

**COUNTY OF LAKE****COMMUNITY DEVELOPMENT DEPARTMENT**

Planning Division

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

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Item # 6**9:30 AM****August 25, 2022****STAFF REPORT****TO:** Planning Commission**FROM:** Mary Darby, Community Development Director
Eric Porter, Associate Planner**DATE:** August 25, 2022**SUBJECT:** MET Wind Towers; Major Use Permit, UP 22-06 and Categorical Exemption CE 22-12. Location: 25650 Morgan Valley Road, Lower Lake, CA. APNs: 012-014-02 and 012-014-08

Supervisor District 1

ATTACHMENTS: 1. Vicinity Map
2. Site Map, Elevations
3. Agency Comments
4. Proposed Conditions of Approval**I. EXECUTIVE SUMMARY**

On February 15, 2022, the applicant submitted a Major Use Permit, UP 22-06, to ask consideration for four (4) 197' tall temporary meteorological towers on the two subject sites. The towers are considerably taller than the height allowed by the County of Lake for accessory structures in the RL zoning district. The functionality of these proposed towers relies on height to obtain accurate weather readings.

These towers can be permitted pursuant to Article 42, Sections 42.12 and 42.14 "*Height Exceptions*" if they meet all applicable standards and criteria for a major use permit. These sections allow structures in excess of accessory structure allowable heights in the Agriculture and Rural Lands zoning districts subject to a major use permit.

Therefore, the applicant is now requesting approval of the Major Use Permit, UP 22-06 to allow four (4) over-height, unmanned 197 foot tall temporary meteorological

towers. The total footprint for each tower is .03 acres, or about 1,307 sq. ft. in area. Given the small footprint size coupled with the large acreage of the two properties, the County has agreed to categorically exempt the project from CEQA review under CEQA section 15303(e) as a Class 3 exemption.

The project site is accessible from Morgan Valley Road, a paved County-maintained road, which connects with Butte Rock Ranch Road, a private and unpaved road at this location, and which provides access into the site.

Figure 1 - Site Map of Project Properties and Surrounding Area



Source: Materials Submitted by the Applicant

II. PROJECT DESCRIPTION

Applicant: Morgan Valley Wind Farm LLC

Owner: Larry Morrison

Location: 25650 Morgan Valley Road, Lower Lake, CA

A.P.N.s: 012-014-02 and 012-014-08

Parcel Size: Parcel 02: 617.69 acres
Parcel 08: 473.60 acres

General Plan: Agricultural and Rural Lands

Zoning: “APZ-RL-WW” Agricultural Preserve Zone – Rural Lands – Waterway

Flood Zone: “X” and “D”, undetermined

PROJECT SETTING

Existing Uses and Improvements: Parcels 02 and 08 are developed with a dwelling and contain a well and septic system.

Figure 2 - Aerial Photo of Site and Surrounding Area



Source: Lake County GIS Mapping

Surrounding Zoning and Land Uses:

Direction:	Zoning:	Lot Sizes:	Developed:
North	RL, Rural Lands	24 to 50 acres	Vacant
South	A, Agriculture and RL	10 to 100 acres	Vacant
West	A, RL	105 acres	Vacant, pond on site
East	O, Open Space	321 to 690 acres	Vacant

Topography: The project site and general area has varied slopes ranging from less than 10% to greater than 30%. The project sites where the towers would be located are generally less than 10% slope.

Soils: According to the soil survey of Lake County, prepared by the U.S.D.A, The parcel contains soil types 209 (Skyhigh-Millsholm loams, 15 to 50% slopes), and 206 (Shortyork Variant – Yorkville – Squawrock association, 15 to 50% slopes). Both soil types are characterized by rapid erosion rates and high shrink-swell potential.

Water Supply: Existing Onsite Wells

Sewage Disposal: Onsite Septic Systems

Fire Protection: Lake County Fire Protection District; CalFire

III. PROJECT ANALYSIS

General Plan Conformance

The land use designation on this site is Agriculture and Rural Lands.

