



Legislation Details (With Text)

File #: 22-708 **Version:** 1 **Name:**

Type: Action Item **Status:** Agenda Ready

File created: 6/28/2022 **In control:** Planning Commission

On agenda: 7/14/2022 **Final action:**

Title: 9:35 a.m. Public Hearing on Consideration of a Twenty Year Extension (file no. UPM 22-01) for an existing mine originally approved through Major Use Permit (UP 03-04) and consider Categorical Exemption (CE 22-36), per CEQA* section 15301. The applicant, DNA RIVER ROCK LLC is requesting a twenty year extension for an existing mine. The project is located at 8359 and 8400 S. Highway 29, Lower Lake, CA; APN: 011-069-13 and 12.

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. Attachment 1 vicinity map, 2. Attachment 2 submitted mat'l, 3. Attachment 3 Orig COAs, 4. Attachment 3b 2009 COAs, 5. SR DNA, 6. Proof of Publication (UMP 22-01) PC 7-14-22 935am

Date	Ver.	Action By	Action	Result
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Memorandum

Item #7
9:35 a.m.
July 14, 2022

STAFF REPORT

TO: Planning Commission

FROM: Mary Darby, Community Development Director
Eric Porter, Associate Planner

DATE: July 14, 2022

RE: DNA River Rock Mine Extension - Extension of Use Permit (UPM 22-01) of Use Permit (UP 03-04) and a Categorical Exemption to CEQA (CE 22-36)

Supervisor District 5

ATTACHMENTS: 1. Vicinity Map

2. Submitted Material and Applicable Correspondence
3. Original Conditions of Approval for UP 03-04
4. Revised Conditions UPM 22-01

I. EXECUTIVE SUMMARY

The applicant is requesting approval for an extension to an existing mine at the location stated below. The original approval by the County Planning Commission occurred on October 9, 2003. If the mine reclamation activity has not concluded at the end of the original approval period (October 9, 2023) the Conditions of Approval allow for extensions if approved by the County Planning Commission. The applicant had applied for a modification in 2021 through file No. MMU 21-03. The modification allowed up to 100,000 cubic yards of material to be taken from the site per year for larger jobs. The original amount of exported material had a maximum of 15,000 cubic yards per year. The modification also allowed for expanded mine operation time; approved had been 8:00 to 5:00 pm; the modification allowed for 24 hour mining operation. There are no violations or other issues associated with this permitted mine. Therefore, County staff is recommending **approval of a twenty-year extension of UP 03-04** through file No. **UPM 22-01**.

II. RECOMMENDATION

Staff recommends that the Planning Commission take the following actions pertaining to this request for a twenty year extension:

A. Adopt Categorical Exemption, (CE 22-36) for Use Permit Extension, UPM 22-01 with the following findings:

1. This time extension request is for an existing use permit to continue the use of the affected property as a mine that extracts and processes gravel and related products.
2. No new construction or site disturbance is proposed or needed in conjunction with this extension request.
3. This project is consistent with CEQA Categorical Exemption requirements for a previously-approved project through a Class 1 Exemption; CEQA section 15301.
4. This project remains consistent with the Lake County General Plan, Lower Lake Area Plan and the applicable Lake County Zoning Ordinance sections.
5. There has been no changes to any applicable regulations which would create new significant environmental impacts.
6. This project has been previously evaluated for compliance with CEQA, and any potential adverse environmental impacts have already been mitigated.

B. Approve a twenty-year Extension of Time (UPM 22-01) for Use Permit (UP 03-04) with the following findings:

1. That there have been no changes to the requirements to establish the uses proposed within the DNA River Rock mine between the time of original approval and the date of this extension.
2. That there have been no changes to the General Plan or to the Lower Lake Area Plan that would otherwise affect this extension in a manner that would create a non-conforming use.
3. That there have been no changes to the scope of the project between the original approval date and the date of this extension.
4. That the project is in substantial conformance with the originally-approved project under file no. UP 03-04.
5. There are no open violations on this site.

SAMPLE MOTIONS

Categorical Exemption

I move that the Lake County Planning Commission find that the **Use Permit Extension, UPM 22-01**, applied for by **DNA River Rock** on property primarily located at **8350 and 8400 Highway 29, Lower Lake, further described as APNs: 011-069-12 and 011-069-13** is exempt from CEQA because it falls within Categorical Exemption section 15301 (file no. CE 22-36), based on the findings set forth in the Staff Report dated **July 14, 2022**.

Minor Use Permit Extension

I move that the Lake County Planning Commission find that the **Use Permit Extension, UPM 22-01**, applied for by **DNA River Rock** on property primarily located at **8350 and 8400 Highway 29, Lower Lake, further described as APNs: 011-069-12 and 011-069-13** does meet the requirements of Articles 7, and 60.1(c) of the Lake County Zoning Ordinance, and that the Zoning Administrator has reviewed and considered the Categorical Exemption, CE 22-36, which was adopted for this project and the Use Permit extension, file number UPM 22-01, be granted, and shall extend the use permit UP 03-04 for a period of twenty years subject to the original and revised conditions (Attachments 3 and 4), and with the findings listed in the Staff Report dated **July 14, 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's decision, 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 Planning Commission's final determination.*