxpayer should seek advice based on the taxpayer's particular circumstances from an independent tax advisor.

*Joan Sturges*



Certified Public Accountant, Certified Fraud Examiner, Certified Valuation Analyst, Private Investigator

September 5, 2017

Re: Bell Haven Lakebed Permit, APN 044-030-01

Dear Clients and Interested Parties;

I hope you are having a prosperous and fun filled summer with family and friends. Please feel free to contact me anytime with any financial or tax questions. I do not want you to have any surprises at tax time.

I am asking you for your support in my battle against a large structure my neighbor, Bell Haven, is trying to build at the end of their dock blocking half of my lake view shed. The public period of review ends September 20<sup>th</sup>. I would appreciate your comments in my support before then, to Peggy Barthel, Assistant Resource Planner, Courthouse – 255 N. Forbes Street, Lakeport, CA 95453; or by phone at 707-263-2221; or by email at [peggy.barthel@lakecountyca.gov](mailto:peggy.barthel@lakecountyca.gov), even if you do not live in Lake County. It would be great if you would forward a copy to me and to the supervisors as they will be the ones to end up ruling on the matter. The supervisors are easiest reached by email or at the above Courthouse address: [Rob.Brown@lakecountyca.gov](mailto:Rob.Brown@lakecountyca.gov); [Jim.Steele@lakecountyca.gov](mailto:Jim.Steele@lakecountyca.gov); [Jeff.Smith@lakecountyca.gov](mailto:Jeff.Smith@lakecountyca.gov); [Tina.Scott@lakecountyca.gov](mailto:Tina.Scott@lakecountyca.gov); [Moke.Simon@lakecountyca.gov](mailto:Moke.Simon@lakecountyca.gov). Then on September 28<sup>th</sup> at 9:05am there is public input before the Community Development Department on this matter.

Next to me, Bell Haven has become a private family compound with the owners residing in Southern California. Over the last couple of years, they have spent \$6 million on structures and another million on landscaping. It is one of the most beautiful houses in the world that nobody lives in. They now want to extend the dock 82 feet longer then permitted for a residence with a large covered structure over 70 feet wide when they only have 50 feet of lake frontage. The proposed structure is a third the size of my entire house. They are applying for a permit as a repair of the existing structure, however they will be adding 21 additional pilings. Time is of the essence; I would be honored for any support that you can give me. Please feel free to contact me for more information.

I am hosting an open house here on my front porch for all interested parties early Sunday evening, September 24<sup>th</sup> between six o'clock and eight o'clock. I want anyone interested to see what this matter is all about. Please spread the word and let me know if you will be able to attend so I can prepare food/drink accordingly. Thank you for speaking up and supporting for me.

Sincerely,

Joan Sturges  
Certified Public Accountant  
Certified Fraud Examiner  
Certified Valuation Analyst  
Private Investigator

RECEIVED

SEP 05 2017

LAKE COUNTY COMMUNITY  
DEVELOPMENT DEPT.

**From:** teresa marks  
**To:** [Peggy Barthel](#)  
**Cc:** [Rob Brown](#); [Jim Steele](#); [Jeff Smith](#); [Tina Scott](#); [Moke Simon](#)  
**Subject:** Bell Haven Lakebed Permit, APN 044-030-01  
**Date:** Friday, September 08, 2017 2:49:44 PM

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Dear Ms. Barthel,

Please consider a revision of the permit for the dock extension and dock structure for Bell Haven (formally Resort) in Soda Bay.

The dock extension of 82 feet seems excessive as does the dock structure of 70 feet width which I understand is more than 20 feet longer than the owner's lake frontage. This does not blend with the neighborhood, not to mention the eyesore created for other lakefront owners. I would rather see the charm and integrity of this small, modest but beautiful, neighborhood preserved. This scope of dock and structure does not fit in.

Thank you for your consideration.

Teresa Marks  
Riviera Heights

**From:** Marilyn Schnabl  
**To:** [Peggy Barthe](#)  
**Subject:** Bell Haven Lakebed Permit, APN 044-030-01  
**Date:** Saturday, September 09, 2017 7:24:49 AM

---

Dear Peggy,

I am writing on behalf of Chuck and Joan Sturges who will be the victims of "Lakeview Loss" if their neighbors are allowed to add footage to their existing dock on Clear Lake. Apparently, though the request is coming from what used to be a resort compound, it is now a private residence and the permit that is to be looked at by the county may not be correct. My understanding is they are asking to extend their dock 82 feet longer than permitted for a private residence with a large covered structure over 70 feet wide when they apparently only have 50 feet of lake frontage.

The Sturges couple say the Bell Haven property has had wonderful improvements over the past couple of years, but the owners are residents of Southern California and this is a vacation home for them. My understanding is that they are applying for a permit to repair the existing structure, but they are planning to add 21 additional pilings to extend the current dock. All of this would obstruct the wonderful lake view that the Sturges family has always had from their property.

I hope you can please take some time to review this permit request from Bell Haven and help the Sturges family to keep their beautiful view of Clear Lake, but also allow the Bell Haven request to be a correct repair of the dock and not an addition to what already exists. I believe this would be in the best interest of both parties.

Thank you for your time in reading my letter,

Marilyn Schnabl Guenther

CC Rob Brown, Jim Steele, Jeff Smith, Tina Scott, Moke Simon

**From:** Jeffree  
**To:** [Peggy Barthel](#)  
**Cc:** [Bob.Brown@lakecountyca.gov](mailto:Bob.Brown@lakecountyca.gov); [Jim Steele](#); [Jeff Smith](#); [Moke Simon](#); [Moke Simon](#)  
**Subject:** Bell Haven Lakebed Permit APN 044-030-01  
**Date:** Saturday, September 09, 2017 11:17:07 AM

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I am writing to protest the approval of the construction/repair work at Bell Have, Permit APN 044-030-01. Inasmuch as this will significantly impair the lake view of neighboring properties with longstanding presence in the area, I believe such a project to be seriously unfair and inequitable. As a homeowner nearby, who also cherishes his view of the lake, I am extremely aware of how detrimental this change could be to the well-being of affected parties, as well as to the property value. I urge you to vote against approval of this permit. Thank you.

**From:** Roland A. Croteau  
**To:** [Peggy Barthel](mailto:Peggy.Barthel)  
**Subject:** Bell Haven Lakebed Permit  
**Date:** Saturday, September 09, 2017 11:52:57 AM

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**From:** "Roland A. Croteau" <[croteau.roland025@gmail.com](mailto:croteau.roland025@gmail.com)>  
**Subject:** Bell Haven Lakebed Permit  
**Date:** September 9, 2017 at 11:49:57 AM PDT  
**To:** [js@joansturges.com](mailto:js@joansturges.com), vickie Jolliffe <[vickiejolliffe44@gmail.com](mailto:vickiejolliffe44@gmail.com)>, [peggybarthel@lakecountyca.gov](mailto:peggybarthel@lakecountyca.gov), [Rob.Brown@lakecountyca.gov](mailto:Rob.Brown@lakecountyca.gov), [Jim.Steele@lakecountyca.gov](mailto:Jim.Steele@lakecountyca.gov), [Jeff.Smith@lakecountyca.gov](mailto:Jeff.Smith@lakecountyca.gov), [Tina.Scott@lakecountyca.gov](mailto:Tina.Scott@lakecountyca.gov), [Moke.Simon@lakecountyca.gov](mailto:Moke.Simon@lakecountyca.gov), "Roland A. Croteau" <[croteau.roland025@gmail.com](mailto:croteau.roland025@gmail.com)>

To all concerned Parties;

I/we are in receipt of a letter dated September 5, 2017 regarding the Bell Haven Lakebed Permit; APN 044-030-01.

Joan Sturges (author of the letter) is obviously concerned as she feels her way of life being threatened.

Based on my limited understanding/information; new “pilings” are NOT permitted in Clearlake. It sounds like that restriction can be circumvented should the supervisors agree to allow an “exception”.

For whatever my observations/opinions may be worth.., I offer the following.

I lived in Grants Pass, Or. for 20 years. I/we experienced an influx of people into Josephine County

especially after the Bay Area earthquake of 1988. Our “way of life” started changing dramatically. Housing prices increased two and threefold the “normal”. That alone caused a huge ripple effect. Within a couple of years we had 6 different gangs “tagging” and causing all manor of mayhem. We had our first murder and drive-by shooting in January of 1999. After considerable deliberation, my (now deceased) wife and I decided to leave Josephine County for we concluded Grants Pass would never get back to what we loved most.., our (former) way of life. “Money talked.”

According to my studies, (in an effort to understand what was/is happening in the United States [and the world]) I read there was a “world census” in the year 1900. It was estimated there were 1.5 billion people on planet Earth. Most of us know we are at 7.2 billion today and the world population is exploding exponentially.

My point; in my opinion, there is no way to stop “growth”. I also believe “money talks”. Allow/permit a longstanding lake policy (I believe put in place to help maintain the integrity of our lake) to be circumvented and (another?) precedent will be set.

Again, in my opinion (born of life experience), integrity is compromised, often, ever-so-subtly..., one little decision at a time until “the former” becomes unrecognizable.

To me.., the bigger question is; what do we want for Lake County's future? How will what we do today effect our children and their children (and so on)?

From what little I know, the Bell Haven family has spent millions on their part-time home here on Clearlake. I suspect they are accustomed to getting what they want.

“Growth” and “non-growth both come at a price. As I see things, the Board of Supervisors are tasked with making some very difficult decisions. What bears more weight; economics or striving to maintain Lake County's way of life?

Does anyone remember what happened to the “Salton Sea” (east of San Diego) in the 1970's? Was/is that the harbinger?? Will we take note?

With concern,  
Roland A. Croteau  
(Vickie Jolliffe's partner)

**From:** gary templeton  
**To:** [Peggy Barthel](#)  
**Subject:** Bell Haven Lakebed Permit, APN 044-030-01  
**Date:** Saturday, September 09, 2017 3:11:46 PM

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Dear Peggy,

I am writing to you to please not pass the above mentioned permit as it blocks neighboring views of the lake and it is too large and not actually replacing what was previously built there.

If approved it would be out of compliance for the 50' of lake frontage they have acquired. When given the opportunity to vote on this permit please take time to reflect on how it impacts others.

Thanking you in advance for your consideration on this project.

Sincerely yours,

Diane Templeton

**From:** John Hamner  
**To:** [Peggy Barthel](#)  
**Cc:** [Rob Brown](#); [jim.steel@lakecountyca.gov](mailto:jim.steel@lakecountyca.gov); [Jeff Smith](#); [Tina Scott](#); [Moke Simon](#); ["tina@pilateslakecounty.com"](mailto:tina@pilateslakecounty.com)  
**Subject:** Public comment on Bell Haven request  
**Date:** Sunday, September 10, 2017 5:38:42 AM

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Ms. Barthel and County Supervisors,

We are writing on behalf of my friend and accountant Joan Sturges. I have known Joan for 25 years, and we have been to her home for personal and professional reasons many times over the years. Her small home is one of the most peaceful places I have ever visited in the county, primarily due to the lake view with the sweeping mountains in the background.

I have recently learned that a neighbor, Bell Haven, has submitted a request for a "repair of an existing structure" so that they may add 21 additional pilings, extend their dock by 82 feet and build a 70 foot wide structure at the end of this dock. If this happens it will ruin the view and the peaceful setting for Joan and all of the neighbors within a half mile of these beachside homes. This proposed structure is nearly the square footage of many of the homes whose view will be ruined!

I encourage you to consider denying this project. Lake County, and Clear Lake in particular, is too precious a resource to allow self-indulgent projects like this one.

Thank you in advance for considering our request.

John Hamner and Tina Woelbling

**From:** ELLEN KARNOWSKI  
**To:** [Peggy Barthel](#)  
**Subject:** Issues with a permit  
**Date:** Sunday, September 10, 2017 12:48:42 PM

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To Mrs. Peggy Barthel,  
Assitant Resource Planner  
Lake county courthouse  
Sept. 10, 2017

Dear Mrs. Barthel:

I will be unable to attend the hearing on Sept. 28th at 9 am when this matter will be publicly heard, but I would like to express my opinion to you in this email since I will be at work at that time.

I have used Joan Sturges as my tax preparing accountant for many years. Joan has a home that is probably approximately one hundred years old or so, made of stone and surrounded by older oak trees; it is a very private quiet place. I just learned that her privacy and lake view will be intruded upon tremendously.

Her neighbor, the Bell Haven private family compound has prepared a bid to put in 21 pilings into the lake. This raises issues of disturbing the lake-bed, noise issues and environmental issues to say the least. Also, extending their dock 82 feet is just way too long and unnecessary. This is out of line with their 50 feet of lake frontage that they actually have. The proposed structure is one-third the size of Joan's complete house. It is out of place here, and is going to take away at least half of the Sturges' lake view area.

This project seems out of place in our rural county; the cul-de-sac area where Bell Haven is located is very narrow and small and it is definitely out of place in the manner they have proposed. The Bell Haven folks do not live here; they actually reside in southern California. Their part-time residence does not get to impede on locals' lake views and access, apart from other environmental issues which this usage implies.

Thanks for reading and considering my opinion,  
Ellen Karnowski  
nature1194@hotmail.com  
707-591-6708

**From:** Barbara Harris  
**To:** [Peggy Barthel](#)  
**Cc:** [Rob Brown](#); [Jim Steele](#); [Jeff Smith](#); [Tina Scott](#); [Moke Simon](#)  
**Subject:** Bell Haven Lakebed Permit, APN 044-030-01  
**Date:** Sunday, September 10, 2017 3:39:32 PM

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I wish to express my dismay regarding the referenced permit request. An oversized dock on a populated shoreline will destroy the beauty along the bay as well as the views from neighboring homeowners. When making your determination for this "Taj Mahal," please consider the negative impacts it brings to the neighborhood.

Barbara Harris, Resident of Lake County

**From:** Eva Johnson  
**To:** [Peggy Barthel](#)  
**Cc:** [Jim Steele](#)  
**Subject:** Bell Haven Permit  
**Date:** Sunday, September 10, 2017 5:26:28 PM

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Please do not issue a permit to extend the dock at Gell Haven. We have been here in Soda Bay since the 50's and this will take away the essence of this lovely bay. No one should be allowed to exceed the accepted rules we have all lived by these many years. This would look outlandish but more important hurt the environment. I sincerely hope you will do the right thing and deny this permit. Sincerely—Eva Johnson -long time property owner in Soda Bay

**From:** Dana Testa  
**To:** [Peggy Barthel](#); [Tina Scott](#)  
**Cc:** [Patty Thompson](#); [js@joansturges.com](mailto:js@joansturges.com)  
**Subject:** Bell Haven Extension  
**Date:** Sunday, September 10, 2017 6:20:43 PM

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Dear Peggy & Tina

My family and I have resided part time in Lake County since 1999. We have a vacation home on the water ever since we fell in love with the County. We come up to enjoy the lake and its surroundings frequently.

We have lived through the good and the bad when it comes to the environment, everything from blue algae and primrose taking over the lake to this year's flooding. But we are still here because the natural beauty remains untouched and protected by all those who live in this county.

It would be a tragedy if county officials allowed Bell Haven to build a monstrosity of a dock. Please do not allow this to happen. You must protect our lake environment from being overrun with these unruly monstrosities.

Let's be sure to keep an eye on the lake as badly as some people treat it, but all of us should always work to protect it, and do what is right so our children's children have the opportunity to enjoy it. Let's respect the miles of shoreline and the non-commercialization that has not yet invaded our lake.

Please do NOT support Bell Haven extension.

Sincerely,  
Dana Testa  
3014 Willow Road  
Kelseyville, CA

Sent from my iPhone

**From:** Janice Thompson  
**To:** [Peggy Barthel](#)  
**Subject:** Bell haven  
**Date:** Monday, September 11, 2017 10:24:33 AM

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Ms Barthel,

I am writing to you regarding the application for permit APN 044-030-01. This permit should not be issued because the planned dock extension and structure would have a devastating impact on the view and serenity of the surrounding residents.

It is my understanding that the structure planned would be over 70 feet wide when they have only 50 feet of lake frontage.

All of the residents' input and rights should be considered and not just that of the homeowner seeking the permit. The project they are proposing would have a negative impact on all those who live in the area and have a right to enjoy their own view.

Thank You,  
Janice Thompson  
Lake County resident.

Sent from my iPhone

**From:** Patty Thompson  
**To:** [Dana Testa](#)  
**Cc:** [Peggy Barthel](#); [Tina Scott](#); [js@joansturges.com](mailto:js@joansturges.com)  
**Subject:** Re: Bell Haven Extension  
**Date:** Monday, September 11, 2017 12:50:58 PM

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Hi Peggy and Tina -

I echo Dana's comments as well. We have owned our home in Soda Bay since 1999, and even though we are considered "weekenders", we have a strong desire to keep the Lake as pristine as it can be. We have had our issues and concerns over the years, and thought many a time about selling, but our two children who just turned 15 on Saturday (yes, they are twins), would never let us as they love the place that much too. We remodeled our home about 9 years ago and invested in our future there!

The proposed monstrosity of a structure in Soda Bay concerns me to no end. While our view won't be impacted, I feel for those around the property that they will be impacted and not have full access to the lovely views that they have all paid for.

Please do the right thing and do not support the extension.

Sincerely,  
Patty Thompson  
3014 Willow Road  
Kelseyville, CA  
408-893-5761 (cell)

On Sun, Sep 10, 2017 at 6:20 PM, Dana Testa <[dtesta2@yahoo.com](mailto:dtesta2@yahoo.com)> wrote:

Dear Peggy & Tina

My family and I have resided part time in Lake County since 1999. We have a vacation home on the water ever since we fell in love with the County. We come up to enjoy the lake and its surroundings frequently.

We have lived through the good and the bad when it comes to the environment, everything from blue algae and primrose taking over the lake to this year's flooding. But we are still here because the natural beauty remains untouched and protected by all those who live in this county.

It would be a tragedy if county officials allowed Bell Haven to build a monstrosity of a dock. Please do not allow this to happen. You must protect our lake environment from being overrun with these unruly monstrosities.

Let's be sure to keep an eye on the lake as badly as some people treat it, but all of us should always work to protect it, and do what is right so our children's children have the opportunity to enjoy it. Let's respect the miles of shoreline and the non-commercialization that has not yet invaded our lake.

Please do NOT support Bell Haven extension.

Sincerely,  
Dana Testa

3014 Willow Road  
Kelseyville, CA

Sent from my iPhone

.

**From:** Brenda Young  
**To:** [Peggy Barthel](#); [Rob Brown](#); [Jim Steele](#); [Jeff Smith](#); [Tina Scott](#); [moe.simon@lakecountycalifornia.gov](mailto:moe.simon@lakecountycalifornia.gov); [js@joansturges.com](mailto:js@joansturges.com)  
**Subject:** Bell Haven Property, Soda Bay  
**Date:** Monday, September 11, 2017 5:05:21 PM

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Hello,

We understand that the owners of Bell Haven, who do not reside in our county, have asked for a permit to extend the current dock on their property longer than what is currently allowed for a residence. We also understand that they are planning to put a large covered structure on it.

As homeowners with property on the lake, and business owners in Kelseyville, my husband Ken Young and I find this absurd. Our lake is a beauty with diverse natural habitats and allowing someone to come in and destroy this natural ecology should not be permitted. We believe that owning a home on our beautiful shoreline is a privileged and homeowners may be allowed a dock to use the lake, (although we will never put one in) however; there are limits. Just because someone has the finances to create this kind of structure should not be reason to give them permission.

We trust that you will all protect our lake as well as the creatures that reside here by turning down this ridiculous request.

Sincerely,  
Kenneth W. & Brenda K. Young

---

**Brenda Young, B Young Wellness: Skin-Health-Cancer Care**

photo



Phone: 707-279-4215

Email: [email: brenda@byoungwellness.com](mailto:brenda@byoungwellness.com)

Website: [www.byoungwellness.com](http://www.byoungwellness.com)

Website: [www.byoungnewlifecoach.com](http://www.byoungnewlifecoach.com)

Providing: Nutrition & Health Consulting | Customized Facials & Skin Care | Professional Cancer Coaching | Essential Oils & Non-Toxic Personal Care Products



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Create your own [email signature](#)

Peggy Barthel  
Assistant Resource Planner  
Lake County Courthouse  
255 N Forbes Street  
Lakeport, CA 95453-4759

RECEIVED

SEP 12 2017

LAKE COUNTY COMMUNITY  
DEVELOPMENT DEPT.

September 8, 2017

Dear Peggy,

It has been brought to my attention that a wealthy individual or conglomeration known as Bell Haven has plans to destroy the natural beauty of Clear Lake and the Kelseyville shoreline by building an extremely large dock and pier structure. I am sure there are permit regulations in place in Lake County to prevent such an enormous structure from being built and I'm sure our trusted Supervisors have voted against other large structures throughout the County in the past, but I am concerned that such a wealthy group might be able to persuade such a poor County to vote in favor of this. I would expect our Supervisors, who represent all of the local taxpayers and registered voters, to uphold the rules set forth for structure improvements and additions. I, also, expect our Supervisors to consider carefully the ramifications of making an "exception" to the building codes in this case. I know other residents of Lake County who were denied permit requests because they were told Lake County wants to preserve the natural landscape and their proposed structure would obstruct the "countryside" view. I believe the proposed dock structure at Bell Haven will obstruct the "lakeside" view in Kelseyville, therefore I urge our Supervisors to rule against it.