Agricultural land use category includes areas with prime farmland, vineyard soils and grazing lands, along with areas characterized by steep slopes and limited services. One purpose of this land use category is to protect the County's valuable agricultural resources and to prevent development that would preclude its future use in agriculture. These lands are actively or potentially engaged in crop production, including horticulture, tree crops, row and field crops, and related activities. These lands also provide important groundwater recharge functions. As watershed lands, these lands function to collect precipitation and provide for important filtering of water to improve water quality. They are generally supportive to the management of the natural infrastructure of the watersheds.

Response: *The project parcels are not engaged in agricultural uses. The placement of the towers would not conflict with potential agricultural uses due to the small footprints of each of the four towers.*

Rural Lands is intended to allow rural development in areas that are primarily in their natural state, although some agricultural production, especially vineyards, can occur on these lands. The category is appropriate for areas that are remote,

or characterized by steep topography, fire hazards, and limited access. Typical uses permitted by right include, but are not limited to, animal raising, crop production, single family residences, game preserves and fisheries. Other typical uses permitted conditionally include, but are not limited to, recreational facilities, manufacturing and processing operations, mining, and airfields.

Response: *The project parcel is located in a rural area of the County. The site is not within a scenic corridor, and there are no threatened or endangered species listed in or near the tower sites according to the Biological memo, dated May 26, 2022 and prepared by SWCA Inc, Environmental Consultants that was submitted for this proposed project.*

Section 5.6

- **Policy PFS-6.1 Electric Service**

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

- **Policy PFS-6.2 Appropriate Siting of Electric Facilities**

The County shall coordinate with electricity providers to locate transmission systems that minimize environmental and other impacts.

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

Lower Lake Area Plan Conformance

The Lower Lake Area Plan is a guide for long term growth and development in the planning area and complements the County of Lake General Plan. The Lower Lake Area Plan does not address planning elements for alternative energy sources such as wind turbines.

Zoning Ordinance Conformance

The proposal must meet the applicable requirements found within County of Lake Zoning Ordinance for the following Articles:

Article 4 – Agricultural Preserve Zone “APZ” Zoning District:

The purpose of Agriculture Preserve Zoning district is to allow for the conservation and protection of land capable of producing agricultural products. The uses specified in this section have been determined to be compatible uses consistent with the California Land Conservation Act of 1965.

Response: *The project parcels are not engaged in agricultural uses. The placement of the MET towers would not conflict with any future agricultural uses.*

Article 7 – Rural Lands “RL” Zoning District:

The purpose of Rural Lands is to provide for resource related and/or residential uses of the County’s undeveloped lands. Typical these lands are remote and often characterized by steep topography, fire hazards, and limited access.

Response: *Approval of the Major Use Permit is evaluated by this Staff Report, and is subject to meeting certain approval criteria. The RL zoning district presently supports telecommunication (cell) towers and high voltage power lines. The MET towers proposed are not in a populated or highly visible location, and could serve an important purpose in potentially providing an alternative energy source through wind turbines (if the MET tower data supports future wind turbines in this location as a viable alternative power source).*

Article 37 – Waterway “WW” Combining Zoning District:

The purpose of Article 37 is to preserve, protect and restore significant riparian systems, streams, riparian, aquatic and woodland habitats, protecting water quality, erosion control, sedimentation/runoff and protecting the public’s health and safety by minimizing dangers due to flood and earth slide.

Response: *The project parcel contains a small pond, but no other surface water courses. The towers will not conflict with this pond due to their proximity, which well over 100 feet away from the surface water area.*

Article 42, Exceptions

- **42.12 Height and yard exceptions for utility facilities:** Utility distribution and transmission poles and towers are exempt from the maximum height and minimum yard regulations of this Chapter.
- **42.14 Height exceptions, general:** The maximum height limitations of this Article and Chapter may be exceeded upon securing a major use permit in each case.

