



## Legislation Text

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### Staff Report

**Date:** January 25, 2024

**To:** The Planning Commission

**From:** Water Resource Department, Public Works Director Scott DeLeon

**Subject:** Consideration of Appeal of Water Resource Department's intent to approve Lakebed Encroachment Permit 2022-25

#### Executive Summary:

The Lakebed Management Division of the Lake County Water Resources Department (Department) is responsible for maintaining the public trust lands below the high-water mark (7.79 ft Rumsey) in Clear Lake, in accordance with Lake County Code, Chapter 23, Shoreline Ordinance (Chapter 23, Shoreline Ordinance), and State Statutes of 1973 Chapter 639. One role is the establishment of minimum standards for the construction, alteration, removal, and maintenance of structures or other prescribed activities in the lake.

Per Lake County Code, Chapter 23 Sec. 23-4. - Permit Procedure, "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 Lakebed Management. (A) Constructing or placing any pier, boat ramp, boat launching facility, navigational structure, buoy, jetty, breakwater, marina, harbor, shore zone 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

Water Resources staff were contacted in late 2021 and advised that work was being performed on a pier structure located 11360 North Drive (APN 036-091-05 Owner: Lakeshore Associates), and the complainant was concerned that the work was being performed without permits. Staff searched internal records and found no evidence of a permit for this location, and a site visit was scheduled. On 06/14/2022, Department staff made a site visit to the subject property to inspect the lakebed structure and observed recently poured concrete, which was placed without the benefit of a permit. Photographs were taken to document the construction, and staff processed a Notice of Violation for construction without a permit. Copies of the Notice of Violation and the photographs are included with this report as Attachments 1 and 2, respectively.

Due to the relatively minor nature of the repair work, the Notice of Violation required the owner obtain an 'after-the-fact' Lakebed Encroachment Permit for the work performed on the structure. The property owner, Lakeshore Associates, applied for the permit, however during the public notice period

of the processing of that permit staff received an appeal from the neighbor at 11380 North Shore Drive (APN 036-091-06 Owner: Richard and Lana Schieder). The appellant argued that a portion of the structure is encroaching on his property and is interfering with his ability to access his property from the lake. The appellant further indicated that the subject pier/dock structure has been involved in a neighbors' dispute since the late 1950s.

In accordance with County Code, appeals of permits are to be heard and decided by the Planning Commission, or on appeal, by the Board of Supervisors.

**Recommended Action:**

Staff recommends the approval of Lakebed Encroachment Permit 2022-25