Thank you,



Susan A. Gillingham  
P.O. Box 65  
Nice, CA 95464-0065

Cc: Jim Steele, District 3 Supervisor

**From:** Linda Marie  
**To:** [Peggy Barthel](#); [Rob.Brown@lakecountca.gov](mailto:Rob.Brown@lakecountca.gov); [Jim Steele](#); [Jeff Smith](#); [Tina Scott](#); [.Moke.Simon@lakecountyca.gov](mailto:.Moke.Simon@lakecountyca.gov)  
**Cc:** [Joan Sturges](#)  
**Subject:** Bell Haven proposed extended dock  
**Date:** Wednesday, September 13, 2017 2:36:39 PM

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Greetings,

Joan Sturges has contacted me asking for comments regarding the proposed Bell Haven extended dock permit. According to Joan, the dock will be 82 feet longer than permitted for a residence, plus it will be over 70 feet wide when their property has only 50 feet of lakeshore! Besides breaking current laws, this massive structure would block over half of Joan's lake view. That would be tragic! Joan and her family have lived there for many years, and have taken meticulous care of their property. It would be completely unfair to now allow someone else to destroy their beautiful view by granting variances to the established laws. The laws were established to make it fair for everyone who is lucky enough to have lakeshore property. Please maintain those laws.

Thank you.

Sincerely,

Linda Marie  
Lakeport

**From:** Eileen Martin  
**To:** [Peggy Barthel](#)  
**Cc:** [Rob Brown](#); [Moke Simon](#); [Jim Steele](#); [Jeff.Smith@lakecounty.gov](mailto:Jeff.Smith@lakecounty.gov); [Tina Scott](#); [js@joansturges.com](mailto:js@joansturges.com)  
**Subject:** Bell Haven Lakebed Permit, APN 044-030-01  
**Date:** Thursday, September 14, 2017 10:58:20 AM

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It should be required of anyone that has any power to say yes or nay to ruin anyone's view to stand on The Sturges front lawn and judge for themselves. It amazes me that this could even be considered; to ruin a lifetime view of the lake for a better view for very few. To supervisor Moke, I think I know you well enough to see for yourself in person, then kill this before it is seriously considered.

Tim& Eileen Martin

Sunrise Mobile Home Transporting. PO box 156 Cllk Oaks

P.s if this were to pass\*\*\* what would be next?!

**From:** Lauren Pennisi  
**To:** [Peggy Barthel](mailto:Peggy.Barthel)  
**Subject:** Fwd: Soda Bay Dock  
**Date:** Thursday, September 14, 2017 1:25:16 PM

---

----- Forwarded message -----

**From:** **Lauren Pennisi** <[cruscr@gmail.com](mailto:cruscr@gmail.com)>  
**Date:** Thu, Sep 14, 2017 at 1:23 PM  
**Subject:** Soda Bay Dock  
**To:** [peggy.bertel@lakecountyca.gov](mailto:peggy.bertel@lakecountyca.gov), [tina.scott@lakecountyca.gov](mailto:tina.scott@lakecountyca.gov),  
[Rob.Brown@lakecountyca.gov](mailto:Rob.Brown@lakecountyca.gov), [Jeff.Smith@lakecountyca.gov](mailto:Jeff.Smith@lakecountyca.gov), [Jim.Steele@lakecountyca.gov](mailto:Jim.Steele@lakecountyca.gov)

Hello,

I am a homeowner in Soda Bay and I want to strongly urge you to deny the permit APN 044-030-01 allowing a homeowner to expand their dock and add 21 pilings in Soda Bay. For the beauty of our bay and the health of our lake, I sincerely hope you will deny this permit.

Thank you,

Lauren Pennisi  
[cruscr@gmail.com](mailto:cruscr@gmail.com)  
[\(925\)784-8233](tel:(925)784-8233)

**From:** Joe Pennisi  
**To:** [Peggy Barthel](#); [Tina Scott](#)  
**Cc:** [Lauren Pennisi](#)  
**Subject:** Bel Haven Dock Extension in Soda Bay APN 044-030-01  
**Date:** Thursday, September 14, 2017 4:33:47 PM

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Ms Barthel & Ms Scott,

We are concerned neighbors who own property on Soda Bay (3001 Willow Rd). We just learned about the permit application to build a monstrous dock with roof structure directly across the bay from our home in Bel Haven.

Such a structure seems out of scale and character for our beautiful bay and we ask that this proposal be denied. Please feel free to contact us with any questions.

Regards,

Lauren & Joseph Pennisi  
3001 Willow Rd  
Kelseyville, CA 95451  
925-339-1101 tel

**From:** lynne nave  
**To:** [Peggy Barthel](#)  
**Subject:** Bell Haven permit  
**Date:** Friday, September 15, 2017 12:48:05 PM

---

Concerns: It's been brought to my attention that a request for permit to extend and expand a dock at the Bell Haven compound in Soda Bay is in review by you and other supervisors in Lakeport. I am a previous resident of Buckingham Estates, 1775 Westlake, and have enjoyed the lake and community for many years. It really seems that this construction could very well become a navigational hazard as well as impact the shoreline negatively. Please use good judgement in your decision. Thank you! Paul Nave

Sent from my iPhone

To: Peggy Barthel Assistant Resource Planner

**Letter in Support of Joan Sturges regarding Bell Haven Homeowners Association Lakebed Permit**

**From Joan Moss, concerned citizen**

**I am asking the Board of Supervisors to deny the Lakebed Permit APN 044-030-01**

**It is my understanding the house (permanent structure) proposed to built at the end of the dock would be wider than the fifty foot 50 feet of actual lake frontage of the property owned by the developers, and be an eye sore for neighbor Joan Sturges, who has been watching the lake for 35 years.**

**The 20 new pilings to build this proposed dock would disturb the sediment of the lake and the Water Board of the State of California has already warned Lake County that the lake is impaired due to excess nutrients, phosphorous in particular.**

**I question how a 3,000 square foot house came to be built by the developer using a permit for repair/remodel of a 1,000 square foot house.**

**“They now want to extend the dock 82 feet longer than permitted for a residence with a large covered structure over 70 feet wide when they only own 50 feet of lake frontage.”**

**I hope the supervisors have read the comments by California Fish and Wildlife, Sara Ryan, federal EPA Representative for the Big Valley Tribe, and the recent monitoring of the cyanobacteria of Soday Bay waters that showed levels of toxic microcystins.**

**We need to clean the lake, rather than pound in more pilings in an already impacted lakeshore that is presently beautiful,**

**supporting wildlife. Let the tules do their work to filter the waters of  
Soda Bay.**

*Joan Moss*

*Sept 14, 2017*

**COUNTY OF LAKE  
MITIGATION AND MONITORING PLAN  
For  
Bell Haven Homeowners Association Lakebed Encroachment Permit  
IS 17-21**

Pursuant to the approval of the Planning Commission on **September 28, 2017**, there is hereby granted to the **Bell Haven Homeowners Association** a Mitigation and Monitoring Plan with the following conditions of approval. This Mitigation and Monitoring Plan shall authorize construction of a contiguous elevated dock and pavilion with ramps down to a covered floating boat lift and a floating boat dock at 6460 Soda Bay Drive, Kelseyville; **APN 044-030-01**.

**Findings**

1. The IS/MND for the Project has been prepared in compliance with the provisions of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the Lake County Implementing Procedures for CEQA.
2. The Planning Commission has considered the IS/MND.
3. The IS/MND reflects the independent judgment of the Planning Commission.
4. The Planning Commission has found that there is no substantial evidence that the proposed project, as mitigated, will have a significant effect on the environment.

**A. General**

1. This project shall substantially conform to the application materials submitted to the Community Development Department May 27, 2017. Minor modifications not resulting in increased environmental impacts may be approved in writing by the Community Development Director.
2. The project shall be consistent with the applicable Performance Standards of Article 41 of the Lake County Zoning Ordinance.
3. Prior to construction a Lakebed Encroachment Permit and a Building Permit shall be obtained so that appropriate inspections can be made of the various installation/construction processes.
4. The CDFW filing fee shall be submitted as required by CEQA statute, Section 21089(b), and Fish and Game Code Section 711.4. The fee must be submitted to the Community Development Department within 30 days of approval of the mitigated negative declaration.
5. These mitigation measures do not abridge or supersede the regulatory powers or permit requirements of any federal, state or local agency or special district or department that may retain a regulatory or advisory function as specified by statute or ordinance. Lake County Watershed Protection District shall obtain permits and approvals as may be required from each agency.

**B. Aesthetics Condition of Approval**

1. All lighting shall be consistent with Zoning Ordinance Section 21-41.8. Lighting shall be kept to the minimum necessary for safety and security purposes and shall be shielded and directed downwards onto the facility and not onto adjacent properties.

**C. Biological Resources Mitigation Measures**

- BIO-1. Work within Clear Lake and the adjacent bank and riparian area shall be confined to the period October 15th to December 31st when juvenile hitch are pelagic.
- BIO-2. A qualified biologist shall be on site daily during pile driving to ensure impacts of fish and wildlife habitat are minimized and to determine if any protected species such as hitch are present. CDFW shall be notified if hitch is observed at the project site. If there is a threat of harm to hitch or other aquatic wildlife, the biologist shall halt construction and notify CDFW.
- BIO-3. Prior to initiating pile driving a biologist shall enter the water and attempt to physically move any fish at least 33 feet away from the piling being driven into the lakebed.

BIO-4. A rubber spacer shall be placed between the metal piling and the hammer to reduce noise and vibrations.

BIO-5. Peak under-water noise levels from pile driving activities shall not exceed 206 decibels and 187 decibels accumulated Sound Exposure Levels. If pile driving activities exceed the peak noise level threshold or any fish are killed during pile driving activities, all pile driving activities shall cease, and CDFW shall be contacted for further consultation.

BIO-6. Whenever there has been downtime of 30-minutes or more without pile driving, the contractor shall initiate the driving with a soft-start/ramp-up procedure. For impact driving, an initial set of three strikes shall be made by the hammer at 40-percent energy, followed by a one-minute waiting period, then two subsequent three-strike sets at 40-percent energy, with one-minute waiting periods, before initiating continuous driving.

BIO-7. The contractor shall take precautions to minimize turbidity/siltation during construction and post-construction periods. Precautions shall include, but are not limited to: best management erosion control practices to stabilize all exposed/disturbed areas within the project site to the greatest extent possible.

**D. Cultural and Tribal Cultural Resources Condition of Approval**

1. Should any cultural, archaeological, or paleontological materials be discovered during construction activities, all activity shall be halted in the vicinity of the find(s), and a qualified archaeologist retained to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Director. The Applicant shall immediately contact the Lake County Sheriff's Department and the Community Development Department if any human remains are encountered.

**E. Noise Condition of Approval**

1. All construction activities, including engine warm-up, are limited to from 7AM to 7PM to reduce the impact to a less than significant level. Back-up beepers shall be adjusted to the lowest allowable levels.

**F. Monitoring and Timing**

1. All construction shall occur between October 15 and January 1 of any given year, unless an extension is granted by the Community Development director based on weather conditions.
2. The permit holder shall permit the County of Lake representative(s) or designee(s) to make periodic inspections at any reasonable time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
3. This permit shall be valid for an indefinite period of time unless it expires or is revoked pursuant to the terms of this permit.

Robert Masserelli  
Community Development Director

By: \_\_\_\_\_  
Danae Bowen, Office Assistant III

**Acceptance**

I have read and understood the foregoing Conditions of Approval and agree to each and every term and condition thereof.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of applicant or authorized agent

\_\_\_\_\_  
Printed name of applicant or authorized agent

To the members of the Board of Supervisors, Peggy with Community Development, and Citizens of Lake County

RECEIVED

Regarding Bell Haven Owners Lakebed Permit, APN-030-01  
Item 8.5 August 22, 2017

SEP 19 2017

Public Information Materials

LAKE COUNTY COMMUNITY  
DEVELOPMENT DEPT.

I read this packet Friday September 15, and want to make sure you did too. I would like you to consider this an amendment to the letter I wrote previously regarding this subject.

On page 2 of the minutes from March 9, 2017, Diana Chien-Levalley is named as the project applicant, but later in the minutes on page 3 Diana Chien- LeValley is listed as the project appellant, the person who is filing the appeal of the project.

Mr Moy, Water Resources Director, states in these minutes that his department would prefer to have further consultation with the Planning Department before a Categorical Exemption is approve

Moy said in the minutes March 9 "Water Resources did not agree with staff's determination for a categorical exemption and Water Resources did not issue a permit for this proposed project."

Mr Moy said "considering the size difference between the proposed structure and the existing structure, he does not personally view this as a simple reconstruction and it looks like there is a significant increase in size."

I would like this permit investigated by code enforcement, the California Water Board, and whoever else within Lake County and outside of Lake County who investigates violations of permits to remodel an already existing dock and then extend the dock far beyond its original size.

While Commissioner Malley at the meeting March 9 said the state was notified "right away" that "we had given the approval" (of what? The categorical exemption?)

**Ms DelValle said the State was not notified of the exemption.**

**There must be documents to verify this difference of opinion regarding whether or not the state was notified of action taken by the planning commission. Are these documents available?**

**Attachment 2 of this document again lists Diana Chien-LeValley as the appellant and not the applicant as on page 2 of the minutes from March 9.**

**Are the readers of these materials aware that a civil complaint CV416816 was filed November 8, 2016, Diana Chien –LeValley vs Bel Haven Owners Association , and Laurie Dohring an individual (the applicant).**

**Upon reading the materials and knowing the work accomplished by Sara Ryan, federal EPA representative for the Big Valley Tribe of Pomo Indians I want the Board of Supervisors to be aware of the test results from Soda Bay that showed higher than acceptable levels of microcystins in cyanobacteria in the waters of Soda Bay. It is my understanding that tules existing on the shores of the lake in Soda Bay help clean and filter the water, and the septic waste water that may be entering the lake from septic systems that leak.**

**A man and his wife, former owners of Kelseyville Septic did tests and showed me how waste waters flow back into Clear Lake after toilets are flushed or after the waste is treated at waste disposal systems present. Tules present help filter out and clean these waters.**

**It is my understanding that this civil complaint was resolved and Ms DelVallee now has a gag order not to talk about it. Is the planning commission aware of this? Are you the supervisors aware of this?**

**The letter from the State Department of Fish and Wildlife raises the concerns for the baby hitch who reside in the shallows of the lakeshore in Soda Bay and wherever there is natural shoreline with tules and habitat conducive to wildlife.**

**Attachment B-4, the Encroachment Permit, states that all structures will comply with the ten foot required setbacks from side property**

**lines, and construction methods shall minimize disturbance of the underlying lands of Clear Lake.**

**How can this be accomplished when the plans for the expanded dock call for 21 new additional pilings to be driven in to the bottom of the lake, and the covered structure planned for the end of the dock is wider than the lake shore property itself? This is according to materials presented by Joan Sturges.**

**How can demolition of the existing pier take place without disturbing the lake bottom?**

**In conclusion, I disagree with the planning commission's finding that replacement and reconstruction of existing structures and facilities where the new structures will be located will have substantially the same purpose and capacity as the structure replaced.**

**I believe the repair and remodel building permit requirements were violated when a 3000 sq foot house replaced a 1000 square foot house and a dock is planned to be much longer and wider than the dock already present.**

**I am filling out a complaint form so these violations of repair and remodel permits can be investigated before you, the Board of Supervisors, make your decision.**

*Joan Moss Sept 19, 2017*

**Joan Moss**

**279-1650**

**Joan Sturges**

---

**From:** Joan Kammerer <JKammerer@mhcinc.org>  
**Sent:** Tuesday, September 19, 2017 11:09 AM  
**To:** Joan Sturges  
**Subject:** FW: Bell Haven Lakebed Permit, APN 044-030-01

I will forward the Email I set to Peggy Barthel with cc to Rob Brown.  
This is what I got back from Ms Barthel.

---

**From:** Peggy Barthel [mailto:Peggy.Barthel@lakecountyca.gov]  
**Sent:** Tuesday, September 19, 2017 11:07 AM  
**To:** Joan Kammerer  
**Subject:** Automatic reply: Bell Haven Lakebed Permit, APN 044-030-01

Thank you for your email. I am on vacation and will return to the office on Monday, September 25.

If you require immediate assistance please contact Byron Turner with CEQA questions at [byron.turner@lakecountyca.gov](mailto:byron.turner@lakecountyca.gov) or Michalyn DelValle with Planning questions at [michalyn.delvalle@lakecountyca.gov](mailto:michalyn.delvalle@lakecountyca.gov)

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## **Joan Sturges**

---

**From:** Joan Sturges  
**Sent:** Tuesday, September 19, 2017 1:02 PM  
**To:** 'Joan Kammerer'  
**Subject:** RE: Bell Haven Lakebed Permit, APN 044-030-01

Thanks so much.

*Cheers!*

*Joan Sturges*  
3385 White Oak Way  
Kelseyville, CA 95451  
Office: 707-279-1188  
Fax: 707-279-1188  
Cell: 707-272-1866

Certified Public Accountant  
Certified Fraud Examiner  
Certified Valuation Analyst  
Private Investigator

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---

**From:** Joan Kammerer [mailto:JKammerer@mchcinc.org]  
**Sent:** Tuesday, September 19, 2017 11:10 AM  
**To:** Joan Sturges <js@joansturges.com>  
**Subject:** FW: Bell Haven Lakebed Permit, APN 044-030-01

---

**From:** Joan Kammerer  
**Sent:** Tuesday, September 19, 2017 11:07 AM  
**To:** 'Peggy.barthel@lakecountyca.gov'  
**Cc:** 'Rob.Brown@lakecountyca.gov'  
**Subject:** Bell Haven Lakebed Permit, APN 044-030-01

I'm writing to support my neighbor Joan Sturges' objection to the large structure Bell Haven is planning to build at the end of their dock. The Bell Haven plan sounds completely questionable and inappropriate for this area. Please consider the opinions of the residents who have lived in this charming area for many years and do not approve this project.

Thank you,  
Joan Kammerer

Kelseyville, CA

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## **Joan Sturges**

---

**From:** Joan Sturges  
**Sent:** Tuesday, September 19, 2017 5:01 PM  
**To:** 'peggy.barthel@lakecountyca.gov'; 'Rob.Brown@lakecountyca.gov';  
'Jim.Steele@lakecountyca.gov'; 'Jeff.Smith@lakecountyca.gov';  
'Tina.Scott@lakecountyca.gov'; 'Moke.Simon@lakecountyca.gov'  
**Subject:** Re: Doring Dock Project

Peggy ---

I was sorry to hear that you will be out of the office this week. I hope you enjoy your time.

Since this is the last of the period allowed for public input, I wanted to make clear to you what I think would be best for the health of Clear Lake in this matter. It is very simple, disallow the extra 82 feet and it's structures at the end of the proposed dock.

Thank you for your consideration in this matter. When you return to the office next week, I would like to review maps that I have from 1923 with you. It clearly shows too limited of a lake frontage for their proposed structure.

*Cheers!*

*Joan Sturges*  
3385 White Oak Way  
Kelseyville, CA 95451  
Office: 707-279-1188  
Fax: 707-279-1188  
Cell: 707-272-1866

Certified Public Accountant  
Certified Fraud Examiner  
Certified Valuation Analyst  
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To Peggy Barthel

It's been brought to my attention that  
a request for permit to extend &  
expand a dock @ the Bell Haven Compound  
is in review -

I was a resident on Buckingham Estate  
for some years & have enjoyed  
the lake <sup>& community</sup> for many years previous.

It seems that this construction  
could very well be a navigational  
hazard as well as negative impact  
on shoreline. Please use good  
judgment in your decision.

Plan forward to superintendents (Lites).

Paul Warner

Hope you can read this soon!

Paul

**THE  
HOMEWORK CLUB**  
— PREPARING FOR THE FUTURE —

One St. Vincent Drive • San Rafael, Ca. 94903

Dear Joan,

I'd be happy to help  
fight this building.

I causes a precedent  
that the lake just  
doesn't need.

Send me a 'form letter'  
that you have already  
used. I'll change it  
up to present my  
views.

Susan@animaltraks.co

Also, I'd love to come  
down to your place  
for a meeting of  
the minds.

This is winnable (SP?)

Sincerely Susan  
Everinga

## Joan Sturges

---

**From:** Joan Sturges  
**Sent:** Thursday, September 21, 2017 12:20 PM  
**To:** 'Kris Emil'  
**Subject:** RE: pier house

Thanks so much for stepping forward. The next item on the courthouse agenda on this matter is the public hearing on Thursday, the 28<sup>th</sup> at 9:05am in the board of supervisors chambers.

*Cheers!*

*Joan Sturges*  
3385 White Oak Way  
Kelseyville, CA 95451  
Office: 707-279-1188  
Fax: 707-279-1188  
Cell: 707-272-1866

Certified Public Accountant  
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**From:** Kris Emil [mailto:krisemil54@gmail.com]  
**Sent:** Thursday, September 21, 2017 6:13 AM  
**To:** Joan Sturges <js@joansturges.com>  
**Subject:** pier house

Good morning Joan: I was wondering what you have heard from lake bed management? I would like to craft a letter but need more info. Regards Kris Langdon  
707-350-5460

**Joan Sturges**

---

**From:** Joan Sturges  
**Sent:** Thursday, September 21, 2017 12:24 PM  
**To:** 'Rita Abbey'  
**Subject:** RE: Bell Haven Lakebed Permit, APN 044-030-01

Thanks so much.

Cheers!

Joan Sturges  
3385 White Oak Way  
Kelseyville, CA 95451  
Office: 707-279-1188  
Fax: 707-279-1188  
Cell: 707-272-1866

Certified Public Accountant  
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-----Original Message-----

**From:** Rita Abbey [mailto:[ritaabbey@mchsi.com](mailto:ritaabbey@mchsi.com)]  
**Sent:** Wednesday, September 20, 2017 8:39 AM  
**To:** [tina.scott@lakecountyca.gov](mailto:tina.scott@lakecountyca.gov); [jim.steele@lakecountyca.gov](mailto:jim.steele@lakecountyca.gov); [jeff.smith@lakecountyca.gov](mailto:jeff.smith@lakecountyca.gov); [rob.brown@lakecountyca.gov](mailto:rob.brown@lakecountyca.gov); [moke.simon@lakecountyca.gov](mailto:moke.simon@lakecountyca.gov)  
**Subject:** Bell Haven Lakebed Permit, APN 044-030-01

Dear Lake County Supervisors:

My husband and I have lived in Soda Bay for over 25 years. From our home we have views of many of Soda Bay resorts and residences, Konocti Vista, Lakewood, Edgewater Resort, Bell Haven as a few. As a lakefront property owner, we have followed the County guidelines regarding dock size, setback lines, etc. Our belief is that these rules were

established by the County in order for all residents and property owners to enjoy our beautiful lake and the views it provides.