Response: *The functionality of these towers is dependent on their height. They are meant to take readings, primarily of wind speeds, to determine whether this site is suited for future wind turbines. The towers will be up for a period of two years and are regarded as being temporary towers. Alternative energy sources are important for County of Lake.*

IV. FINDINGS FOR APPROVAL

Major Use Permit (Article 51, Section 51.4a)

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health,

safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.

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

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

Response: *The project site is approximately 1091 acres in size (both parcels combined) with slopes that range from less than 10% to greater than 30%. The site is located in an area of the county where the majority of parcels are undeveloped.*

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

Response: *The site is accessed by Morgan Valley Road, a paved County-maintained road, which connects with Butte Rock Ranch Road, an unpaved private road. The towers are unmanned, and it is anticipated that one vehicle trip per month will occur to conduct routine tower maintenance. The towers are temporary and will be used for two years. A condition of approval shall be added requiring the site to be restored to its present condition following the removal of the towers.*

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

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

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

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

6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and.

Response: *There are no documented violations on this site.*

V. ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of their actions. The applicant has submitted a Cultural Report and a Biological memo that evaluated potential significant cultural areas on site, and potentially sensitive biological areas on site that might contain threatened or endangered flora and fauna species. Both studies concluded that the site did not likely contain any sensitive cultural or biological species or artifacts.

The small footprint of the four towers is just over 5000 sq. ft., and can be categorically exempted from CEQA review under CEQA section 15303(e).

VI. RECOMMENDATION

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

- A. Adopt a Categorical Exemption (CE 22-12) to CEQA based on the application material submitted with the following findings:**
 1. Potential environmental impacts related to this project are less than significant based on the small tower footprints and the large property size.
 2. CEQA section 15303(e) allows for categorical exemptions for small projects.
 3. The applicant has submitted an Archaeological Study and a Biological Study that show this project will not adversely impact any significant cultural or biological

relics, artifacts, or species.

4. This project is consistent with land uses in the vicinity.

B. Approve Major Use Permit (UP 22-06) with the following findings:

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.
2. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.
3. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use.
4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
5. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.
6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property.

Sample Motions:

