



Legislation Details (With Text)

File #: 22-709 **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: 9:30 a.m. (Request for Continuance to 8-11-22). Public Hearing on Consideration of a twenty-year extension for a mine (file no. UPM 20-01 affecting use permit UP 00-06) and to consider Categorical Exemption (CE22-47) per CEQA section 15301. The applicant, CLEARLAKE LAVA LLC is requesting a Twenty year extension for the continued use of the site as a gravel quarry. The project is located at 13329 Point Lakeview Drive, Lower Lake, CA, and is APNs: 012-066-02, 03, 12 and 71.

Sponsors: Community Development

Indexes:

Code sections:

Attachments: 1. Attachment 1 vicinity map, 2. Attachment 2 1989 reclam plan, 3. Attachment 3 orig COAs, 4. Attachment 4 COAs, 5. SR Clearlake Lava LLC, 6. Proof of Publication (UMP 20-01) PC 7-14-22 930am

Date	Ver.	Action By	Action	Result
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Memorandum

Item #6
9:30 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: Point Lakeview Mine, Clearlake Lava Extension - Extension of Use Permit (UPM 20-01) of Use Permit (UP 00-06) and a Categorical Exemption to CEQA (CE 22-47)

Supervisor Districts 1 and 5

ATTACHMENTS: 1. Vicinity Map

2. Submitted Material and Applicable Correspondence
3. Original Conditions of Approval for UP 00-06
4. Revised Conditions UPM 20-01
5. Agency Comments

I. **BACKGROUND**

The following events occurred leading to this request for a mine extension:

- 1989 - Use Permit UP 89-09 was approved by Lake County for a new mine, called the Point Lakeview mine.
- February 8, 2000 - Use Permit 00-06 was submitted to Lake County for a mine extension.
- The extension was approved in summer 2000 through UP 00-06 and was appealed. The Board of Supervisors denied the appeal, thereby validating the year 2000 use permit, and the mine was extended to April 2021 based on the appeal hearing date.
- February 3, 2020 - UPM 20-01 was submitted to the County.
- June 30, 2021 - Owner Don Van Pelt sent a letter to Tracy Cline specifying the events that had occurred regarding the mine extension. Mr. Van Pelt asserts that because an appeal was denied by the Board of Supervisors in April 2001, the use permit extension from year 2000 was valid until April 2021. Director Darby accepted this date as the official start date of the 2000 extension, and the use permit is valid until April 17, 2021.
- The extension application was filed prior to April 17, 2021, the expiration date for the mine use permit.
- A Notice of Exemption (NOE) was prepared and posted with the County Clerk's office. This notice however was not sent to the State Clearinghouse, and there was no evidence that the extension had been formally granted by the County. This was confirmed by Eric Porter on April 28, 2022 by searching the OPR website for Lake County Notices of Exemption.
- No formal *Notice of Extension* was prepared, and no signed conditions of approval are in the file or in the log book for Conditions of Approval.
- A refund for the extension was issued on March 11, 2020 in the amount of \$5,849.22.

Staff is recommending **approval of a twenty-year extension of UP 00-06** through file no. **UPM 20-01**.

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 22-47) for Use Permit Extension, UPM 20-01 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 20-01) for Use Permit (UP 00-06) to original Use Permit (UP 89-09) with the following findings:

1. That there have been no changes to the requirements to establish the uses proposed within the Point Lakeview 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 files no. UP 89-09 and UP 00-06.

SAMPLE MOTIONS

Categorical Exemption

I move that the Lake County Planning Commission find that the **Use Permit Extension, UPM 20-01**, applied for by **Clearlake Lava** on property primarily located at **16125 and 13329 Point Lakeview Road, Lower Lake, further described as APNs: 012-066-02, 012-066-03, 012-066-12 and 012-066-71** is exempt from CEQA because it falls within Categorical Exemption section 15301 (file no. CE 22-47), based on the findings set forth in the Staff Report dated **July 9, 2022**.

Minor Use Permit Extension

I move that the Lake County Planning Commission find that the **Use Permit Extension, UPM 20-01**, applied for by **Clearlake Lava** on property primarily located at **16125 and 13329 Point Lakeview Road, Lower Lake, further described as APNs: 012-066-02, 012-066-03, 012-066-12 and 012-066-71** does meet the requirements of Articles 19, and 60.1(c) of the Lake County Zoning Ordinance, and that the Zoning Administrator has reviewed and considered the Categorical Exemption, CE 22-47, which was adopted for this project and the Use Permit extension, file number UPM 20-01, be granted, and shall extend the use permit UP 00-06 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 9, 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.*