The owners of Bell Haven have every right to build their dock in accordance with the established guidelines. To extend their dock 82 feet longer than permitted, plus build a structure on that dock would block views and create a huge eyesore which most residents of Soda Bay would have to look at each and every day. The dock proposal is out of proportion with all other existing dock structures in the Bay. Further, the structure could create a boating hazard at night.

We ask that you reject the Bell Haven dock/structure proposal.

Regards,

Rita Abbey

Rolf Kriken

3015 Willow Rd.

Kelseyville, C 95451

---  
This email has been checked for viruses by Avast antivirus software.  
<https://www.avast.com/antivirus>

## Joan Sturges

---

**From:** Joan Sturges  
**Sent:** Thursday, September 21, 2017 12:24 PM  
**To:** 'Gary'  
**Subject:** RE: Bell Haven Boat Doc Extension

Thanks so much.

*Cheers!*

Joan Sturges  
3385 White Oak Way  
Kelseyville, CA 95451  
Office: 707-279-1188  
Fax: 707-279-1188  
Cell: 707-272-1866

Certified Public Accountant  
Certified Fraud Examiner  
Certified Valuation Analyst  
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---

**From:** Gary [mailto:pggrantham@att.net]  
**Sent:** Wednesday, September 20, 2017 8:42 AM  
**To:** Joan Sturges <js@joansturges.com>  
**Subject:** FW: Bell Haven Boat Doc Extension

Patty and Gary G

---

**From:** Gary  
**Sent:** Tuesday, September 19, 2017 4:15 PM  
**To:** [peggy.barthel@lakecountyca.gov](mailto:peggy.barthel@lakecountyca.gov)  
**Cc:** [Rob.Brown@lakecountyca.gov](mailto:Rob.Brown@lakecountyca.gov); [Jim.Steele@lakecountyca.gov](mailto:Jim.Steele@lakecountyca.gov); [Jeff.Smith@lakecountyca.gov](mailto:Jeff.Smith@lakecountyca.gov); [Tina.Scott@lakecountyca.gov](mailto:Tina.Scott@lakecountyca.gov); [Moke.Simon@lakecountyca.gov](mailto:Moke.Simon@lakecountyca.gov)  
**Subject:** Bell Haven Boat Doc Extension

Peggy Barthel  
Assistant Resource Planner, Courthouse  
Lake County, CA 95453

You should visit the property of Joan Sturgis and family to see first hand what an environmental criminal act of granting this boat doc extension truly is. To permit something so far beyond current ordinance for inanimate things as boats over the quality of life enjoyed by humans, particularly by part time dwellers (Bell Haven) is just wrong. Don't let big money take precedence over established regulations intended to protect long term homeowners and their property's value.

Patty and Gary Grantham  
19225 Mountain Meadow N  
Hidden Valley Lake, CA 95467

## Joan Sturges

---

**From:** Joan Sturges  
**Sent:** Thursday, September 21, 2017 12:22 PM  
**To:** 'Vicki LaRue'  
**Subject:** RE: Bell Haven Lakebed Permit APN 044-030-01

Thanks so much.

Cheers!

Joan Sturges  
3385 White Oak Way  
Kelseyville, CA 95451  
Office: 707-279-1188  
Fax: 707-279-1188  
Cell: 707-272-1866

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-----Original Message-----

From: Vicki LaRue [mailto:vickilarue@msn.com]  
Sent: Wednesday, September 20, 2017 10:21 AM  
To: peggy.barthel@lakecountyca.gov  
Cc: Joan Sturges <js@joansturges.com>  
Subject: Bell Haven Lakebed Permit APN 044-030-01

I am writing in support of Joan Sturges' battle against the above permit. She has an excellent complaint to keep this from happening. The existing dock is there to accommodate a home that is very rarely lived in and they want to extend it 82 feet claiming it will be a repair job. Also, the new construction will ruin her view of the lake.

I hope you consider not issuing a building permit for this project.

Thank you,  
Sincerely,

Vicki LaRue  
707-843-6014

Sent from my iPad

**Joan Sturges**

---

**From:** Joan Sturges  
**Sent:** Thursday, September 21, 2017 12:22 PM  
**To:** 'john@redheartranch.com'  
**Subject:** RE: Bell haven Lakebed Permit APN 044-030-01

Thanks so much.

*Cheers!*

Joan Sturges  
3385 White Oak Way  
Kelseyville, CA 95451  
Office: 707-279-1188  
Fax: 707-279-1188  
Cell: 707-272-1866

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**From:** john@redheartranch.com [mailto:john@redheartranch.com]  
**Sent:** Wednesday, September 20, 2017 12:40 PM  
**To:** peggy.barthel@lakecountyca.gov; Rob.Brown@lakecountyca.gov; Jim.Steele@lakecountyca.gov; Jeff.Smith@lakecountyca.gov; Tina.Scott@lakecountyca.gov; Moke.Simon@lakecounty.gov  
**Subject:** Bell haven Lakebed Permit APN 044-030-01

Dear Ms Barthel & Honored Supervisors:

I am writing to you regarding the matter of construction/remodeling under the aegis of Bell haven Lakebed Permit APN 044-030-01.

This project is erroneously classified as a "repair of an existing structure". How can this be? They want to add 82 feet of dock, well in excess of what is permitted for a residence, and take up valuable viewshed with a huge structure and additional pilings. This impacts all of the neighbors and negatively affects the property values of all with a lake view.

Remodeling and repair is one thing. This project is anything but. It's not a repair - its a Trojan horse! I urge you to deny this application as it stands. Thank you for your consideration.

John Moorhead  
PO Box 212



**Joan Sturges**

---

**From:** Joan Sturges  
**Sent:** Thursday, September 21, 2017 12:21 PM  
**To:** 'lori and Glen rolfe'  
**Subject:** RE: Bell Haven Resort over stepping their boundaries

Lori and Glen ---

Thanks so much.

*Cheers!*

*Joan Sturges*  
3385 White Oak Way  
Kelseyville, CA 95451  
Office: 707-279-1188  
Fax: 707-279-1188  
Cell: 707-272-1866

Certified Public Accountant  
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**From:** lori and Glen rolfe [mailto:rolfe5150@hotmail.com]  
**Sent:** Wednesday, September 20, 2017 8:40 PM  
**To:** Joan Sturges <js@joansturges.com>  
**Subject:** Fw: Bell Haven Resort over stepping their boundaries

Sent from Outlook

---

**From:** lori and Glen rolfe <rolfe5150@hotmail.com>  
**Sent:** Wednesday, September 20, 2017 8:35 PM  
**To:** [Tina.Scott@lakecountyca.gov](mailto:Tina.Scott@lakecountyca.gov)  
**Subject:** Bell Haven Resort over stepping their boundaries

Good Day Ms. Supervisor,

As a concerned citizen I am asking you to strongly curb allowances to Bell Haven Resort's requests to extend their dock.

In no way is this a simple repair of existing structure. I truly hope this does not turn into "She who has the most money wins."

Docks have a limited size for very good reason. Lake County citizens have a right to rely on that with our beautiful lake.

Thank you for your consideration,

Lori Rolfe

Sent from Outlook

9-21-2017

Catherine Hail 's, Andy Sabiu  
object the project of the dock  
at Joan's place

Thank you

Andy Sabiu

To Peggy Barthel

It's been brought to my attention that  
a request for permit to extend &  
expand a dock @ the Bell Haven Compound  
is in review -

I was a resident on Bushkings Estate  
for some years & have enjoyed  
the lake <sup>& community</sup> for many years previous.

It seems that this construction  
could very well be a navigational  
hazard as well as negative impact  
on shoreline. Please use good  
judgment in your decision.  
Please forward to superintendents (listed).

Paul Warner

Hope you can read this down!

RECEIVED

SEP 22 2017

LAKE COUNTY COMMUNITY  
DEVELOPMENT DEPT.

Paul

Re: Doring Dock Project

**THE  
HOMEWORK CLUB**  
— PREPARING FOR THE FUTURE —

One St. Vincent Drive • San Rafael, Ca. 94903

RECEIVED

SEP 22 2017

LAKE COUNTY COMMUNITY  
DEVELOPMENT DEPT.

Dear Joan,

I'd be happy to help  
fight this building.

It causes a precedent  
that the lake just  
doesn't need.

Send me a 'form letter'  
that you have already  
used. I'll change it  
up to present my  
views.

Susan@animaltraks.com

Also, I'd love to come  
down to your place  
for a meeting of  
the minds.

This is winnable (S.P.)

Sincerely Susan  
Evering

**Peggy Barthel**

---

**From:** Joan Sturges <js@joansturges.com>  
**Sent:** Saturday, September 16, 2017 12:14 PM  
**To:** Moke Simon; Peggy Barthel  
**Subject:** Re: Tulle People and the Doring Dock Project

Moke ---

I am reaching out to my friends and concerned people about our lake and it's shoreline. I am trying to contact the Sierra Club, the Bird People, and I am in search of the Tulle People.

I am sure you want our lake protected and not paved. "The Friends of Cobb" was telling me about an organization for protection of the tulates. Do you have a contact person for me?

I live next door to the proposed Doring Dock Project. I am most alarmed about how much paving of our lake they feel is much needed. They are from Southern California, where they pave their rivers.

I have dropped off a letter and packet at the courthouse for you on this matter. I am available anytime if you could ever stop by and look at what they are want to do.

Thank you. I appreciate your time and concern.

*Cheers!*

*Joan Sturges*  
3385 White Oak Way  
Kelseyville, CA 95451  
Office: 707-279-1188  
Fax: 707-279-1188  
Cell: 707-272-1866

Certified Public Accountant  
Certified Fraud Examiner  
Certified Valuation Analyst  
Private Investigator

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## **Peggy Barthel**

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**From:** carolharris@mchsi.com  
**Sent:** Saturday, September 16, 2017 2:41 PM  
**To:** Peggy Barthel; Rob Brown; Jim Steele; Jeff Smith; Tina Scott; Moke Simon  
**Cc:** js@joansturges.com  
**Subject:** Bell Haven Dock

My husband, Bob Berg, and I have been clients of C.P.A. Joan Sturges for close to 35 years. During that time we have had the opportunity to visit her office next to the lake on several occasions. It is impossible to be on her property and not be awed by the history, beauty, and tranquility of the setting. It has recently come to our attention that the essentially absentee owner of the adjoining property has requested a permit to modify and extend their existing dock, plus add a large covered structure with a wider dimension than even the amount of lake frontage which they legally own. This new covered structure on the Bell Haven property would block half the view of the lake that the Sturges property has enjoyed since their property was first developed. We are respectfully requesting that you allow no construction to occur on this dock beyond what is necessary for repair of the current one and that any modification made to the dock would not in any way block the view of the lake from the Sturges homestead. We think it is very important that you preserve Lake County in a manner that both considers and respects the rights of its long time permanent residents and community contributors.

Carol Harris  
10940 Fairway Dr.  
Kelseyville, CA 95451

## **Peggy Barthel**

---

**From:** Buddy Brantley <bbrantley@wusd.org>  
**Sent:** Sunday, September 17, 2017 12:26 PM  
**To:** Jeff Smith; Jim Steele; Moke Simon; Rob Brown; Tina Scott; js@joansturges.com; Peggy Barthel  
**Subject:** Bell Haven Lakebed Permit

Peggy Barthel,

I am writing this email in opposition to the Bell Haven family compound proposed dock structure. It seems grossly unfair for a privately owned home (which the owners don't even reside in) to extend their dock 82 feet longer than permitted for a residence with a large covered structure over 70 feet wide when they only have 50 feet of lake frontage.

There are amazing homes and homeowners in this location who have spent their lives maintaining their homes and following your rules and guidelines for building. This is what makes this area so beautiful. It is wrong and unjust to consider this proposed structure. Not only will it be against your codes and permits, it will greatly take away from the residence who make their homes in Bell Haven.

Sincerely,

Richard Brantley  
Educator

--  
B. Brantley  
Windsor Middle School

## **Peggy Barthel**

---

**From:** Brian Whiting <brian.e.whiting@gmail.com>  
**Sent:** Sunday, September 17, 2017 6:53 PM  
**To:** Peggy Barthel  
**Cc:** rob.brown@lakecounty.ca; jim.steele@lakecounty.ca; jeff.smith@lakecounty.ca;  
tina.scott@lakecounty.ca; moke.simon@lakecounty.ca  
**Subject:** Bell Haven project - APN: 044-030-01

Ms. Barthel,

We have owned a lakefront home in Soda Bay since 1979. We are sending this email to strongly object to the proposed increased size of the dock and the extra-large covered structure that the owners of Bell Haven are proposing to build. It is outrageous that the owners are intending to build a covered structure 70 feet in length when they only have 50 feet of lake frontage. Such a structure will block their neighbors view of the lake. Also, the owners are proposing to keep their dock, the length of which was granted by a variance to Bell Haven in 2000 when it was a resort. This dock is 82 feet longer than is allowed for a residence. As Bell Haven is now a residence, they should only be allowed the same length of dock that all other residences are allowed. Both of these proposals are very unfair and a permit, as proposed, should be denied.

Just because the owners can afford to build such a structure does not mean that they should be allowed to do so.

Best regards,

Brian and Ruth Whiting  
3575 Willow Road  
Kelseyville, CA

## **Peggy Barthel**

---

**From:** Joseph <graflz127@msn.com>  
**Sent:** Monday, September 18, 2017 5:38 PM  
**To:** Peggy Barthel  
**Subject:** Bell Haven

Ma'am,

I'd like to take a moment of your time to register my support for Joan Sturges in her effort to maintain her lake view.

This notion that the quality of life of our friends and neighbors can be disregarded at whim is contrary to the nature of Lake County.

The proposed construction is deceitful, arrogant, and obnoxious.

Very truly yours,

Joseph C Buttermann  
3540 Lake View Estate Dr.,  
Kelseyville, 95451 (Soda Bay)

## **Peggy Barthel**

---

**From:** Laurie Dohring <laurie@dohring.com>  
**Sent:** Tuesday, September 19, 2017 10:40 AM  
**To:** Peggy Barthel; Mireya Turner; Byron Turner  
**Subject:** Fact Checking  
**Attachments:** Comments to Joan's Sept 15 letter to Neighbors.pdf

Dear Peggy,

I have provided fact checking for Joan Sturges' letter that she is circulating far and wide in my neighborhood.

Best,  
Laurie Dohring

# Joan Sturges



Certified Public Accountant, Certified Fraud Examiner, Certified Valuation Analyst, Private Investigator

September 5, 2017

Re: Bell Haven Lakebed Permit, APN 044-030-01

Dear Clients and Interested Parties;

I hope you are having a prosperous and fun filled summer with family and friends. Please feel free to contact me anytime with any financial or tax questions. I do not want you to have any surprises at tax time.

I am asking you for your support in my battle against a large structure my neighbor, Bell Haven, is trying to build at the end of their dock blocking half of my lake view shed.<sup>1</sup> The public period of review ends September 20<sup>th</sup>. I would appreciate your comments in my support before then, to Peggy Barthel, Assistant Resource Planner, Courthouse – 255 N. Forbes Street, Lakeport, CA 95453; or by phone at 707-263-2221; or by email at [peggy.barthel@lakecountyca.gov](mailto:peggy.barthel@lakecountyca.gov), even if you do not live in Lake County. It would be great if you would forward a copy to me and to the supervisors as they will be the ones to end up ruling on the matter. The supervisors are easiest reached by email or at the above Courthouse address: [Rob.Brown@lakecountyca.gov](mailto:Rob.Brown@lakecountyca.gov); [Jim.Steele@lakecountyca.gov](mailto:Jim.Steele@lakecountyca.gov); [Jeff.Smith@lakecountyca.gov](mailto:Jeff.Smith@lakecountyca.gov); [Tina.Scott@lakecountyca.gov](mailto:Tina.Scott@lakecountyca.gov); [Moke.Simon@lakecountyca.gov](mailto:Moke.Simon@lakecountyca.gov). Then on September 28<sup>th</sup> at 9:05am there is public input before the Community Development Department on this matter.

Next to me, Bell Haven has become a private family compound<sup>2</sup> with the owners residing in Southern California.<sup>3</sup> Over the last couple of years, they have spent \$6 million<sup>4</sup> on structures and another million on landscaping. It is one of the most beautiful houses in the world that nobody lives in.<sup>5</sup> They now want to extend the dock 82 feet longer<sup>6</sup> then permitted for a residence with a large covered structure over 70 feet wide<sup>7</sup> when they only have 50 feet of lake frontage.<sup>8</sup> The proposed structure is a third the size of my entire house. They are applying for a permit as a repair of the existing structure,<sup>9</sup> however they will be adding 21 additional pilings. Time is of the essence; I would be honored for any support that you can give me. Please feel free to contact me for more information.

I am hosting an open house here on my front porch for all interested parties early Sunday evening, September 24<sup>th</sup> between six o'clock and eight o'clock. I want anyone interested to see what this matter is all about. Please spread the word and let me know if you will be able to attend so I can prepare food/drink accordingly. Thank you for speaking up and supporting for me.

Sincerely,

Joan Sturges  
Certified Public Accountant  
Certified Fraud Examiner  
Certified Valuation Analyst  
Private Investigator

1. See photo below.
2. Bell Haven is a commercial resort property with several tours and bookings currently happening.
3. We have been coming to Bell Haven every year for the past 25 years. My son got married on the front lawn.
4. Joan has no idea what I've spent.
5. Bell Haven is a commercial resort and is frequently occupied.
6. The dock will be the same length as it is right now. it will not be extended.
7. False. The covered structure will be 24 feet.
8. False. We have 150 feet.
9. False. There is no such thing as a permit for a repair in lakebed.

**The gangway and the dock will be exactly where the one is right now and does not even go in to the promenade. The promenade is not relevant to the dock at all.**

1.

### PHOTOS – BELL HAVEN DOCK

One of 47 docks in Soda Bay including a resort marina with one of the few gas stations, restaurant with motel and commercial resorts. In between these is a mobile home park.



Brand new 5 BR home and old, damaged and unsafe dock



Bare basic pipe dock. Old, rusted, defective.

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Blue tarp on Joan Sturgess' house that has been covering her damaged roof for months without repair.



Tules in front of Joan Sturges' house are almost as tall as her house blocking most of the view of the dock.  
(View from Lake)



(View from Sturges' Yard)



## **Peggy Barthel**

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**From:** Joan Kammerer <JKammerer@mhcinc.org>  
**Sent:** Tuesday, September 19, 2017 11:07 AM  
**To:** Peggy Barthel  
**Cc:** Rob Brown  
**Subject:** Bell Haven Lakebed Permit, APN 044-030-01

I'm writing to support my neighbor Joan Sturges' objection to the large structure Bell Haven is planning to build at the end of their dock. The Bell Haven plan sounds completely questionable and inappropriate for this area. Please consider the opinions of the residents who have lived in this charming area for many years and do not approve this project.

Thank you,  
Joan Kammerer  
Kelseyville, CA

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## **Peggy Barthel**

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**From:** Gary <pggrantham@att.net>  
**Sent:** Tuesday, September 19, 2017 4:15 PM  
**To:** Peggy Barthel  
**Cc:** Rob Brown; Jim Steele; Jeff Smith; Tina Scott; Moke Simon  
**Subject:** Bell Haven Boat Doc Extension

Peggy Barthel  
Assistant Resource Planner, Courthouse  
Lake County, CA 95453

You should visit the property of Joan Sturgis and family to see first hand what an environmental criminal act of granting this boat doc extension truly is. To permit something so far beyond current ordinance for inanimate things as boats over the quality of life enjoyed by humans, particularly by part time dwellers (Bell Haven) is just wrong. Don't let big money take precedence over established regulations intended to protect long term homeowners and their property's value.

Patty and Gary Grantham  
19225 Mountain Meadow N  
Hidden Valley Lake, CA 95467

## Peggy Barthel

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**From:** Joan Sturges <js@joansturges.com>  
**Sent:** Tuesday, September 19, 2017 5:01 PM  
**To:** Peggy Barthel; Rob Brown; Jim Steele; Jeff Smith; Tina Scott; Moke Simon  
**Subject:** Re: Doring Dock Project

Peggy ---

I was sorry to hear that you will be out of the office this week. I hope you enjoy your time.

Since this is the last of the period allowed for public input, I wanted to make clear to you what I think would be best for the health of Clear Lake in this matter. It is very simple, disallow the extra 82 feet and it's structures at the end of the proposed dock.

Thank you for your consideration in this matter. When you return to the office next week, I would like to review maps that I have from 1923 with you. It clearly shows too limited of a lake frontage for their proposed structure.

*Cheers!*

*Joan Sturges*  
3385 White Oak Way  
Kelseyville, CA 95451  
Office: 707-279-1188  
Fax: 707-279-1188  
Cell: 707-272-1866

Certified Public Accountant  
Certified Fraud Examiner  
Certified Valuation Analyst  
Private Investigator

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## **Peggy Barthel**

---

**From:** Vicki LaRue <vickilarue@msn.com>  
**Sent:** Wednesday, September 20, 2017 10:21 AM  
**To:** Peggy Barthel  
**Cc:** js@joansturges.com  
**Subject:** Bell Haven Lakebed Permit APN 044-030-01

I am writing in support of Joan Sturges' battle against the above permit. She has a excellent complaint to keep this from happening. The existing dock is there to accommodate a home that is very rarely lived in and they want to extend it 82 feet claiming it will be a repair job. Also, the new construction will ruin her view of the lake.