Categorical Exemption

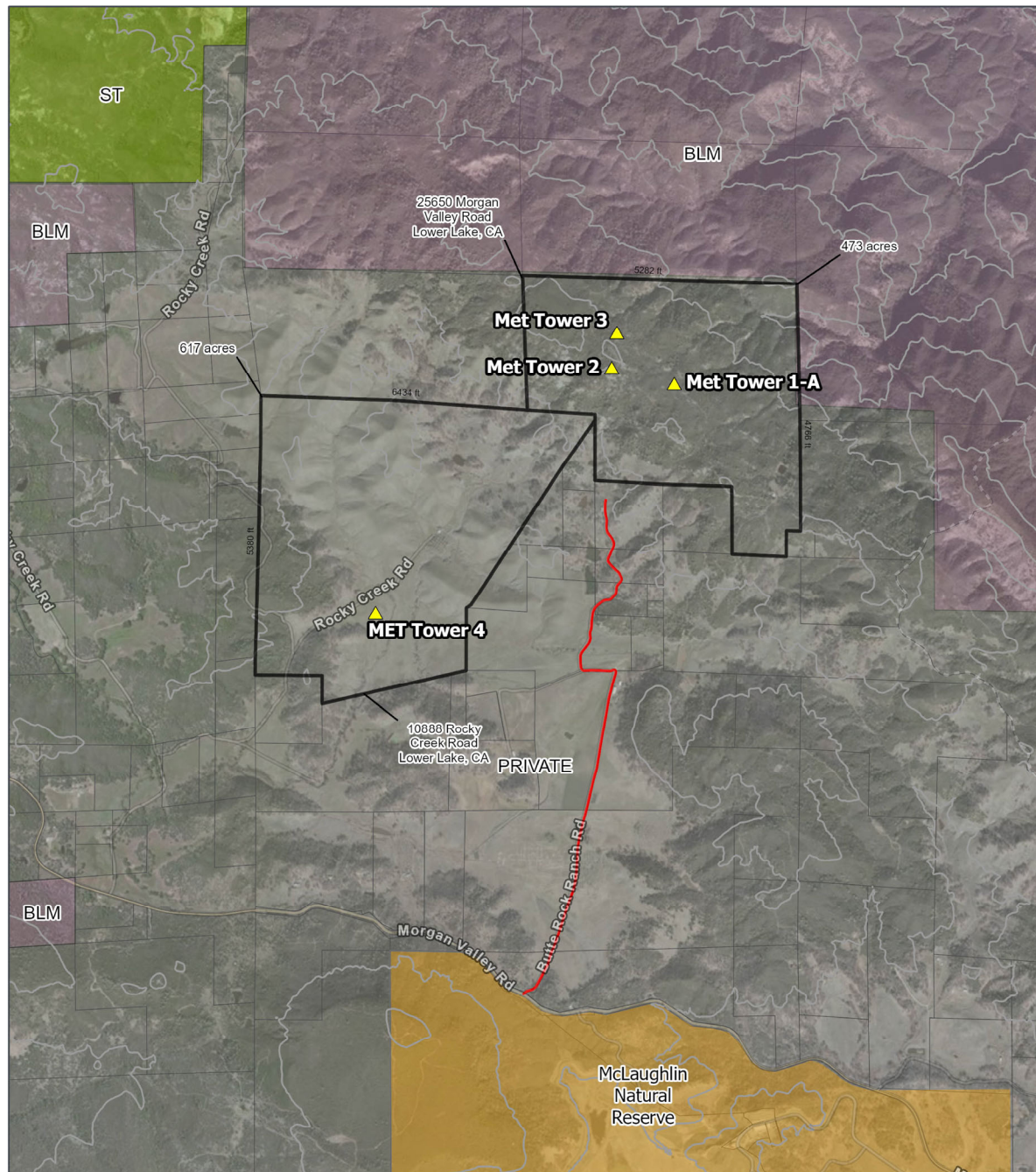
I move that the Planning Commission find that this project is eligible for a Categorical Exemption, File No. CE 22-12, under CEQA section 15303(e) as applied for by **Morgan Valley Wind Farm LLC** on property located at on property located at **25650 Morgan Valley Road, Lower Lake further described as APN: 012-014-02 and 08** will not have a significant effect on the environment and therefore a Categorical Exemption shall be issued with the findings listed in the staff report dated **August 25, 2022**.

Major Use Permit

I move that the Planning Commission find that the **Use Permit, UP 22-06** applied for by **Morgan Valley Wind Farm LLC** on property located at on property located at **25650 Morgan Valley Road, Lower Lake further described as APN: 012-014-02 and 08** does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and grant the Major Use Permit subject to the conditions and with the findings listed in the Staff Report dated **August 25, 2022**.

NOTE: *The applicant or any interested person is reminded that the Zoning Ordinance*

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



MORGAN VALLEY - MET
TOWER LOCATIONS

- ▲ MET Tower Options
- Access Route
- Contours
- ▭ Parcels
- ▭ Bureau of Land Management
- ▭ Private
- ▭ California State Lands Commission
- ▭ McLaughlin Natural Reserve

Lake County, CA
USGS 7.5' Quadrangle:
Morgan Valley, CA
NAD 1983 UTM Zone 10N
38.9023°N 122.4477°W



1:30,000

SWCA
ENVIRONMENTAL CONSULTANTS

Base Map: ESRI ArcGIS Online,
accessed July 2022
Updated: 7/21/2022
Project No. 70273
Aprx: 70273_MorganValleyWind
Layout: 70273_SitePlan

Morrison (M4)



Hansen (M2)