I hope you consider not issuing a building permit for this project.

Thank you,

Sincerely,

Vicki LaRue

707-843-6014

Sent from my iPad

## **Peggy Barthel**

---

**From:** john@redheartranch.com  
**Sent:** Wednesday, September 20, 2017 12:40 PM  
**To:** Peggy Barthel; Rob Brown; Jim Steele; Jeff Smith; Tina Scott;  
Moke.Simon@lakecounty.gov  
**Subject:** Bell haven Lakebed Permit APN 044-030-01

Dear Ms Barthel & Honored Supervisors:

I am writing to you regarding the matter of construction/remodeling under the aegis of Bell haven Lakebed Permit APN 044-030-01.

This project is erroneously classified as a "repair of an existing structure". How can this be? They want to add 82 feed of dock, well in excess of what is permitted for a residence, and take up valuable viewshed with a huge structure and additional pilings. This impacts all of the neighbors and negatively affects the property values of all with a lake view.

Remodeling and repair is one thing. This project is anything but. It's not a repair - its a Trojan horse! I urge you to deny this application as it stands. Thank you for your consideration.

John Moorhead  
PO Box 212  
Finley, CA 95435

## **Peggy Barthel**

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**From:** Victor Romero <victor@unityadjustments.com>  
**Sent:** Wednesday, September 20, 2017 7:10 PM  
**To:** Peggy Barthel  
**Cc:** 'Joan Sturges'; Rob Brown; Jim Steele; Jeff Smith; Tina Scott; Moke Simon  
**Subject:** Bell Haven Lakebed Permit, APN 044-030-01

Ms. Barthel,

I reside on 6545 Hohape Avenue, just a few doors down from the proposed project. I write to you in support of my neighbor Joan Sturges who's home will be deprived of the view that she's enjoyed for decades.

Joan and her husband have been excellent neighbor's and citizens of this community. I respectfully ask that you consider Joan's petition to deny a permit that would take away what she has worked so hard to obtain.

Thank You.

Respectfully,

Victor M. Romero

## **Peggy Barthel**

---

**From:** Joan Sturges <[js@joansturges.com](mailto:js@joansturges.com)>  
**Sent:** Thursday, September 21, 2017 12:15 PM  
**To:** Peggy Barthel  
**Subject:** FW: pier house

**From:** Kris Emil [<mailto:krisemil54@gmail.com>]  
**Sent:** Thursday, September 21, 2017 6:13 AM  
**To:** Joan Sturges <[js@joansturges.com](mailto:js@joansturges.com)>  
**Subject:** pier house

Good morning Joan: I was wondering what you have heard from lake bed management? I would like to craft a letter but need more info. Regards Kris Langdon  
707-350-5460

## Peggy Barthel

---

**From:** Joan Sturges <[js@joansturges.com](mailto:js@joansturges.com)>  
**Sent:** Thursday, September 21, 2017 12:41 PM  
**To:** Peggy Barthel; Jeff Smith; Moke Simon; Jim Steele; Rob Brown; Tina Scott  
**Subject:** FW: Letter and Taxes

**From:** Jeff Burrell [<mailto:jburrell44@att.net>]  
**Sent:** Thursday, September 21, 2017 12:37 PM  
**To:** Joan Sturges <[js@joansturges.com](mailto:js@joansturges.com)>  
**Subject:** Letter and Taxes

Joan,

Received your letter...quite disheartening how people can seek to interrupt others lives for the sake of their own greed. I am sending letters and making phone calls because of have sat many times and was amazed at the wonderment of your view. To have that taken away makes it just like every other home. It is vital to the worth and essence of your home. I hope they are listening...I will be heard! Least of all, I was just checking on our tax progress. Thanks

Jeff Burrell

## Peggy Barthel

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**From:** Gregg Lindsley <gerrg42@gmail.com>  
**Sent:** Friday, September 22, 2017 5:19 PM  
**To:** Peggy Barthel  
**Cc:** Rob Brown; Jim Steele; Tina Scott; Moke Simon  
**Subject:** Deny Bell Haven Lakebed Permit

Sept. 22, 2017

To whom it may concern:

I am writing on behalf of Joan Sturges in the matter of the Bell Haven Lakebed permit, APN 044-030-01. I urge you to deny the permit as written for the following reasons:

- 1) The permit requested exceeds the limit for a structure that has 50 feet of lake frontage by 82 feet. In addition, a large covered structure that is over 70 feet wide would change the lovely character of the cove in question and would be in fact, any eyesore.
- 2) The owners of the property do not live there, and the home is not occupied on a regular basis, with no expectation that this would change. Our county's character and charm stems from the fact that no building on the lake is too out of proportion to its surroundings. And the fact that the family is from Southern California suggests that they do not have our county's interests at heart, but may be intent on selling it after the work is done.
- 3) The permit is requesting a repair, which implies fixing what is already there. Adding an additional 21 pilings and adding more to the structure is hardly a repair. When this results in destroying the view of the residents that live here year-round, and is one of the things that make living here so enjoyable, one must object and make sure any work conforms to the ambience of the neighborhood.

Yours,

Gregg Allen Lindsley

Cobb, Ca. 95461

--

Gregg Lindsley  
Earth and Fire Pottery

**Joan Sturges**

**From:** Joan Sturges  
**Sent:** Friday, September 01, 2017 2:11 PM  
**To:** 'peggy.barthel@lakecountyca.gov'; 'do.it.n@hotmail.com'; 'Aldaron Laird'; 'tanya.sgeya@wildlife.ca.gov'; 'mireya.turner@lakecountyca.gov'; chuck sturges (chucksturges@hotmail.com); kelseyingsalls@hotmail.com; 'Dana Sturges'  
**Cc:** 'Rob.Brown@lakecountyca.gov'; 'Tina.Scott@lakecountyca.gov'; 'Jim.Steele@lakecountyca.gov'; 'Jeff.Smith@lakecountyca.gov'; 'Moke.Simon@lakecountyca.gov'; scott.webb@lakecountyca.gov; Robert Massarelli  
**Subject:** Re: Bell Haven Homeowners Association Lakebed Permit

Peggy ---

I am opposed to the changes of this dock for the following reasons:

- 1) I do not want to look at the structure at the end of the dock as it will be blocking half of my view shed.
- 2) Bell Haven is a private family compound and is no longer a resort. One does not spend \$6 million dollars on structures and another million dollars on landscaping to generate rental income, even high end.
- 3) I understand that a variance in the year 2000 was granted for extra boat parking along the floating dock at the end. Since the reason for the variance is no longer valid, the new dock needs to be 82 feet shorter than the existing dock. The 2000 variance was for boat parking along the floating dock and not for structures with high roofs, etc.
- 4) The property owners do not own enough lake frontage for the width of the structures they are proposing. I will drop off to your office the 1923 maps of the subdivision, compliant filed on August 18, 1970, and the judgment filed August 30, 1978, current pictures of the area, and the homeowners association that currently controls the promenade and other common areas in the Soda Bay Spring Subdivision Property Owners Association. Even with the lot line adjustment in 1930, you will see from the maps all they have is a single rounded corner lot on the lake with less than 50 feet of actual lake frontage, therefore that proposed dock will be sitting in front of my property. Again, I do not want to look at it. I am opposed to any structure at the end of the dock. An umbrella would have the same effect and not be permanent when not in use.
- 5) The length, width, and height of the proposed structures is way different then the dock currently there. I understand they are trying to accomplish this project on a rebuild, remodel, repair permit. They are adding 21 new piling, which is major and not just a repair/remodel. They just built a 3,000+ square foot home on the remodel permit of a 1,000 square foot home.
- 6) Currently they are in a half dozen violations of the court judgement by blocking access to the lake and the promenade. It seems that the current violations should be brought into compliance before any new privileges are extended.
- 7) I have been sitting here working and watching the lake and wild life for 35 years. I have seen on my property and lake frontage 128 species of birds, mink, otters, foxes, raccoons, possums, skunk, turkeys, deer, etc. The most disruptive element of the new proposed dock would be the disruptions of the flock feeding that involves thousands of coots, pelicans, geese, ducks, eagles, herons, egrets, etc. The feeding patterns are often in from of my property as it is the only place left on the water fount in Soda Bay that does not have monstrous docks. You are the custodians for the lake. Are we going to let southern Californian aristocrats pave our lake?
- 8) We have a quit peaceful neighborhood and docks make a lot of noise. We do not need more noise.
- 9) The lights on the dock destroys your night vision and most of the stars disappear.
- 10) There is a lot of daily maintenance on docks as a goose poops 26 times a day and I counted 20 of them on their front lawn yesterday.
- 11) As the court judgement out lines and the homeowners association agrees that no trees, or plantings, or any permeant structures or items should be made to the promenade without board consent. Any toys left along the promenade and Soda Bay Drive are concerned for community use.

- 12) If the dock building structures were close to the shore line behind the trees it would not be so offensive and be more in compliance.
- 13) Mireya Turner advised me that this matter will go before the planning commission on Thursday, September 28<sup>th</sup> at 9:05am. I have a number of concerned citizens that want to attend. I will have them contact your office. Please let me know the place and of any changes and dates or time for the planning commission hearing for public input.

Thank you for your consideration in this very import matter to me.

*Cheers!*

*Joan Sturges*

3385 White Oak Way

Kelseyville, CA 95451

Office: 707-279-1188

Fax: 707-279-1188

Cell: 707-272-1866

Certified Public Accountant

Certified Fraud Examiner

Certified Valuation Analyst

Private Investigator

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CE

# BASIS OF BEARINGS NOTE

D MARKINGS ON TAG AND A  
NER IS IDENTICAL IN  
TEM # 4 TO FOLLOW.  
41.

I. NO MARKINGS VISIBLE.  
CROACHMENT SURVEY DATED  
ST REVISED).

REFERENCE THIS CORNER IS

ED L.S. 2920, RECORD

ORD REFERENCE.

L.S. 2857.

RIVEN INSIDE, NO TAG  
) CORNER PER BOOK 1 OF

THE CALCULATED BEARING OF S 72° 45' 35" W BETWEEN FOUND RECORD  
CORNER # 1 AND # 2 AS SHOWN ON THE MAP FILED IN BOOK 1  
OF MAPS AT PAGE 141 WAS USED AS BASIS OF BEARINGS FOR THIS MAP.  
THE DISTANCE USED TO SET THE CORNERS TO THE WEST OF FOUND  
CORNER # 1 ARE PROPORTIONED BY RECORD AND MEASURED DISTANCES  
BETWEEN FOUND RECORD CORNERS # 1 AND # 7.

( $\Delta = 134^\circ 41'$   
(R = 23.74'  
(L = 55.8')

( $\Delta = 134^\circ 41'$   
(R = 23.72'  
(T = 55.83'  
(L = 55.77'

( $\Delta = 06^\circ 52'$   
(R = 177'  
(L = 15.03')

( $\Delta = 4^\circ 52' 0$   
(R = 178.89'  
(T = 7.52'  
(L = 15.05'

( $\Delta = 130^\circ 00'$   
(R = 22') (R = 32')  
(L = 49.92') (L = 72.8')

( $\Delta = 130^\circ 00' 00'$   
(R = 21.96'  
(T = 47.09'  
(L = 49.82'

SODA BAY DRIVE  
(N 72° 45' 35" E 161.51'  
(N 72° 45' 35" E 161.52')

BLOCK 2

( $\Delta = 42^\circ 27' 0$   
(R = 178.99'  
(T = 68.74'  
(L = 131.13'

( $\Delta = 42^\circ 27'$   
(R = 177')  
(L = 131.14')

WHITE OAK WAY  
(S 78° 18' 10" E 49.10')

0' >  
98

38.05  
4.07

10' E >  
00" W

9.85'  
10.07'  
109' >

MOBIL HOME

AVENUE ROAD

1

S 66° 09' 59" E [RADIAL]

S 18° 52' 30" E [RADIAL]

N 18° 52' 30" W [RADIAL]

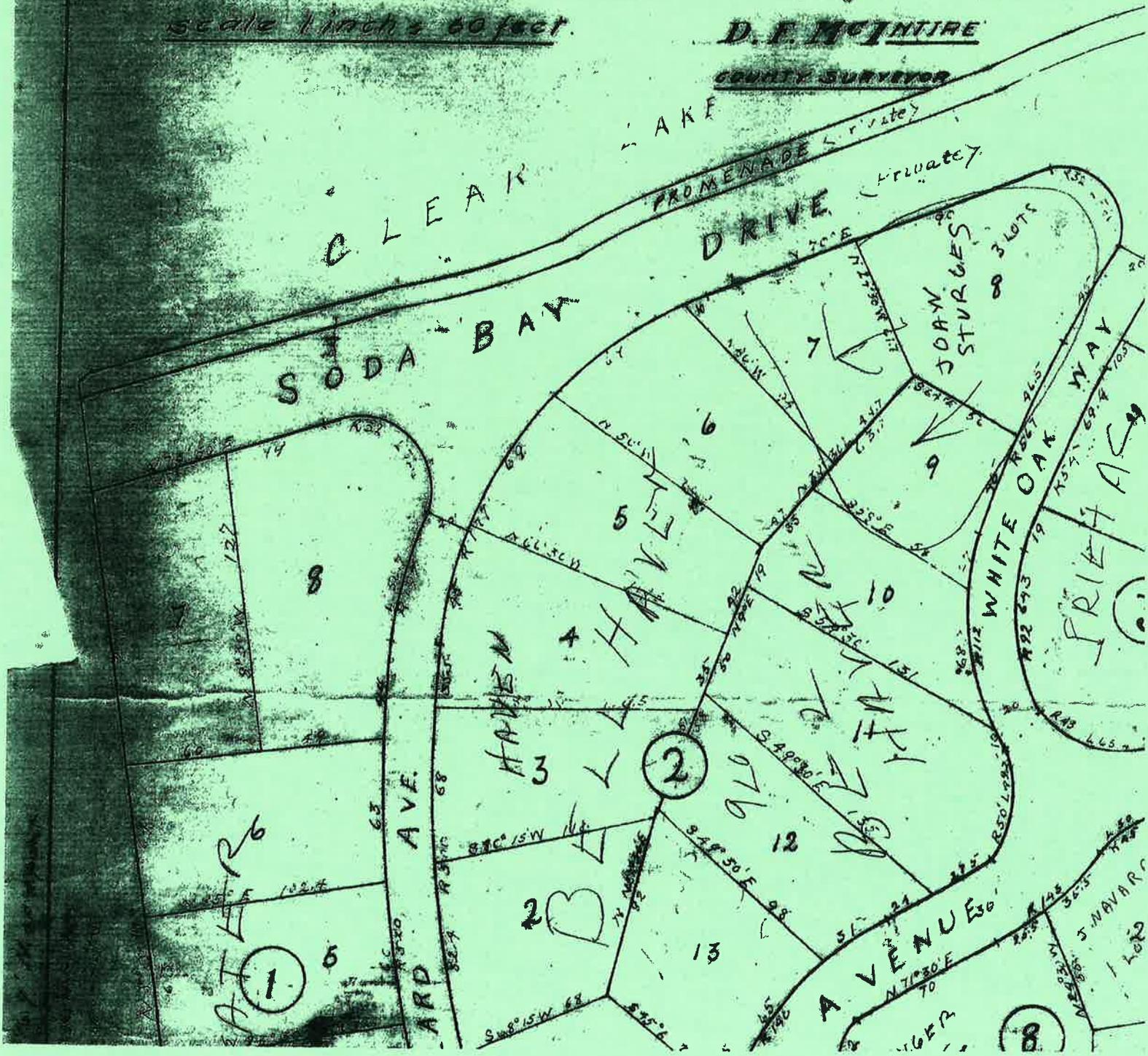
# SODA BAY SPRINGS SUBDIVISION

ON  
CLEAR LAKE - LAKE COUNTY  
CALIFORNIA

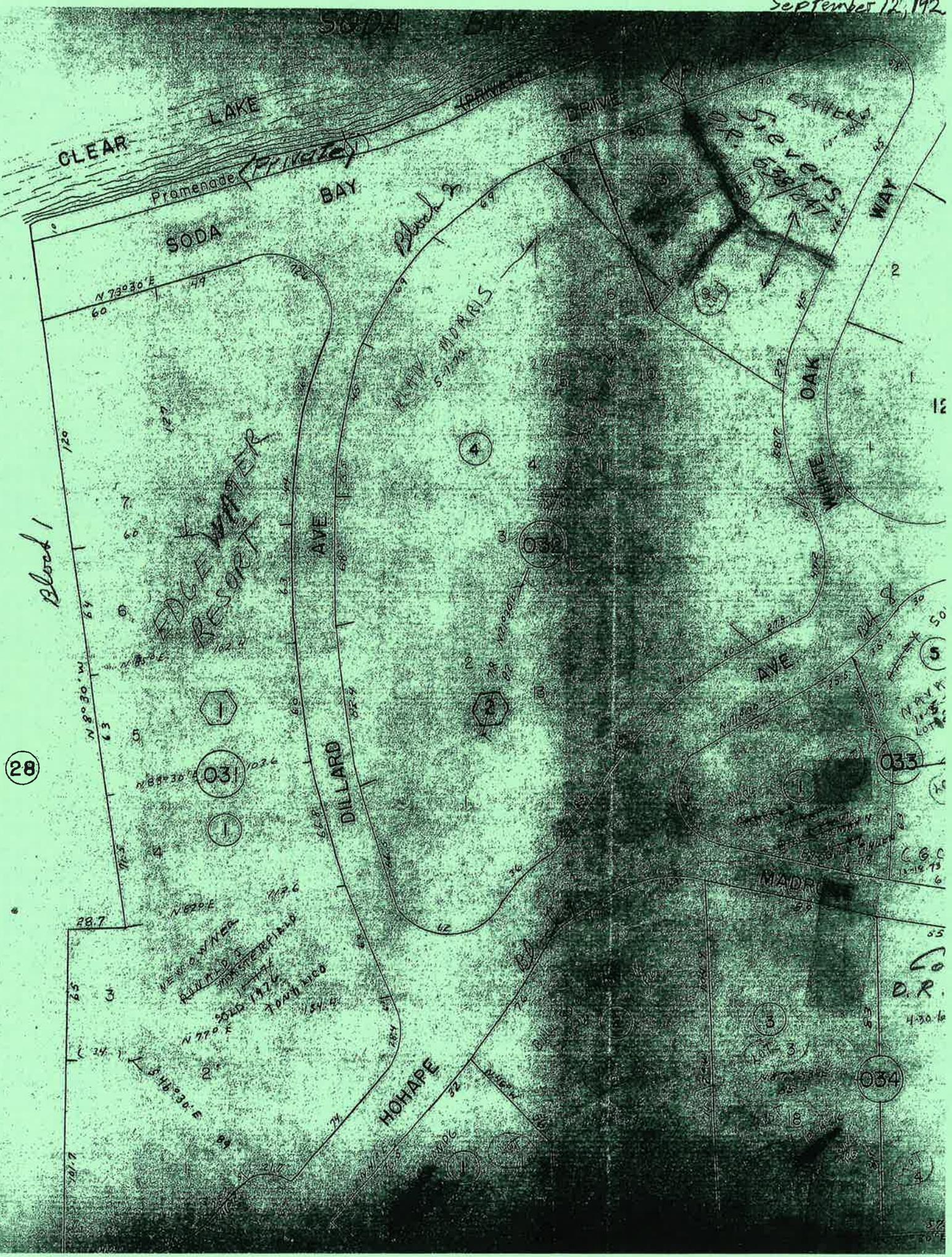
Scale 1 inch = 60 feet.

D. F. MCINTIRE

COUNTY SURVEYOR



September 12, 192



CLEAR LAKE  
Promenade (Private)

SODA BAY

EDGEWATER RESORT

DILLARD AVE

MADRID AVE

HOHAPPE

Block 1

Block 2

ESTHERS  
D.R. STEVENS

OAK WHITE

WAY

(28)

031

(1)

(4)

(2)

032

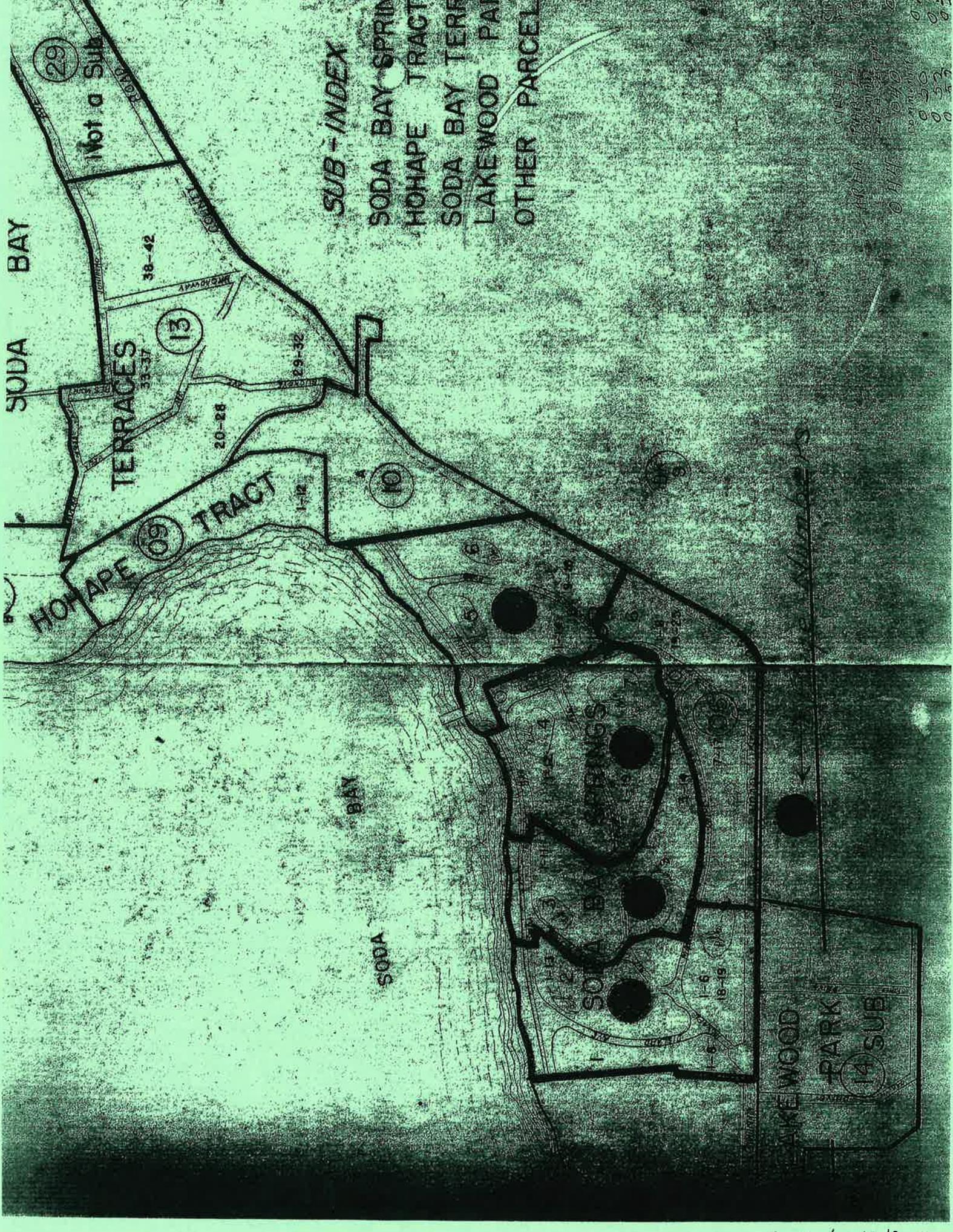
033

034

D.R.

430.16

32



**SUB - INDEX**  
 SODA BAY SPRING  
 HOHAPE TRACT  
 SODA BAY TERR  
 LAKEWOOD PARK  
 OTHER PARCEL

0.114  
 0.50  
 0.52  
 0.53  
 0.54  
 0.55  
 0.56  
 0.57

LAKEWOOD PARK  
 SUB  
 14

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LAKE

---oOo---

11	GEORGE W. KIBBY, et al.,	)	
12	Plaintiffs,	)	NO. 11,107
13	vs.	)	<u>DISCLAIMER</u>
14	ARNE H. and MAY A. MALIN,	)	
15	et al.,	)	
16	Defendants.	)	

Defendant(s)

answer(s) the complaint herein

as follows:

I.

Said defendant(s) admit(s) that on August 18, 1970 at the time the above-entitled action was commenced, they were the owners and possessors of the fee title interest in and to "SODA BAY SPRINGS SUBDIVISION - ON CLEAR LAKE", in Lake County, California as recorded in Book 3 of Town Maps at pages 51 and 52 thereof, Official Records of Lake County, California.

II.

These defendants disclaim any interests adverse to plaintiffs and to any other owners of lots in said "SODA BAY SPRINGS SUBDIVISION - ON CLEAR LAKE", in and to all the streets, ways, promenades, parks and recreational areas as described on

FILED  
HOUR \_\_\_\_\_ M.

AUG 28 1978

Lois R. Hesterberg, Co. Clerk  
JEAN L. PATRICK

1 CRAWFORD, MAJOR & KRANZ  
2 160 Fifth Street  
3 Lakeport, California  
4 707 263-5441  
Attorneys for Plaintiffs

RECORDED IN JUDGMENT BOOK SUP CT IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
CIVIL VOL 649 DOCUMENT 101 IN AND FOR THE COUNTY OF LAKE  
ON August 28, 1978

8 MANUEL GONSALVES and HARRISON B. HERSHEY )  
9 on behalf of themselves and ALL OTHER )  
10 OWNERS OF LOTS OR LANDS IN SODA BAY SPRINGS )  
11 SUBDIVISION ON CLEAR LAKE, IN LAKE COUNTY, )  
12 CALIFORNIA, )  
13 Plaintiffs, ) NO. 11,107  
14 vs. )  
15 ARNE H. and <sup>pg 10</sup> MAY A. MALIN, <sup>pg 12</sup> WALTER P. GOLCEFF, )  
16 OATHA G. and UNA M. LUCKY, HARRY F. and )  
17 MARJORIE C. MASTERFIELD, JR., RONALD J. and )  
18 CORA A. MASTERFIELD, H.C. and JUDITH W. )  
19 MORRIS, JOHANNA KOECH, JAMES W. and ESTHER )  
20 FARRIS, THOMAS J. and BONITA TRIPP, DEAN and )  
21 AUGUSTA BEAN, PATRICK N. and BERNADETTE )  
22 ANTHONY, ELMER J. and LUCY FRATES, JOHN T. )  
23 and ETHEL C. SHEA, DIEDRICH G. P. and )  
24 CHARLOTTE D. L. MUELLER, EVELYN M. CALDWELL, )  
25 VLADIMIR K. and LARISSA RODZAESKY, NIKITA I. )  
26 and OLGA OUSHAKOFF, ALAN D. and JOAN A. )  
27 MORRIS, and DOES I TO X, inclusive, )  
28 ~~SLYERS~~ AINSWORTH <sup>pg 9</sup> Defendants.

19 DIEDRICH G. P. MUELLER, CHARLOTTE D.L.  
20 MUELLER, ARNE H. MALIN, MAY A. MALIN and  
21 WALTER P. GOLCEFF,  
22 Cross-Complainants,  
23 vs.

22 MANUEL GONSALVES, HARRISON B. HERSHEY, ERNIE  
23 POE, ERNIE MENDES, HARRY OLSEN, WILLIAM  
24 MILTON, FRED OHLEN, THOMAS SINCLAIR, ELDEN  
25 LAND, VINCENT CUDIA and DOES ELEVEN through  
26 TWO HUNDRED, inclusive,  
27 Cross-Defendants.

26 And all other related Cross-actions

27 This action properly came to trial commencing July 7,  
28 1976, beyond five years from date of commencement by reason of

The within instrument is a correct cc  
of the original on file in this office.  
ATTEST: AUG 30 1978  
Lois R. Hesterberg  
County Clerk and ex-officio Cler  
the Superior Court of the Stat  
California in and for the Count  
Lake  
By: *[Signature]* Deputy

1 attorneys for all parties filing preemptory declarations of dis-  
2 qualification at various times, making it impossible for the Cour  
3 to try the same prior thereto.

4 Trial was had before Superior Court Judge JOHN SHEA,  
5 assigned, Plaintiffs and Cross-Defendants appearing in person by  
6 and through their representative MANUEL GONSALVES and HARRISON B.  
7 HERSHEY and their counsel PHIL N. CRAWFORD, of Law Offices of  
8 PHIL N. CRAWFORD of Lakeport, California; Defendants and Cross-  
9 Complainants variously appearing in person and by their counsel,  
10 GEORGE A. WEINKAUF of San Francisco, California, representing  
11 Defendants and Cross-Complainants GOLCEFF, LUCKY, et ux, CALDWELL  
12 and MUELLER, et ux; Counsel JOHN D. HEDGER of San Francisco and  
13 Daly City, California, representing Defendants and Cross-Complain-  
14 ants MUELLER, et ux; Counsel FRANCIS J. KELLY of San Francisco,  
15 California, representing Defendants RODZAESKY, et ux, and OUSHA-  
16 KOFF, et ux; Counsel RICHARD L. FREEBORN of Clearlake Highlands,  
17 California, representing MALIN, et ux.

18 Evidence was submitted, the parties argued the case  
19 orally, the Court having considered the evidence and presentations  
20 by all parties, and rendering its oral decision on July 26, 1976,  
21 some of the parties requesting Findings and thereafter Motion  
22 having been made by MUELLER, et ux, to amend pleadings to conform  
23 to proof and the same having been denied, Findings have been sub-  
24 mitted, settled and filed herein, in accordance therewith,

25  
26 IT IS HEREBY ADJUDGED, DECREED AND ORDERED that:

27 I.

28 At the commencement of this action, Plaintiff MANUEL

1 Gonsalves and Harrison B. Hershey were lot owners in the Soda  
2 Bay Springs Subdivision. This is a class action wherein the  
3 named plaintiffs represent themselves as lot owners therein and  
4 all other owners of lots or lands within or comprising said "Soda  
5 Bay Springs Subdivision on Clear Lake" in Lake County, California  
6 as recorded in Book 3 of Town Maps at pages 51 and 52 thereof  
7 official Records of Lake County, California, excepting for those  
8 lot owners specifically named as defendants, who own lots immed-  
9 iately adjoining Soda Bay Drive and other lot owners who chose  
10 not to be represented by plaintiffs.

11  
12 II

13  
14 The Defendants named in Exhibit "A" attached hereto  
15 and made a part hereof by reference on or after the commencement  
16 of this action on August 18, 1970, owned the respective lots  
17 as shown in Exhibit "A" which adjoin "Soda Bay Drive (private"  
18 as described in the Subdivision Map of said "SODA BAY SPRINGS  
19 SUBDIVISION-ON CLEAR LAKE" in Lake County, California, as  
20 described in Book 3 of Town Maps at pages 51 and 52 thereof,  
21 official Records of Lake County, California.

22  
23 III

24  
25 This action was commenced August 18, 1970 and a proper  
26  
27

1 form of notice of pendency of the action was recorded July 22,  
2 1971, as document No. 10038 of Official Records of Lake County,  
3 California; by service of process; appearance herein, or by title  
4 acquired with actual or constructive notice of this action, all  
5 owners of interests in lots or lands comprising said Soda Bay  
6 Springs Subdivision on or after the commencement of this action  
7 are within the court's jurisdiction and bound by the courts Find-  
8 ings and Judgment to be entered in this action.

9 IV

10 "Soda Bay Drive (private)" is a strip of land forty fee  
11 in width (except for a slight widening bulge lakeward at mid-poin  
12 as shown on map), extending toward Clear Lake from the Southerly  
13 boundary thereof which is contiguous with the Northerly boundary  
14 of the most Northerly lots in the subdivision extending in length  
15 along an arc running Easterly and Westerly paralleled with the  
16 shore of Clear Lake along the entire Northerly boundary of the  
17 Subdivision. The "Promenade (private)" is a strip of land ten  
18 feet in width extending lakeward of the Northerly boundary of  
19 "Soda Bay Drive (private)", and extending in length along that  
20 entire Northerly boundary of the Subdivision resulting in a strip  
21 of land comprising the combined two parcels of fifty feet in width  
22 and 1800 feet in length more or less. These parcels are located  
23 on the ground as described in Encroachment Survey of Soda Bay  
24 Drive and Promenade Soda Bay Springs Subdivision, Lake County,  
25 California, dated February 16, 1973, of T.L. O'Connor, L.L.S. 2581  
26 and designated Defendant's Exhibit A admitted into evidence at  
27 trial of these actions. The Southerly boundary of "Soda Bay  
28 Drive (private)" at the Northerly termination of the dedicated

1 public streets in the subdivision at their intersection points  
2 therewith is the extension of said Southerly boundary contiguous  
3 with Northerly lot boundaries on either side of said street bound-  
4 aries and extending along the same bearing across the terminus  
5 of each street parallel with the Northerly boundary of "Soda  
6 Bay Drive (private)" so as to maintain constant the forty foot  
7 width thereof.

8 V

9 The streets, (other than "Soda Bay Drive (private)" and  
10 the "Promenade (private)", as designated on said Soda Bay Springs  
11 Subdivision Map and as located on the ground in said Subdivision  
12 have been dedicated to and accepted by the public for public use;  
13 "Soda Bay Drive (private)" and the "Promenade (private)" as shown  
14 on said Subdivision map and as located on the ground constitute  
15 private property in and to which all lot owners in the Subdivision  
16 are tenants in common with rights to use the same as hereinafter  
17 described.

18 VI

19 Plaintiffs and all other real property owners in said  
20 Subdivision are entitled to as a part of said common interest,  
21 to go upon, pass over and travel said "Soda Bay Drive", on foot  
22 or by vehicular means and to walk upon said "Promenade" at all  
23 times without obstruction or interference from fences, walls,  
24 piers, buildings, fills, rocks, or any other form of structural  
25 or man-induced growth thereupon and without regulation of said  
26 use by the defendants or any of them, except as may be done by  
27 majority determination of representatives of all lot owners in  
28 the Subdivision.

VII

1  
2 All owners of lots in said Soda Bay Springs Subdivisio  
3 are equal owners of said rights in "Soda Bay Drive (private)"  
4 and the "Promenade (private)" as tenants in common; said tenant  
5 in common rights are appurtenant to and run with the lot owner-  
6 ship and are not rights in gross. The in common rights entitle  
7 Subdivision lot owners to use "Soda Bay Drive (private)" and the  
8 "Promenade (private)" for swimming, boating and pleasure purpose

VIII

9  
10 Neither defendants nor plaintiffs have any right, title  
11 or interest in and to "Soda Bay Drive (private)" and said "Prome-  
12 nade (private)" contrary to the aforescribed rights of all lot  
13 owners in common with all other lot owners in said Subdivision;  
14 defendants, plaintiffs and all lot owners in the Subdivision and  
15 their successors in interest ARE HEREBY ENJOINED AND BARRED from  
16 asserting any claims whatsoever in and to said "Soda Bay Drive  
17 (private)" and said "Promenade (private)" adverse to said lot  
18 owners rights in common.

IX

19  
20 Defendants and their successors in interest in and to  
21 said Soda Bay Springs Subdivision lots adjoining said "Soda Bay  
22 Drive (private)" and the "Promenade (private)", plaintiffs, and  
23 all lot owners in said Subdivision, their successors in interest  
24 in said lots, their agents and any other persons claiming under  
25 or through them and or their lot owner rights in common therein,  
26 ARE HEREBY FOREVER ENJOINED from establishing maintaining or  
27 causing to be established thereon, fences, walls, piers, building  
28 ramps, fills, rocks, or any form of structures or man-induced

1 growth upon or in said "Soda Bay Drive (private)" and the "Prome-  
2 nade (private)" except as the same may be permitted under regu-  
3 lations established by vote representing a majority of the lots  
4 in the Subdivision based on one vote per lot as the lots are de-  
5 scribed in the original recorded subdivision map, as hereinafter  
6 further referred to; and said persons are further FOREVER  
7 ENJOINED from individually regulating or interfering with the  
8 exercise of said rights in common of all lot owners therein.

9 X.

10 Any and all Defendants and their successors in interest  
11 in and to said Soda Bay Springs Subdivision lots adjoining said  
12 "Soda Bay Drive (private)" and the "Promenade (private)", Plain-  
13 tiffs and all lot owners in said Subdivision, their successors in  
14 interest in said lots, their agents and any other persons claiming  
15 under or through them or their lot owner rights in common therein,  
16 who have established or are maintaining the same thereon, ARE  
17 HEREBY ENJOINED AND ORDERED TO REMOVE, no later than 120 days  
18 after Judgment in the within cause shall have become final, except  
19 as hereinafter specifically excepted, all fences walls, piers,  
20 buildings, ramps, fills, rocks or any form of structure or man-  
21 induced growth upon or in said "Soda Bay Drive (private)" and the  
22 "Promenade (private)" except as the same may be permitted under  
23 regulations established by vote representing a majority of the  
24 lots in the Subdivision based on one vote per lot as the lots are  
25 described in the original recorded subdivision map as hereinafter  
26 further referred to.

27 XI.

28 The owners of lots or the specifically named parties as

1 hereinafter set forth have been and are maintaining specific  
2 artificial structures or obstructions upon "Soda Bay Drive (pri-  
3 vate)" and the "Promenade (private)" as hereinafter described by  
4 reference to said T. L. O'Connor Encroachment Survey Plot, as  
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28

1 hereinabove referred to, beginning at the Westerly end running  
2 Easterly therefrom. Said obstructions are without right and  
3 interfere with the lot owner rights in common.

4 The parties hereinafter specifically named or referred  
5 to ARE EACH HEREBY ENJOINED AND ORDERED to cause the removal of t  
6 identified obstructions as hereinafter described that they have  
7 established or maintained; that said removal shall be at their  
8 expense, and that they shall complete said removal no later than  
9 120 days from the date of entry of this judgment.

10 Upon the failure of any hereinafter named or specific-  
11 ally referred to party to remove said obstructions as aforesaid,  
12 said obstructions may be removed by authority of plaintiffs and  
13 the reasonable costs thereof will be assessed as a judgment a-  
14 gainst the said named or specifically referred to parties, pro-  
15 vided that they have been given advanced notice of the terms of  
16 this judgment and advised by plaintiffs of their intentions of  
17 proceeding with said removal on their failure to do so and to  
18 charge them with the costs thereof.

19 Said obstructions and the specifically named or referre  
20 to parties who are so ordered to remove the same as follows:

21 1. That portion of rock wall and rock installation  
22 just off the NorthEast corner of the defendant Ronald J. Master-  
23 field et ux lots over to the rock wall extending lakeward and at  
24 right angles therefrom (which approximates the extension of the  
25 Northerly boundary of the adjoining Alan D. Morris et ux lots),  
26 and the artificial fill behind the same, the gate across Dillard  
27 Avenue near its intersection with Soda Bay Drive have been install  
28 and

1 maintained by defendants, Harry F. and Marjorie C. Masterfield,  
2 Ronald J. and Cora A. Masterfield, and consequently said defend-  
3 ants, and each of them, or their successors in interest, if any,  
4 are hereby ORDERED to remove the same as hereinabove provided,  
5 the fill to be removed or spread out evenly to approximate the  
6 natural ground level and slope to lake edge.

7 2. That portion of rock wall at right angles to the  
8 Masterfield rock wall as aforesaid, and as the same runs easterly  
9 on the Promenade, that portion of pier located thereon from shed  
10 and/or pump facility designated 18, rocks on top of ground and  
11 any other fencing or artificial obstructions on Soda Bay Drive  
12 or the Promenade between the Northerly extensions of the West and  
13 East boundaries of defendants H.C. and Judith W. Morris and  
14 Alan D. Morris and Joan A. Morris lots have been installed and  
15 maintained there by said defendants or their predecessors in int-  
16 erest and for their benefit and consequently said defendants, and  
17 each of them, or their successors in interest, if any, are hereby  
18 ORDERED to remove the same as hereinabove provided, the fill to be  
19 removed or spread out evenly to approximate natural ground level  
20 and slope to lake edge.

21 3. The rocks at ground level, located on Soda Bay Drive  
22 and into the White Oak Way intersection with Soda Bay Drive and  
23 the portion of the concrete groin located on the Promenade and  
24 Soda Bay Drive between the Northerly extensions of the West and  
25 East boundaries of the Esther Sievers lots and into said White  
26 Oak Way intersection have been installed and maintained there by  
27 defendant Esther Sievers or her predecessors in interest and for  
28 their benefit and consequently said defendants, and each of them,

1 or their successors in interest, if any, are hereby ORDERED to  
2 remove the same as hereinabove provided.

3 4. That portion of pier and concrete ramp installation  
4 located on the Promenade and slightly onto Soda Bay Drive North  
5 of intersection thereof with White Oak Way have been installed  
6 and are being maintained by and for the use and benefit of de-  
7 fendants Elmer J. Frates and Lucy Frates, owner of lots 1; 2; and  
8 3 in block 3 or their predecessors in interest of the lot immed-  
9 iately West and adjoining the lots of defendant Arne H. Malin et  
10 us and consequently said defendants, and each of them, or their  
11 successors in interest, if any, are hereby ORDERED to remove the  
12 same as hereinabove provided.

13 5. The portion of concrete block wall extending approx-  
14 imately North across Soda Bay Drive and the Promenade, designated  
15 03, that portion of concrete and rock wall and walkway leading  
16 towards the pier, all pole barriers thereon, including the low  
17 pole barrier designated 01 and all fill, including fill material  
18 dumped in pile along the Westerly side of said concrete block 03  
19 wall, which is located on Soda Bay Drive and the Promenade North-  
20 erly and lakeward from the intersection of the Arne H. Malin et  
21 ux lots with West and East boundaries with Soda Bay Drive, were  
22 installed and maintained by defendants Arne H. Malin and May A.  
23 Malin for their benefit and consequently said deferdants, and  
24 each of them, or their successors in interest, if any, are hereby  
25 ORDERED to remove the same as hereirabove provided, the fill to  
26 be removed or spread out evenly to approximate a level condition  
27 and gradual slope over and across Soda Bay Drive and the Promenade  
28 as it is located immediately to the West of the 03 concrete block

1 wall, and so that the same creates a more or less level conditio  
2 with that of the White Oak Way-Soda Bay Drive intersection area.

3 6. That piers designated 04 and S-1, the Cabana, con-  
4 crete slab on fill, pier and ramp shown to the East of the Malin  
5 lots and out from the Live Oak Lane-Soda Bay Drive intersection  
6 are all North and lakeward of the Promenade and Soda Bay Drive  
7 in the area over which the Court has no jurisdiction so that  
8 there should be no order to remove the same, so long as the use  
9 thereof and access to and from the same over Soda Bay Drive and  
10 the Promenade shall not interfere with the rights in common of  
11 all lot owners.

12 Although there has been fill and perhaps some paving  
13 installed on Soda Bay Drive and the Promenade out from the Live  
14 Oak Lane intersection therewith, the same has established an  
15 approximately level condition in all directions, so that there is  
16 no significant interference with the lot owner rights in common  
17 therefrom.

18 Lot owners who have placed rocks or poles or low walls  
19 in the area on Soda Bay Drive and the Promenade have done so  
20 however without right and the same constitute obstructions and  
21 should be removed.

22 7. That portion of the pier designated 06, and some-  
23 times referred to as the Red Dock, located over and or upon Soda  
24 Bay Drive and the Promenade was established there and maintained  
25 by plaintiff Manuel Gonsalves and other lot owners asserting mem-  
26 bership therein and consequently said plaintiffs, and each of them  
27 or their successors in interest, if any, are hereby ORDERED to  
28 remove the same as hereinabove provided.

1           8. The rows of large rocks extending across Soda Bay  
2 Drive and the Promenade near the Northerly extensions of the  
3 Walter P. Golceff lots West and East boundaries, the concrete  
4 launching ramp designated 07, that portion of piers designated 01  
5 and 10 and large metal tanks or portions thereof, imbedded in  
6 Soda Bay Drive together with piles of lumber or wooden structures  
7 stacked thereon as it extends North from the West one-half of said  
8 Golceff lots were established and maintained thereon by defendant  
9 Walter P. Golceff and his successors in interest, if any, and  
10 consequently said defendant and his successors in interest, if  
11 any, and each of them, are hereby ORDERED to remove the same as  
12 hereinabove provided.

13           That portion of concrete block wall located along the  
14 North boundary of the Golceff lots running parallel with the South  
15 boundary of Soda Bay Drive, which encroaches out into the same a  
16 foot or two, was installed in a good faith attempt to locate the  
17 same on said boundary and does not significantly affect the right  
18 in common of lot owners, consequently the same need not be removed.

19           9. In the area of the intersection of Cypress Ave with  
20 Soda Bay Drive and block 12, there is located a pumping facility  
21 and pipeline running across the same into the lake that provides  
22 the domestic water supply for Subdivision lot owners; this facility  
23 is the pumping plant and system referred to in the standard  
24 form of language in deeds from the Subdivision developer-owners  
25 as herein above referred to and by reason thereof exists and may  
26 continue to exist there under said reservation of rights, provided  
27 however, that there is no reason why pipelines crossing  
28 Soda Bay Drive and the Promenade should not be buried beneath the

1 surface and that there should be no ditches or wash out areas  
2 established across the same from said system installations or the  
3 flushing or servicing thereof, and to the extent that the same  
4 may exist, the same is ORDERED modified by the water system dir-  
5 ectors.

6 10. That portion of the pier designated #11, sometimes  
7 referred to as Soda Bay Boat Association Pier located on Soda Ba  
8 Drive and the Promenade North of Block 12 was established and is  
9 being maintained thereon by and for the benefit of several lot  
10 owners who claim a membership therein, including former plaintiff  
11 George Kibby, now deceased, and consequently said defendants, and  
12 each of them, or their successors in interest, if any, are hereby  
13 ORDERED to remove the same as hereinabove provided.

14 11. The portion of pier and rock or concrete foundation  
15 or footing designated "12", the ramp and rock walls on either side  
16 of it, pier D-2, the rock and concrete wall designated 13, walk  
17 and fill behind it, the portion of fencing that blocks travel  
18 along Soda Bay Drive, that is the portion of said fence extending  
19 Northerly along the North extension of the East boundary of the  
20 Caldwell lots or Block 5 to the drop off area into the County of  
21 Lake drain pipe cistern area, established and or maintained by  
22 defendants Oatha G. Lucky and Una M. Lucky and their successors  
23 in interest, defendant Evelyn M. Caldwell and her successors in  
24 interest, if any, and consequently said defendants, and each of  
25 them or their successors in interest, if any, are hereby ORDERED  
26 to remove the same as hereinabove provided, and the fill removed  
27 or smoothed out so as to be level with the adjoining beach areas  
28 and sloping towards the lake, but fill that might wash onto adjoin-  
ing beaches, if left to remain should be removed and if said

1 defendants or their successors in interest intend to maintain th  
2 deep fill and trailer park installations adjoining the South bou  
3 ary of Soda Bay Drive on Block 5, they must construct an adequat  
4 retaining wall on their lands along said South boundary of Soda  
5 Bay Drive which will prevent wash outs and sluffing off of the  
6 same across and upon Soda Bay Drive and the Promenade.

7 12. That portion of pier including rock or concrete fo  
8 ings and fencing barrier attached underneath the floor of said  
9 pier, designated 15 and located on Soda Bay Drive North of the  
10 Konocti Road-Soda Bay Drive intersection was established and/or  
11 maintained by plaintiffs Anna Ardahl owner of Lot 15 in Block 6  
12 and her successors in interest, if any, and consequently said  
13 defendants, and each of them, or their successors in interest, i:  
14 any, are hereby ORDERED to remove the same as hereinabove provide

15 Although there is some fencing running parallel with  
16 Soda Bay Drive that protects against travel over an embankment of  
17 onto the rocky drain pipe cistern maintained by the County of  
18 Lake in the Konocti Road-Soda Bay Drive intersection area, the  
19 same need not be removed unless or until said embankment or drop  
20 off condition might be changed, for safety purposes.

21 13. That portion of pier including rock or concrete  
22 footings and fencing barrier beneath the floor of the pier des-  
23 igned 16 and portion of rock and concrete retaining wall on  
24 Soda Bay Drive and the Promenade located North of the John T.  
25 Shea et ux lot, was established and/or is maintained by defendant  
26 John T. Shea and Ethel C. Shea and consequently said defendants,  
27 and each of them, or their successors in interest, if any, are  
28 hereby ORDERED to remove the same as hereinabove provided.



1 reasonable regulations for the use of said Soda Bay Drive and the  
2 Promenade by them in the exercise of their rights in common there  
3 in, which may include the establishment and maintenance of piers,  
4 ramps, retaining walls, fills, artificial growth or any other  
5 structure thereon, including but not limited to those obstruction  
6 which the Court has in this Judgment ordered removed, so long as  
7 it is determined that the same is in furtherance of the bathing,  
8 boating and pleasure purposes for which the rights in common were  
9 granted, provided that said regulations must be enforced for the  
10 equal benefit of all owners of the rights in common, and provided  
11 further that the same must be adopted by a vote representative of  
12 a majority of lots in the Subdivision, based on one vote per lot  
13 as the lots are set forth in the original Subdivision Map of said  
14 "Soda Bay Springs Subdivision--On Clear Lake" in Lake County,  
15 California, recorded in Book 3 of Town Maps at page 51 and 52  
16 thereof, Official Records of Lake County, California.

17 XIII.

18 The Court reserves jurisdiction to make further orders  
19 as may be required to implement the rights and orders hereinabove  
20 set forth, including determination of damages against any parties  
21 who fail to obey the Court's mandatory injunction or any part of  
22 it.

23 XIV.

24 No party is awarded damages or costs of suit at this  
25 time.

26 Dated: Aug. 22, 1978

27  
28 John Shea

Judge of the Superior Court.

EXHIBIT "A"

NAME OF LOT OWNERS      LOTS OWNED IN SODA BAY SPRINGS SUBDIVISION SHOW  
BY DEED RECORDED IN LAKE COUNTY, OFFICIAL RECOR

6-10-81	MERRIAM, DON, WANDA MASTERFIELD, HARRY F. JR. & MARJORIE	EDGEWATER	Lots 7,8 in Blk 1,	550/550
2-79	MORRIS, H.C. & JUDITH W. AINSWORTH JERRY, SHARON SIEVERS, ESTHER M.	BELL HAVEN	Lots 5,6 & Par 7, Blk 2 Par.H Lot 8, Blk 2	538/248 538/247
	MALIN, ARNE H. & MAY A. FRATES, LUCY KOCH, JOHANNA ANDE, LEIP	FINN MALIN'S	Par.3 & Lot 4, Blk 3 Par.2 & Lot 3, Blk 3	235/138 538/517
	FARRIS, JAMES W. & ESTHER MALIN, ARNIE MAE TRIPP, THOMAS J. & BONITA		Lot 6, Blk 3 Lot 8, Blk 3	434/156 378/597m 465/171
	BEAN, DEAN & AUGUSTA TROMBURG, OWEN MILLIE ANTHONY, PATRICK N. & BERNADETTE C.		Lot 7, Blk 3 Par.13 & Lot 12, Blk 4	279/325 357/219
	FRATES, LUCY FRATES, ELMER J. & LUCY		Lots 1,2,&3 & Por.of Lot 4, Blk 3	357/
	GOLCEFF, WALTER P. BAKER, JIM	WALT'S COTTAGES	Lots 5,6,7, Blk 4	329/441
	LUCKY, CATHA B. & UNA M.	ROYAL OAKS	Lots 5,6,7,8, Blk 5	371/45& 48
	SHEA, JOHN T. & ETHEL C. BARTEL DON JAMIE		Par. 10 & Lot 9, Blk 6	411/396
	MUELLER, DIETRICH G.P. & CHARLOTTE D.L.		Par 9 & Lot 10, Blk 6	474/350 474/351
	<del>EVELYN M. CALDWELL</del>		<del>Lots 5,6,7,8, Blk 5</del>	<del>371/45 &amp; 48</del>



FILED  
HOUR.....M.

AUG 28 1978

Lois R. Hesterberg, Co. Clerk  
JEAN L. PATRICK

1 CRAWFORD, MAJOR & KRANZ  
2 160 Fifth Street  
3 Lakeport, California  
4 707 263-5441  
Attorneys for Plaintiffs

RECORDED IN JUDGMENT BOOK SUB CT IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
CIVIL VOL 649 DOCUMENT 101 IN AND FOR THE COUNTY OF LAKE  
ON August 28, 1978

8 MANUEL GONSALVES and HARRISON B. HERSHEY  
9 on behalf of themselves and ALL OTHER  
10 OWNERS OF LOTS OR LANDS IN SODA BAY SPRINGS  
11 SUBDIVISION ON CLEAR LAKE, IN LAKE COUNTY,  
12 CALIFORNIA,

Plaintiffs,

NO. 11,107

vs.

JUDGMENT

PETER LICO  
PG 8

PG 9

12 ARNE H. and MAY A. MALIN, WALTER P. GOLCEFF,  
13 OATHA G. and UNA M. LUCKY, HARRY F. and  
14 MARJORIE C. MASTERFIELD, JR., RONALD J. and  
15 CORA A. MASTERFIELD, H.C. and JUDITH W.  
16 MORRIS, JOHANNA KOCH, JAMES W. and ESTHER  
17 FARRIS, THOMAS J. and BONITA TRIPP, DEAN and  
18 AUGUSTA BEAN, PATRICK N. and BERNADETTE  
19 ANTHONY, ELMER J. and LUCY FRATES, JOHN T.  
20 and ETHEL C. SHEA, DIEDRICH G. P. and  
21 CHARLOTTE D. L. MUELLER, EVELYN M. CALDWELL,  
22 VLADIMIR K. and LARISSA RODZAESKY, NIKITA I.  
23 and OLGA OUSHAKOFF, ALAN D. and JOAN A.  
24 MORRIS, and DOES I TO X, inclusive,  
25 ~~SEYERS~~ AINSWORTH PG 9 Defendants.

19 DIEDRICH G. P. MUELLER, CHARLOTTE D.L.  
20 MUELLER, ARNE H. MALIN, MAY A. MALIN and  
21 WALTER P. GOLCEFF,

Cross-Complainants,

vs.

22 MANUEL GONSALVES, HARRISON B. HERSHEY, ERNIE  
23 POE, ERNIE MENDES, HARRY OLSEN, WILLIAM  
24 MILTON, FRED OHLEN, THOMAS SINCLAIR, ELDEN  
25 LAND, VINCENT CUDIA and DOES ELEVEN through  
26 TWO HUNDRED, inclusive,

Cross-Defendants.

26 And all other related Cross-actions

The within instrument is a correct cc  
of the original on file in this office.

ATTEST: AUG 30 1978

Lois R. Hesterberg

County Clerk and ex-officio Clerk  
the Superior Court of the State  
California in and for the County  
Lake

Deputy Clerk

27 This action properly came to trial commencing July 7,  
28 1976, beyond five years from date of commencement by reason of

1 attorneys for all parties filing preemptory declarations of dis-  
2 qualification at various times, making it impossible for the Cou  
3 to try the same prior thereto.

4 Trial was had before Superior Court Judge JOHN SHEA,  
5 assigned, Plaintiffs and Cross-Defendants appearing in person by  
6 and through their representative MANUEL GONSALVES and HARRISON B.  
7 HERSHEY and their counsel PHIL N. CRAWFORD, of Law Offices of  
8 PHIL N. CRAWFORD of Lakeport, California; Defendants and Cross-  
9 Complainants variously appearing in person and by their counsel,  
10 GEORGE A. WEINKAUF of San Francisco, California, representing  
11 Defendants and Cross-Complainants GOLCEFF, LUCKY, et ux, CALDWELL  
12 and MUELLER, et ux; Counsel JOHN D. HEDGER of San Francisco and  
13 Daly City, California, representing Defendants and Cross-Complain  
14 ants MUELLER, et ux; Counsel FRANCIS J. KELLY of San Francisco,  
15 California, representing Defendants RODZAESKY, et ux, and OUSHA-  
16 KOFF, et ux; Counsel RICHARD L. FREEBORN of Clearlake Highlands,  
17 California, representing MALIN, et ux.

18 Evidence was submitted, the parties argued the case  
19 orally, the Court having considered the evidence and presentations  
20 by all parties, and rendering its oral decision on July 26, 1976,  
21 some of the parties requesting Findings and thereafter Motion  
22 having been made by MUELLER, et ux, to amend pleadings to conform  
23 to proof and the same having been denied, Findings have been sub-  
24 mitted, settled and filed herein, in accordance therewith,

25  
26 IT IS HEREBY ADJUDGED, DECREED AND ORDERED that:

27 I.

28 At the commencement of this action, Plaintiff MANUEL

1 Gonsalves and Harrison B. Hershey were lot owners in the Soda  
2 Bay Springs Subdivision. This is a class action wherein the  
3 named plaintiffs represent themselves as lot owners therein and  
4 all other owners of lots or lands within or comprising said "Soda  
5 Bay Springs Subdivision on Clear Lake" in Lake County, California  
6 as recorded in Book 3 of Town Maps at pages 51 and 52 thereof  
7 official Records of Lake County, California, excepting for those  
8 lot owners specifically named as defendants, who own lots immed-  
9 iately adjoining Soda Bay Drive and other lot owners who chose  
10 not to be represented by plaintiffs.

11  
12 II

13  
14 The Defendants named in Exhibit "A" attached hereto  
15 and made a part hereof by reference on or after the commencement  
16 of this action on August 18, 1970, owned the respective lots  
17 as shown in Exhibit "A" which adjoin "Soda Bay Drive (private"  
18 as described in the Subdivision Map of said "SODA BAY SPRINGS  
19 SUBDIVISION-ON CLEAR LAKE" in Lake County, California, as  
20 described in Book 3 of Town Maps at pages 51 and 52 thereof,  
21 official Records of Lake County, California.

22  
23 III

24  
25 This action was commenced August 18, 1970 and a proper  
26

1 form of notice of pendency of the action was recorded July 22,  
2 1971, as document No. 10038 of Official Records of Lake County,  
3 California; by service of process; appearance herein, or by title  
4 acquired with actual or constructive notice of this action, all  
5 owners of interests in lots or lands comprising said Soda Bay  
6 Springs Subdivision on or after the commencement of this action  
7 are within the court's jurisdiction and bound by the courts Find-  
8 ings and Judgment to be entered in this action.

9 IV

10 "Soda Bay Drive (private)" is a strip of land forty feet  
11 in width (except for a slight widening bulge lakeward at mid-point  
12 as shown on map), extending toward Clear Lake from the Southerly  
13 boundary thereof which is contiguous with the Northerly boundary  
14 of the most Northerly lots in the subdivision extending in length  
15 along an arc running Easterly and Westerly paralleled with the  
16 shore of Clear Lake along the entire Northerly boundary of the  
17 Subdivision. The "Promenade (private)" is a strip of land ten  
18 feet in width extending lakeward of the Northerly boundary of  
19 "Soda Bay Drive (private)", and extending in length along that  
20 entire Northerly boundary of the Subdivision resulting in a strip  
21 of land comprising the combined two parcels of fifty feet in width  
22 and 1800 feet in length more or less. These parcels are located  
23 on the ground as described in Encroachment Survey of Soda Bay  
24 Drive and Promenade Soda Bay Springs Subdivision, Lake County,  
25 California, dated February 16, 1973, of T.L. O'Connor, L.L.S. 2581  
26 and designated Defendant's Exhibit A admitted into evidence at  
27 trial of these actions. The Southerly boundary of "Soda Bay  
28 Drive (private)" at the Northerly termination of the dedicated

1 public streets in the subdivision at their intersection points  
2 therewith is the extension of said Southerly boundary contiguous  
3 with Northerly lot boundaries on either side of said street bound  
4 aries and extending along the same bearing across the terminus  
5 of each street parallel with the Northerly boundary of "Soda  
6 Bay Drive (private)" so as to maintain constant the forty foot  
7 width thereof.

8 V

9 The streets, (other than "Soda Bay Drive (private)" and  
10 the "Promenade (private)", as designated on said Soda Bay Springs  
11 Subdivision Map and as located on the ground in said Subdivision  
12 have been dedicated to and accepted by the public for public use;  
13 "Soda Bay Drive (private)" and the "Promenade (private)" as shown  
14 on said Subdivision map and as located on the ground constitute  
15 private property in and to which all lot owners in the Subdivision  
16 are tenants in common with rights to use the same as hereinafter  
17 described.

18 VI

19 Plaintiffs and all other real property owners in said  
20 Subdivision are entitled to as a part of said common interest,  
21 to go upon, pass over and travel said "Soda Bay Drive", on foot  
22 or by vehicular means and to walk upon said "Promenade" at all  
23 times without obstruction or interference from fences, walls,  
24 piers, buildings, fills, rocks, or any other form of structural  
25 or man-induced growth thereupon and without regulation of said  
26 use by the defendants or any of them, except as may be done by  
27 majority determination of representatives of all lot owners in  
28 the Subdivision.

1 growth upon or in said "Soda Bay Drive (private)" and the "Prome-  
2 nade (private)" except as the same may be permitted under regu-  
3 lations established by vote representing a majority of the lots  
4 in the Subdivision based on one vote per lot as the lots are de-  
5 scribed in the original recorded subdivision map, as hereinafter  
6 further referred to; and said persons are further FOREVER  
7 ENJOINED from individually regulating or interfering with the  
8 exercise of said rights in common of all lot owners therein.

9 X.

10 Any and all Defendants and their successors in interest  
11 in and to said Soda Bay Springs Subdivision lots adjoining said  
12 "Soda Bay Drive (private)" and the "Promenade (private)", Plain-  
13 tiffs and all lot owners in said Subdivision, their successors in  
14 interest in said lots, their agents and any other persons claimin  
15 under or through them or their lot owner rights in common therein  
16 who have established or are maintaining the same thereon, ARE  
17 HEREBY ENJOINED AND ORDERED TO REMOVE, no later than 120 days  
18 after Judgment in the within cause shall have become final, except  
19 as hereinafter specifically excepted, all fences walls, piers,  
20 buildings, ramps, fills, rocks or any form of structure or man-  
21 induced growth upon or in said "Soda Bay Drive (private)" and the  
22 "Promenade (private)" except as the same may be permitted under  
23 regulations established by vote representing a majority of the  
24 lots in the Subdivision based on one vote per lot as the lots are  
25 described in the original recorded subdivision map as hereinafter  
26 further referred to.

27 XI.

28 The owners of lots or the specifically named parties as

1 hereinafter set forth have been and are maintaining specific  
2 artificial structures or obstructions upon "Soda Bay Drive (pri-  
3 vate)" and the "Promenade (private)" as hereinafter described by  
4 reference to said T. L. O'Connor Encroachment Survey Plot, as  
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1 hereinabove referred to, beginning at the Westerly end running  
2 Easterly therefrom. Said obstructions are without right and  
3 interfere with the lot owner rights in common.

4 The parties hereinafter specifically named or referred  
5 to ARE EACH HEREBY ENJOINED AND ORDERED to cause the removal of  
6 identified obstructions as hereinafter described that they have  
7 established or maintained; that said removal shall be at their  
8 expense, and that they shall complete said removal no later than  
9 120 days from the date of entry of this judgment.

10 Upon the failure of any hereinafter named or specific-  
11 ally referred to party to remove said obstructions as aforesaid,  
12 said obstructions may be removed by authority of plaintiffs and  
13 the reasonable costs thereof will be assessed as a judgment a-  
14 gainst the said named or specifically referred to parties, pro-  
15 vided that they have been given advanced notice of the terms of  
16 this judgment and advised by plaintiffs of their intentions of  
17 proceeding with said removal on their failure to do so and to  
18 charge them with the costs thereof.

19 Said obstructions and the specifically named or referred  
20 to parties who are so ordered to remove the same as follows:

- 21 1. That portion of rock wall and rock installation  
22 just off the NorthEast corner of the defendant Ronald J. Master-  
23 field et ux lots over to the rock wall extending lakeward and at  
24 right angles therefrom (which approximates the extension of the  
25 Northerly boundary of the adjoining Alan D. Morris et ux lots),  
26 and the artificial fill behind the same, the gate across Dillard  
27 Avenue near its intersection with Soda Bay Drive have been installed  
28 and

1 maintained by defendants, Harry F. and Marjorie C. Masterfield,  
2 Ronald J. and Cora A. Masterfield, and consequently said defend-  
3 ants, and each of them, or their successors in interest, if any,  
4 are hereby ORDERED to remove the same as hereinabove provided,  
5 the fill to be removed or spread out evenly to approximate the  
6 natural ground level and slope to lake edge.

7  
8 2. That portion of rock wall at right angles to the  
9 Masterfield rock wall as aforesaid, and as the same runs easterly  
10 on the Promenade, that portion of pier located thereon from shed  
11 and/or pump facility designated 18, rocks on top of ground and  
12 any other fencing or artificial obstructions on Soda Bay Drive  
13 or the Promenade between the Northerly extensions of the West and  
14 East boundaries of defendants H.C. and Judith W. Morris and  
15 Alan D. Morris and Joan A. Morris lots have been installed and  
16 maintained there by said defendants or their predecessors in int-  
17 erest and for their benefit and consequently said defendants, and  
18 each of them, or their successors in interest, if any, are hereby  
19 ORDERED to remove the same as hereinabove provided, the fill to be  
20 removed or spread out evenly to approximate natural ground level  
21 and slope to lake edge.

22 3. The rocks at ground level, located on Soda Bay Drive  
23 and into the White Oak Way intersection with Soda Bay Drive and  
24 the portion of the concrete groin located on the Promenade and  
25 Soda Bay Drive between the Northerly extensions of the West and  
26 East boundaries of the Esther Sievers lots and into said White  
27 Oak Way intersection have been installed and maintained there by  
28 defendant Esther Sievers or her predecessors in interest and for  
their benefit and consequently said defendants, and each of them,

1 or their successors in interest, if any, are hereby ORDERED to  
2 remove the same as hereinabove provided.

3 4. That portion of pier and concrete ramp installation  
4 located on the Promenade and slightly onto Soda Bay Drive North  
5 of intersection thereof with White Oak Way have been installed  
6 and are being maintained by and for the use and benefit of de-  
7 fendants Elmer J. Frates and Lucy Frates, owner of lots 1; 2; and  
8 3 in block 3 or their predecessors in interest of the lot immed-  
9 iately West and adjoining the lots of defendant Arne H. Malin et  
10 us and consequently said defendants, and each of them, or their  
11 successors in interest, if any, are hereby ORDERED to remove the  
12 same as hereinabove provided.

13 5. The portion of concrete block wall extending approx-  
14 imately North across Soda Bay Drive and the Promenade, designated  
15 03, that portion of concrete and rock wall and walkway leading  
16 towards the pier, all pole barriers thereon, including the low  
17 pole barrier designated 01 and all fill, including fill material  
18 dumped in pile along the Westerly side of said concrete block 03  
19 wall, which is located on Soda Bay Drive and the Promenade North-  
20 erly and lakeward from the intersection of the Arne H. Malin et  
21 ux lots with West and East boundaries with Soda Bay Drive, were  
22 installed and maintained by defendants Arne H. Malin and May A.  
23 Malin for their benefit and consequently said defendants, and  
24 each of them, or their successors in interest, if any, are hereby  
25 ORDERED to remove the same as hereinabove provided, the fill to  
26 be removed or spread out evenly to approximate a level condition  
27 and gradual slope over and across Soda Bay Drive and the Promenade  
28 as it is located immediately to the West of the 03 concrete block

1 wall, and so that the same creates a more or less level condition  
2 with that of the White Oak Way-Soda Bay Drive intersection area.

3 6. That piers designated O4 and S-1, the Cabana, concrete  
4 slab on fill, pier and ramp shown to the East of the Malin  
5 lots and out from the Live Oak Lane-Soda Bay Drive intersection  
6 are all North and lakeward of the Promenade and Soda Bay Drive  
7 in the area over which the Court has no jurisdiction so that  
8 there should be no order to remove the same, so long as the use  
9 thereof and access to and from the same over Soda Bay Drive and  
10 the Promenade shall not interfere with the rights in common of  
11 all lot owners.

12 Although there has been fill and perhaps some paving  
13 installed on Soda Bay Drive and the Promenade out from the Live  
14 Oak Lane intersection therewith, the same has established an  
15 approximately level condition in all directions, so that there is  
16 no significant interference with the lot owner rights in common  
17 therefrom.

18 Lot owners who have placed rocks or poles or low walls  
19 in the area on Soda Bay Drive and the Promenade have done so  
20 however without right and the same constitute obstructions and  
21 should be removed.

22 7. That portion of the pier designated O6, and some-  
23 times referred to as the Red Dock, located over and or upon Soda  
24 Bay Drive and the Promenade was established there and maintained  
25 by plaintiff Manuel Gonsalves and other lot owners asserting mem-  
26 bership therein and consequently said plaintiffs, and each of them  
27 or their successors in interest, if any, are hereby ORDERED to  
28 remove the same as hereinabove provided.

1                   8. The rows of large rocks extending across Soda Bay  
2 Drive and the Promenade near the Northerly extensions of the  
3 Walter P. Golceff lots West and East boundaries, the concrete  
4 launching ramp designated 07, that portion of piers designated 0  
5 and 10 and large metal tanks or portions thereof, imbedded in  
6 Soda Bay Drive together with piles of lumber or wooden structure  
7 stacked thereon as it extends North from the West one-half of s  
8 Golceff lots were established and maintained thereon by defendan  
9 Walter P. Golceff and his successors in interest, if any, and  
10 consequently said defendant and his successors in interest, if  
11 any, and each of them, are hereby ORDERED to remove the same as  
12 hereinabove provided.

13                   That portion of concrete block wall located along the  
14 North boundary of the Golceff lots running parallel with the Sout  
15 boundary of Soda Bay Drive, which encroaches out into the same a  
16 foot or two, was installed in a good faith attempt to locate the  
17 same on said boundary and does not significantly affect the right  
18 in common of lot owners, consequently the same need not be remove

19                   9. In the area of the intersection of Cypress Ave with  
20 Soda Bay Drive and block 12, there is located a pumping facility  
21 and pipeline running across the same into the lake that provides  
22 the domestic water supply for Subdivision lot owners; this facil-  
23 ity is the pumping plant and system referred to in the standard  
24 form of language in deeds from the Subdivision developer-owners  
25 as herein above referred to and by reason thereof exists and may  
26 continue to exist there under said reservation of rights, pro-  
27 vided however, that there is no reason why pipelines crossing  
28 Soda Bay Drive and the Promenade should not be buried beneath the

1 surface and that there should be no ditches or wash out areas  
2 established across the same from said system installations or th  
3 flushing or servicing thereof, and to the extent that the same  
4 may exist, the same is ORDERED modified by the water system dir-  
5 ectors.

6 10. That portion of the pier designated #11, sometime  
7 referred to as Soda Bay Boat Association Pier located on Soda Ba  
8 Drive and the Promenade North of Block 12 was established and is  
9 being maintained thereon by and for the benefit of several lot  
10 owners who claim a membership therein, including former plaintiff  
11 George Kibby, now deceased, and consequently said defendants, and  
12 each of them, or their successors in interest, if any, are hereby  
13 ORDERED to remove the same as hereinabove provided.

14 11. The portion of pier and rock or concrete foundatio  
15 or footing designated "12", the ramp and rock walls on either sid  
16 of it, pier D-2, the rock and concrete wall designated 13, walk  
17 and fill behind it, the portion of fencing that blocks travel  
18 along Soda Bay Drive, that is the portion of said fence extending  
19 Northerly along the North extension of the East boundary of the  
20 Caldwell lots or Block 5 to the drop off area into the County of  
21 Lake drain pipe cistern area, established and or maintained by  
22 defendants Oatha G. Lucky and Una M. Lucky and their successors  
23 in interest, defendant Evelyn M. Caldwell and her successors in  
24 interest, if any, and consequently said defendants, and each of  
25 them or their successors in interest, if any, are hereby ORDERED  
26 to remove the same as hereinabove provided, and the fill removed  
27 or smoothed out so as to be level with the adjoining beach areas  
28 and sloping towards the lake, but fill that might wash onto adjoining  
beaches, if left to remain should be removed and if said

1 defendants or their successors in interest intend to maintain the  
2 deep fill and trailer park installations adjoining the South bound-  
3 ary of Soda Bay Drive on Block 5, they must construct an adequate  
4 retaining wall on their lands along said South boundary of Soda  
5 Bay Drive which will prevent wash outs and sluffing off of the  
6 same across and upon Soda Bay Drive and the Promenade.

7           12. That portion of pier including rock or concrete foot-  
8 ings and fencing barrier attached underneath the floor of said  
9 pier, designated 15 and located on Soda Bay Drive North of the  
10 Konocti Road-Soda Bay Drive intersection was established and/or  
11 maintained by plaintiffs Anna Ardahl owner of Lot 15 in Block 6  
12 and her successors in interest, if any, and consequently said  
13 defendants, and each of them, or their successors in interest, if  
14 any, are hereby ORDERED to remove the same as hereinabove provided.

15           Although there is some fencing running parallel with  
16 Soda Bay Drive that protects against travel over an embankment of  
17 onto the rocky drain pipe cistern maintained by the County of  
18 Lake in the Konocti Road-Soda Bay Drive intersection area, the  
19 same need not be removed unless or until said embankment or drop  
20 off condition might be changed, for safety purposes.

21           13. That portion of pier including rock or concrete  
22 footings and fencing barrier beneath the floor of the pier des-  
23 igned 16 and portion of rock and concrete retaining wall on  
24 Soda Bay Drive and the Promenade located North of the John T.  
25 Shea et ux lot, was established and/or is maintained by defendant  
26 John T. Shea and Ethel C. Shea and consequently said defendants,  
27 and each of them, or their successors in interest, if any, are  
28 hereby ORDERED to remove the same as hereinabove provided.



1 reasonable regulations for the use of said Soda Bay Drive and th  
2 Promenade by them in the exercise of their rights in common ther  
3 in, which may include the establishment and maintenance of piers  
4 ramps, retaining walls, fills, artificial growth or any other  
5 structure thereon, including but not limited to those obstructio  
6 which the Court has in this Judgment ordered removed, so long as  
7 it is determined that the same is in furtherance of the bathing,  
8 boating and pleasure purposes for which the rights in common were  
9 granted, provided that said regulations must be enforced for the  
10 equal benefit of all owners of the rights in common, and provided  
11 further that the same must be adopted by a vote representative of  
12 a majority of lots in the Subdivision, based on one vote per lot  
13 as the lots are set forth in the original Subdivision Map of said  
14 "Soda Bay Springs Subdivision--On Clear Lake" in Lake County,  
15 California, recorded in Book 3 of Town Maps at page 51 and 52  
16 thereof, Official Records of Lake County, California.

17 XIII.

18 The Court reserves jurisdiction to make further orders  
19 as may be required to implement the rights and orders hereinabove  
20 set forth, including determination of damages against any parties  
21 who fail to obey the Court's mandatory injunction or any part of  
22 it.

23 XIV.

24 No party is awarded damages or costs of suit at this  
25 time.

26 Dated: Aug. 22, 1978

27 John Shea

28 Judge of the Superior Court.

EXHIBIT "A"

NAME OF LOT OWNERS      LOTS OWNED IN SODA BAY SPRINGS SUBDIVISION SHOWN  
BY DEED RECORDED IN LAKE COUNTY, OFFICIAL RECORDS

6-10-81

~~MERRIAM, DON, WANDA      EDgewater~~  
~~MASTERFIELD, HARRY F. JR. & MARJORIE~~      Lots 7, 8 in Blk 1,      550/550

2-79

MORRIS, H.C. & JUDITH W.      BELL HAVEN      Lots 5, 6 & Par 7, Blk 2      538/248  
AINS WORTH JERRY, SHARON  
SIEVERS, ESTHER M.

MALIN, ARNE H. & MAY A.      FWM MALIN'S  
~~FRATES, LUCY~~  
KOCH, JOHANNA ANDE, LEIF      Par. 3 & Lot 4, Blk 3      235/138  
Par. 2 & Lot 3, Blk 3      538/517

FARRIS, JAMES W. & ESTHER  
MALIN, ARNIE, MAE  
TRIPP, THOMAS J. & BONITA      Lot 6, Blk 3      434/156  
SALEN, ART  
BEAN, DEAN & AUGUSTA      Lot 8, Blk 3      378/597      465/171

TROMBURG, OWEN, MILLIE  
ANTHONY, PATRICK N. & BERNADETTE C.      Lot 7, Blk 3      279/325  
FRATES, LUCY  
FRATES, ELMER J. & LUCY      Par. 13 & Lot 12, Blk 4      357/219  
Lots 1, 2, & 3 & Por. of Lot 4, Blk 3      357/

GOLCEFF, WALTER P.      WALT'S COTTAGES      Lots 5, 6, 7, Blk 4      329/441  
BAKER, SIM  
LUCKY, CATHA B. & UNA M. ROYAL OAKS      Lots 5, 6, 7, 8, Blk 5      371/45 & 41

SHEA, JOHN T. & ETHEL C.      Par. 10 & Lot 9, Blk 6      411/396  
BARTEL, DON JAMIE  
MUELLER, DIETRICH G.P. & CHARLOTTE D.L.      Par 9 & Lot 10, Blk 6      474/350  
474/351

~~EVELYN M. CALDWELL      Lots 5, 6, 7, 8, Blk 5      371/45 & 48~~

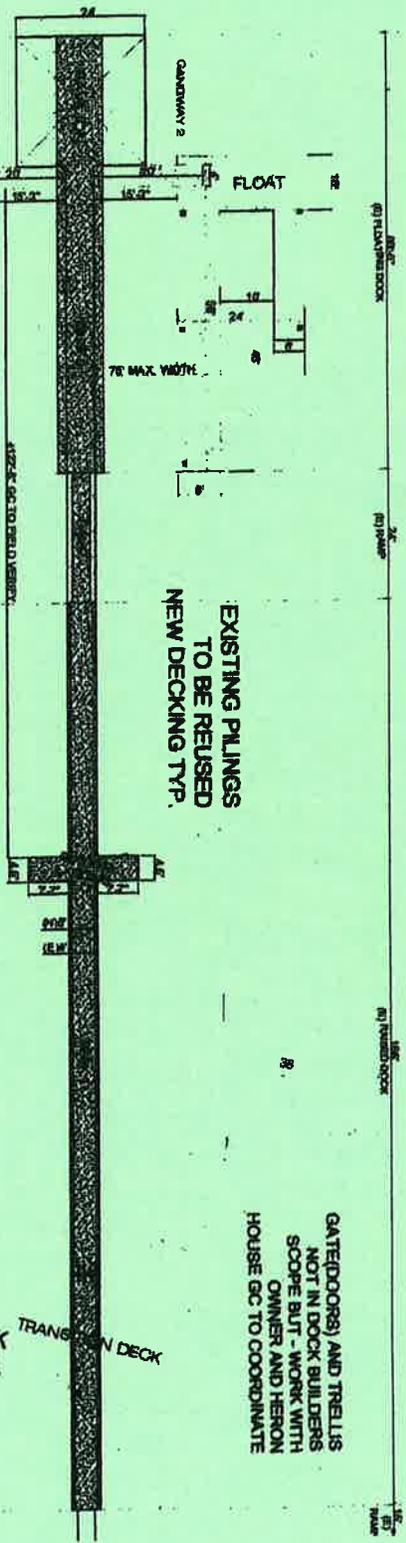
182.00' PAST 0 RUMSEY

FLOAT MATERIAL  
TRD. GC TO PROVIDE  
MATERIAL & INSTALL

100.00' RUMSEY

20.00' RUMSEY

NEW DECK  
TRANSITION SECTION.



EXISTING PILING  
TO BE REUSED  
NEW DECKING TYP.

GATE(DOORS) AND TRELLIS  
NOT IN DOCK BUILDERS  
SCOPE BUT - WORK WITH  
OWNER AND HERON  
HOUSE GC TO COORDINATE



RECEIVED

SEP 21 2017

LAKE COUNTY COMMUNITY  
DEVELOPMENT DEPT.Ms Peggy Bartel, ARP  
255 N. Forbes St.  
Lakeport, CA 95453

Ref. Bell Haven Lakebed Permit APN # 044-030-01

Dear Ms Bartel:

It has come to our attention concerning the above referenced Permit would extend dockage a substantial distance into the lake.

This Permit is in direct opposition to everything the Board of Supervisors has professed to be a policy of maintaining a "Resort Atmosphere" along and around the shoreline of Clear Lake. This is a major issue that must be dealt with, before it grows to other lakeshore areas. Although it is understood that properties change hands and ownership should reasonably seek the atmosphere they desire, the big picture must be preserved as the lakeshore has been impacted enough by development.

There is an existing boat dock variance which, has no relevance, and should not even be considered to provide any authority whatsoever concerning this proposed extension. A flat boat dock is in no way comparable to the structure being proposed. Nor does it maintain the panorama many Lake County residents have come to enjoy, as well as vacationers and enthusiasts plying the waters of Clear Lake.

It is clearly stated that the length of shoreline dictates the length of any such appendage from the shoreline. You have seen the maps; you can clearly determine the maximum footage. These controls were put into place to limit docks from sprawling out into navigable water and an encroachment that does not maintain a balance to the shoreline.

It should be made clear that the placement of structures on docks is obtrusive, annoying and unsightly. It is presumed that there will be no toilet, bar sinks, or washing facility involved. It has been and should be in the future the goal to preserve an open shoreline, not one walled off by private interests, any private interests, not just said permit seekers.

The health of the lake is dependent upon reasonable repairs, replacements, or additions to existing or proposed facilities. The health of the lake is dependent upon circulation patterns which is life giving Oxygen. Public Access Walkways and Promenades must be jealously maintained. It is paramount to the permit process that all sides of the issue must be heard and have meaningful action taken to preserve the established norms. Improvements yes, absolutely, wretched excess no.

Thank you for your attention to this matter, should you have any questions concerning the above please feel free to contact us.

Sincerely yours,

Robert & Brenda Stark  
P.O. Box 147  
Cobb, CA 95426  
Home 707-92805521  
Cell 707-295-6665  
Email [cobbstark@cs.com](mailto:cobbstark@cs.com)

Cc: Aldaron Laird, Tanya Geya, Mirey Turner, Chuck Sturges, Rob Brown, Tina Scott, Jeff Smith, Jim Steel, Moke Simon, Scott Webb, Robert Massarelli,

## Joan Sturges

---

**From:** Joan Sturges  
**Sent:** Tuesday, September 19, 2017 4:14 PM  
**To:** 'Robert Stark'  
**Subject:** RE: letter to Supes

Great letter! Thanks so much.

*Cheers!*

Joan Sturges  
3385 White Oak Way  
Kelseyville, CA 95451  
Office: 707-279-1188  
Fax: 707-279-1188  
Cell: 707-272-1866

Certified Public Accountant  
Certified Fraud Examiner  
Certified Valuation Analyst  
Private Investigator

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**From:** Robert Stark [mailto:robert@cobbareawater.com]  
**Sent:** Tuesday, September 19, 2017 4:06 PM  
**To:** Joan Sturges <js@joansturges.com>  
**Subject:** letter to Supes

Hi Joan:

I sent a copy to Chuck, but forgot you, all the emails went through except for Mireya Turner and Tanya @ wildlife.

Attached is the letter

Robert

## Joan Sturges

---

**From:** Joan Sturges  
**Sent:** Sunday, September 17, 2017 9:30 AM  
**To:** 'carolharris@mchsi.com'  
**Subject:** RE: Bell Haven Dock

Thanks so much.

Cheers!  
Joan Sturges  
3385 White Oak Way  
Kelseyville, CA 95451  
Office: 707-279-1188  
Fax: 707-279-1188  
Cell: 707-272-1866

Certified Public Accountant  
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-----Original Message-----

From: carolharris@mchsi.com [mailto:carolharris@mchsi.com]  
Sent: Saturday, September 16, 2017 2:41 PM  
To: peggy.barthel@lakecountyca.gov; Rob.Brown@lakecountyca.gov; Jim.Steele@lakecountyca.gov;  
Jeff.Smith@lakecountyca.gov; Tina.Scott@lakecountyca.gov; Moke.Simon@lakecountyca.gov  
Cc: Joan Sturges <js@joansturges.com>  
Subject: Bell Haven Dock

My husband, Bob Berg, and I have been clients of C.P.A. Joan Sturges for close to 35 years. During that time we have had the opportunity to visit her office next to the lake on several occasions. It is impossible to be on her property and not be awed by the history, beauty, and tranquility of the setting. It has recently come to our attention that the essentially absentee owner of the adjoining property has requested a permit to modify and extend their existing dock, plus add a large covered structure with a wider dimension than even the amount of lake frontage which they legally own. This new covered structure on the Bell Haven property would block half the view of the lake that the Sturges property has

enjoyed since their property was first developed. We are respectfully requesting that you allow no construction to occur on this dock beyond what is necessary for repair of the current one and that any modification made to the dock would not in any way block the view of the lake from the Sturges homestead. We think it is very important that you preserve Lake County in a manner that both considers and respects the rights of its long time permanent residents and community contributors.

Carol Harris  
10940 Fairway Dr.  
Kelseyville, CA 95451

## Joan Sturges

---

**From:** Joan Sturges  
**Sent:** Sunday, September 17, 2017 12:35 PM  
**To:** 'Buddy Brantley'  
**Subject:** RE: Bell Haven Lakebed Permit

Thanks so much.

*Cheers!*

Joan Sturges  
3385 White Oak Way  
Kelseyville, CA 95451  
Office: 707-279-1188  
Fax: 707-279-1188  
Cell: 707-272-1866

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**From:** Buddy Brantley [mailto:bbrantley@wusd.org]  
**Sent:** Sunday, September 17, 2017 12:26 PM  
**To:** Jeff.smith@lakecountyca.gov; Jim.Steele@lakecountyca.gov; Moke.Simon@lakecountyca.gov; Rob.brown@lakecountyca.gov; Tina.scott@lakecountyca.gov; Joan Sturges <js@joansturges.com>; peggy.barthel@lakecountyca.gov  
**Subject:** Bell Haven Lakebed Permit

Peggy Barthel,

I am writing this email in opposition to the Bell Haven family compound proposed dock structure. It seems grossly unfair for a privately owned home (which the owners don't even reside in) to extend their dock 82 feet longer than permitted for a residence with a large covered structure over 70 feet wide when they only have 50 feet of lake frontage.

There are amazing homes and homeowners in this location who have spent their lives maintaining their homes and following your rules and guidelines for building. This is what makes this area so beautiful. It is wrong and unjust to consider this proposed structure. Not only will it be against your codes and permits, it will greatly take away from the residence who make their homes in Bell Haven.

Sincerely,

Richard Brantley  
Educator

--  
B. Brantley  
Windsor Middle School

## Joan Sturges

---

**From:** Joan Sturges  
**Sent:** Sunday, September 17, 2017 4:52 PM  
**To:** 'Sadie Dutcher'  
**Subject:** RE: Bell Haven Dock

Sadie ---

Thank you for your support.

I think if you would just forward your message below to: <peggy.barthel@lakecountyca.gov> with cc to the board of supervisors.

Cheers!

Joan Sturges  
3385 White Oak Way  
Kelseyville, CA 95451  
Office: 707-279-1188  
Fax: 707-279-1188  
Cell: 707-272-1866

Certified Public Accountant  
Certified Fraud Examiner  
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Private Investigator

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-----Original Message-----

**From:** Sadie Dutcher [mailto:sadiedutcher@gmail.com]  
**Sent:** Thursday, September 14, 2017 4:32 PM  
**To:** Joan Sturges <js@joansturges.com>  
**Subject:** Bell Haven Dock

Hi Joan,

I'd like to help support you in preserving the value of your property; from what I understand the owners of Bell Haven have gone beyond being bad neighbors to outright thievery. The proposed expansion of the dock and construction of an enormous "boat house" will increase the value of their property at the expense of the surrounding homeowners, externalizing the costs of their project to the entire neighborhood.

That action would be wrong in the absence of any building codes or regulations, but in this case the owners appear to be seeking that existing rules be bent or broken for the sake of their own enrichment.

I'm all about freedom and liberty of person and property, but not at the cost of another person.

So Joan, please let me know how I can best format a letter of protest to the interested parties; I want to be sure to do more good than harm for your case.

-Sadie Dutcher

## Joan Sturges

---

**From:** Joan Sturges  
**Sent:** Sunday, September 17, 2017 5:59 PM  
**To:** 'Eileen Martin'  
**Subject:** RE: Bell Haven Lakebed Permit, APN 044-030-01

Thanks so much.

*Cheers!*

*Joan Sturges*  
3385 White Oak Way  
Kelseyville, CA 95451  
Office: 707-279-1188  
Fax: 707-279-1188  
Cell: 707-272-1866

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**From:** Eileen Martin [mailto:toter1957@gmail.com]  
**Sent:** Thursday, September 14, 2017 10:58 AM  
**To:** peggy.barthel@lakecountyca.gov  
**Cc:** Rob.Brown@lakecountyca.gov; Moke.Simon@lakecountyca.gov; Jim.Steele@lakecountyca.gov; Jeff.Smith@lakecountyca.gov; Tina.Scott@lakecountyca.gov; Joan Sturges <js@joansturges.com>  
**Subject:** Bell Haven Lakebed Permit, APN 044-030-01

It should be required of anyone that has any power to say yes or nay to ruin anyone's view to stand on The Sturges front lawn and judge for themselves. It amazes me that this could even be considered; to ruin a lifetime view of the lake for a better view for very few. To supervisor Moke, I think I know you well enough to see for yourself in person, then kill this before it is seriously considered.

Tim& Eileen Martin

Sunrise Mobile Home Transporting. PO box 156 Clk Oaks

P.s if this were to pass\*\*\* what would be next?!

## Joan Sturges

---

**From:** Eva Johnson <evamj@xprs.net>  
**Sent:** Wednesday, September 13, 2017 5:06 PM  
**To:** Joan Sturges  
**Cc:** Pete Hock  
**Subject:** Bell Haven

Dear Joan: I was talking to my neighbor this morning and we wondered if you have a petition that we could help you get signatures. We are willing to help. If you do please call us and let us know how to get a copy. Trying to help.  
Eva Johnson and Peter Hock. 279-4836 or 279-8464. —Eva

## **Joan Sturges**

---

**From:** Joan Sturges  
**Sent:** Sunday, September 17, 2017 5:58 PM  
**To:** 'simple@sonic.net'; 'Eva Johnson'; 'hamburgl@mschsi.com'  
**Subject:** FW: dock  
**Attachments:** Scan0634.pdf

Thank you for your interest and support.

I think it would be great if folks would email <peggy.barthel@lakecountycalifornia.gov>, write her at the courthouse at 255 N. Forbes Street, Lakeport, or call her at 263-2221 objecting to the length and width and height of the proposed dock for a single home owner and the negative impact on the lake frontage environment. Please email your concerns to all of the supervisors as well as they will be the ultimate decision maker in the matter.

There is also a public hearing on the 28<sup>th</sup> at nine o'clock before the planning department in the board of supervisors chambers.

Please pass the word the above attachment to any interested parties.

*Cheers!*

*Joan Sturges*  
3385 White Oak Way  
Kelseyville, CA 95451  
Office: 707-279-1188  
Fax: 707-279-1188  
Cell: 707-272-1866

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---

**From:** Toi Farrin [mailto:t.farrin@mchsi.com]  
**Sent:** Thursday, September 14, 2017 1:08 PM  
**To:** Joan Sturges <js@joansturges.com>  
**Subject:** dock

## Joan Sturges

---

**From:** Joan Sturges  
**Sent:** Sunday, September 17, 2017 5:59 PM  
**To:** 'Eileen Martin'  
**Subject:** RE: Bell Haven Lakebed Permit, APN 044-030-01

Thanks so much.

*Cheers!*

*Joan Sturges*  
3385 White Oak Way  
Kelseyville, CA 95451  
Office: 707-279-1188  
Fax: 707-279-1188  
Cell: 707-272-1866

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**From:** Eileen Martin [mailto:toter1957@gmail.com]  
**Sent:** Thursday, September 14, 2017 10:58 AM  
**To:** peggy.barthel@lakecountyca.gov  
**Cc:** Rpb.Brown@lakecountyca.gov; Moke.Simon@lakecountyca.gov; Jim.Steele@lakecountyca.gov; Jeff.Smith@lakecounty.gov; Tina.Scott@lakecountyca.gov; Joan Sturges <js@joansturges.com>  
**Subject:** Bell Haven Lakebed Permit, APN 044-030-01

It should be required of anyone that has any power to say yes or nay to ruin anyone's view to stand on The Sturges front lawn and judge for themselves. It amazes me that this could even be considered; to ruin a lifetime view of the lake for a better view for very few. To supervisor Moke, I think I know you well enough to see for yourself in person, then kill this before it is seriously considered.

Tim& Eileen Martin

Sunrise Mobile Home Transporting. PO box 156 Clilk Oaks

P.s if this were to pass\*\*\* what would be next?!

## Joan Sturges

---

**From:** Joan Sturges  
**Sent:** Saturday, September 16, 2017 12:14 PM  
**To:** 'Moke.Simon@lakecountyca.gov'; 'peggy.barthel@lakecountyca.gov'  
**Subject:** Re: Tulle People and the Doring Dock Project

Moke ---

I am reaching out to my friends and concerned people about our lake and it's shoreline. I am trying to contact the Sierra Club, the Bird People, and I am in search of the Tulle People.

I am sure you want our lake protected and not paved. "The Friends of Cobb" was telling me about an organization for protection of the tulates. Do you have a contact person for me?

I live next door to the proposed Doring Dock Project. I am most alarmed about how much paving of our lake they feel is much needed. They are from Southern California, where they pave their rivers.

I have dropped off a letter and packet at the courthouse for you on this matter. I am available anytime if you could ever stop by and look at what they are want to do.

Thank you. I appreciate your time and concern.

*Cheers!*

*Joan Sturges*

3385 White Oak Way  
Kelseyville, CA 95451  
Office: 707-279-1188  
Fax: 707-279-1188  
Cell: 707-272-1866

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## Joan Sturges

---

**From:** Joan Sturges  
**Sent:** Wednesday, September 13, 2017 4:01 PM  
**To:** 'Linda Marie'  
**Subject:** RE: Bell Haven proposed extended dock

Thanks so very much.

*Cheers!*

Joan Sturges  
3385 White Oak Way  
Kelseyville, CA 95451  
Office: 707-279-1188  
Fax: 707-279-1188  
Cell: 707-272-1866

Certified Public Accountant  
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**From:** Linda Marie [mailto:linmar0209@gmail.com]  
**Sent:** Wednesday, September 13, 2017 2:37 PM  
**To:** peggy.barthel@lakecountyca.gov; Rob.Brown@lakecountca.gov; Jim.Steele@lakecountyca.gov; Jeff.Smith@lakecountyca.gov; Tina.Scott@lakecountyca.gov; .Moke.Simon@lakecountyca.gov  
**Cc:** Joan Sturges <js@joansturges.com>  
**Subject:** Bell Haven proposed extended dock

Greetings,

Joan Sturges has contacted me asking for comments regarding the proposed Bell Haven extended dock permit. According to Joan, the dock will be 82 feet longer than permitted for a residence, plus it will be over 70 feet wide when their property has only 50 feet of lakeshore! Besides breaking current laws, this massive structure would block over half of Joan's lake view. That would be tragic! Joan and her family have lived there for many years, and have taken meticulous care of their property. It would be completely unfair to now allow someone else to destroy their beautiful view by granting variances to the established laws. The laws were established to make it fair for everyone who is lucky enough to have lakeshore property. Please maintain those laws.

Thank you.

Sincerely,

## Joan Sturges

---

**From:** Joan Sturges  
**Sent:** Wednesday, September 13, 2017 1:43 PM  
**To:** 'Mike and Nancy Svehla'  
**Subject:** RE: Dock Issue

Thanks so much.

*Cheers!*

Joan Sturges  
3385 White Oak Way  
Kelseyville, CA 95451  
Office: 707-279-1188  
Fax: 707-279-1188  
Cell: 707-272-1866

Certified Public Accountant  
Certified Fraud Examiner  
Certified Valuation Analyst  
Private Investigator

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**From:** Mike and Nancy Svehla [mailto:mnsvehla@gmail.com]  
**Sent:** Monday, September 11, 2017 9:04 PM  
**To:** Joan Sturges <js@joansturges.com>  
**Subject:** Dock Issue

Hey Joan:

I got your letter today! I can't believe the BOS would allow a monstrosity like this on the lake, but I didn't think Trump would be elected either. Could the Sierra Club get involved, or is that out of their venue? Victoria Brandon was their spokesperson for years and very good at it. It's just a thought. I wish you luck and will write a letter. I'm supposed to help with a school group at the museum on the morning of the 28th, but Mike will attend.

Thanks again for the nice lunch.

Love, Nancy

## **Joan Sturges**

---

**From:** Joan Sturges  
**Sent:** Wednesday, September 13, 2017 1:45 PM  
**To:** 'Brenda Young'  
**Subject:** RE: Bell Haven Property, Soda Bay

Thanks so much.

*Cheers!*

*Joan Sturges*  
3385 White Oak Way  
Kelseyville, CA 95451  
Office: 707-279-1188  
Fax: 707-279-1188  
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**From:** Brenda Young [mailto:byoungnewlife@hotmail.com]  
**Sent:** Monday, September 11, 2017 5:05 PM  
**To:** peggy.barthel@lakecountyca.gov; rob.brown@lakecountyca.gov; jim.steele@lakecountyca.gov; jeff.smith@lakecountyca.gov; tina.scott@lakecountyca.gov; moe.simon@lakecountyca.gov; Joan Sturges <js@joansturges.com>  
**Subject:** Bell Haven Property, Soda Bay

Hello,

We understand that the owners of Bell Haven, who do not reside in our county, have asked for a permit to extend the current dock on their property longer than what is currently allowed for a residence. We also understand that they are planning to put a large covered structure on it.

As homeowners with property on the lake, and business owners in Kelseyville, my husband Ken Young and I find this absurd. Our lake is a beauty with diverse natural habitats and allowing someone to come in and destroy this natural ecology should not be permitted. We believe that owning a home on our beautiful shoreline is a privileged and homeowners may be allowed a dock to use the lake, (although we will never put one in) however; there are limits. Just because someone has the finances to create this kind of structure should not be reason to give them permission.

We trust that you will all protect our lake as well as the creatures that reside here by turning down this ridiculous request.

Sincerely,  
Kenneth W. & Brenda K. Young

**Brenda Young, B Young Wellness: Skin-Health-Cancer Care**

---



Phone: 707-279-4215

Email: email: [brenda@byoungwellness.com](mailto:brenda@byoungwellness.com)

Website: [www.byoungwellness.com](http://www.byoungwellness.com)

Website: [www.byoungnewlifecoach.com](http://www.byoungnewlifecoach.com)

Providing: Nutrition & Health Consulting | Customized Facials &

Skin Care | Professional Cancer Coaching | Essential Oils &

Non-Toxic Personal Care Products



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## Joan Sturges

---

**From:** Joan Sturges  
**Sent:** Tuesday, September 05, 2017 4:43 PM  
**To:** 'Joan Moss'  
**Subject:** RE: Bell Haven Homeowners Association Lakebed Permit

Thank you.

*Cheers!*

Joan Sturges  
3385 White Oak Way  
Kelseyville, CA 95451  
Office: 707-279-1188  
Fax: 707-279-1188  
Cell: 707-272-1866

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---

**From:** Joan Moss [mailto:do.it.n@hotmail.com]  
**Sent:** Tuesday, September 05, 2017 11:38 AM  
**To:** Joan Sturges <js@joansturges.com>  
**Subject:** Re: Bell Haven Homeowners Association Lakebed Permit

Joan Sturges, I will study the materials I have and write a letter supporting your position. Joan Moss

---

**From:** Joan Sturges <js@joansturges.com>  
**Sent:** Friday, September 1, 2017 2:10 PM  
**To:** 'peggy.barthel@lakecountyca.gov'; 'do.it.n@hotmail.com'; 'Aldaron Laird'; 'tanya.sgeya@wildlife.ca.gov'; 'mireya.turner@lakecountyca.gov'; chuck sturges ([chucksturges@hotmail.com](mailto:chucksturges@hotmail.com)); [kelseyngalls@hotmail.com](mailto:kelseyngalls@hotmail.com); 'Dana Sturges'  
**Cc:** 'Rob.Brown@lakecounty.gov'; 'Tina.Scott@lakecountyca.gov'; 'Jim.Steele@lakecountyca.gov'; 'Jeff.Smith@lakecountyca.gov'; 'Moke.Simon@lakecountyca.gov'; [scott.webb@lakecountyca.gov](mailto:scott.webb@lakecountyca.gov); Robert Massarelli  
**Subject:** Re: Bell Haven Homeowners Association Lakebed Permit

Peggy ---

I am opposed to the changes of this dock for the following reasons:

- 1) I do not want to look at the structure at the end of the dock as it will be blocking half of my view shed.
- 2) Bell Haven is a private family compound and is no longer a resort. One does not spend \$6 million dollars on structures and another million dollars on landscaping to generate rental income, even high end.
- 3) I understand that a variance in the year 2000 was granted for extra boat parking along the floating dock at the end. Since the reason for the variance is no longer valid, the new dock needs to be 82 feet shorter than the existing dock. The 2000 variance was for boat parking along the floating dock and not for structures with high roofs, etc.
- 4) The property owners do not own enough lake frontage for the width of the structures they are proposing. I will drop off to your office the 1923 maps of the subdivision, compliant filed on August 18, 1970, and the judgment filed August 30, 1978, current pictures of the area, and the homeowners association that currently controls the promenade and other common areas in the Soda Bay Spring Subdivision Property Owners Association. Even with the lot line adjustment in 1930, you will see from the maps all they have is a single rounded corner lot on the lake with less than 50 feet of actual lake frontage, therefore that proposed dock will be sitting in front of my property. Again, I do not want to look at it. I am opposed to any structure at the end of the dock. An umbrella would have the same effect and not be permanent when not in use.
- 5) The length, width, and height of the proposed structures is way different then the dock currently there. I understand they are trying to accomplish this project on a rebuild, remodel, repair permit. They are adding 21 new piling, which is major and not just a repair/remodel. They just built a 3,000+ square foot home on the remodel permit of a 1,000 square foot home.
- 6) Currently they are in a half dozen violations of the court judgement by blocking access to the lake and the promenade. It seems that the current violations should be brought into compliance before any new privileges are extended.
- 7) I have been sitting here working and watching the lake and wild life for 35 years. I have seen on my property and lake frontage 128 species of birds, mink, otters, foxes, raccoons, possums, skunk, turkeys, deer, etc. The most disruptive element of the new proposed dock would be the disruptions of the flock feeding that involves thousands of coots, pelicans, geese, ducks, eagles, herons, egrets, etc. The feeding patterns are often in from of my property as it is the only place left on the water fount in Soda Bay that does not have monstrous docks. You are the custodians for the lake. Are we going to let southern Californian aristocrats pave our lake?
- 8) We have a quit peaceful neighborhood and docks make a lot of noise. We do not need more noise.
- 9) The lights on the dock destroys your night vision and most of the stars disappear.
- 10) There is a lot of daily maintenance on docks as a goose poops 26 times a day and I counted 20 of them on their front lawn yesterday.
- 11) As the court judgement out lines and the homeowners association agrees that no trees, or plantings, or any permeant structures or items should be made to the promenade without board consent. Any toys left along the promenade and Soda Bay Drive are concerned for community use.
- 12) If the dock building structures were close to the shore line behind the trees it would not be so offensive and be more in compliance.
- 13) Mireya Turner advised me that this matter will go before the planning commission on Thursday, September 28<sup>th</sup> at 9:05am. I have a number of concerned citizens that want to attend. I will have them contact your office. Please let me know the place and of any changes and dates or time for the planning commission hearing for public input.

Thank you for your consideration in this very import matter to me.

*Cheers!*

*Joan Sturges*

3385 White Oak Way

Kelseyville, CA 95451

Office: 707-279-1188

Fax: 707-279-1188

Cell: 707-272-1866

Certified Public Accountant  
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## Joan Sturges

---

**From:** Joan Sturges  
**Sent:** Sunday, August 13, 2017 12:37 PM  
**To:** 'dianachien2002@yahoo.com'  
**Subject:** RE: June 21 hearing

Diana ---

No action was required. Mid-August is when the board was going to review it again. I need to call them.

Cheers!

Joan Sturges  
3385 White Oak Way  
Kelseyville, CA 95451  
Office: 707-279-1188  
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-----Original Message-----

From: dianachien2002@yahoo.com [mailto:dianachien2002@yahoo.com]  
Sent: Monday, June 26, 2017 11:39 PM  
To: Joan Sturges <js@joansturges.com>  
Subject: June 21 hearing

Dear Joan,

How was the hearing? My father is getting better, I am returning to the Lake Friday, love to meet for coffee if you have time.

## Joan Sturges

---

**From:** Joan Sturges  
**Sent:** Sunday, September 17, 2017 4:52 PM  
**To:** 'Sadie Dutcher'  
**Subject:** RE: Bell Haven Dock

Sadie ---

Thank you for your support.

I think if you would just forward your message below to: <peggy.barthel@lakecountyca.gov> with cc to the board of supervisors.

Cheers!  
Joan Sturges  
3385 White Oak Way  
Kelseyville, CA 95451  
Office: 707-279-1188  
Fax: 707-279-1188  
Cell: 707-272-1866

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-----Original Message-----

From: Sadie Dutcher [mailto:sadiedutcher@gmail.com]  
Sent: Thursday, September 14, 2017 4:32 PM  
To: Joan Sturges <js@joansturges.com>  
Subject: Bell Haven Dock

Hi Joan,

I'd like to help support you in preserving the value of your property; from what I understand the owners of Bell Haven have gone beyond being bad neighbors to outright thievery. The proposed expansion of the dock and construction of an enormous "boat house" will increase the value of their property at the expense of the surrounding homeowners, externalizing the costs of their project to the entire neighborhood.

That action would be wrong in the absence of any building codes or regulations, but in this case the owners appear to be seeking that existing rules be bent or broken for the sake of their own enrichment.

I'm all about freedom and liberty of person and property, but not at the cost of another person.

So Joan, please let me know how I can best format a letter of protest to the interested parties; I want to be sure to do more good than harm for your case.

-Sadie Dutcher

## **Joan Sturges**

---

**From:** Joan Sturges  
**Sent:** Monday, September 18, 2017 8:29 PM  
**To:** 'Joseph'  
**Subject:** RE: Bell Haven

Thanks so much.

*Cheers!*

*Joan Sturges*  
3385 White Oak Way  
Kelseyville, CA 95451  
Office: 707-279-1188  
Fax: 707-279-1188  
Cell: 707-272-1866

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**From:** Joseph [mailto:graflz127@msn.com]  
**Sent:** Monday, September 18, 2017 5:39 PM  
**To:** Joan Sturges <js@joansturges.com>  
**Subject:** Fw: Bell Haven

---

**From:** Joseph <graflz127@msn.com>  
**Sent:** Monday, September 18, 2017 5:37 PM  
**To:** [peggy.barthel@lakecountyca.gov](mailto:peggy.barthel@lakecountyca.gov)  
**Subject:** Bell Haven

Ma'am,

I'd like to take a moment of your time to register my support for Joan Sturges in her effort to maintain her lake view.

This notion that the quality of life of our friends and neighbors can be disregarded at whim is contrary to the nature of Lake County.

The proposed construction is deceitful, arrogant, and obnoxious.

Very truly yours,

Joseph C Butterman  
3540 Lake View Estate Dr.,  
Kelseyville, 95451 (Soda Bay)