



## Legislation Text

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### Memorandum

Item #8  
9:40 a.m.  
July 14, 2022

### STAFF REPORT

**TO:** Planning Commission

**FROM:** Mary Darby, Community Development Director  
Prepared By: Eric Porter and Peggy Barthel

**DATE:** July 14, 2022

**SUBJECT:** Request for Extension of Time, UPX 19-04 for Use Permit to Mine UPM 10-01 and Categorical Exemption, CE 19-98

### SUPERVISOR DISTRICT 3

**ATTACHMENTS:**

1. Vicinity Map
2. Existing Conditions for Use Permit UPM10-01
3. Proposed Conditions for Use Permit Extension UPX19-04 to Use Permit to Mine UPM10-01
4. Site Plan

#### **I. EXECUTIVE SUMMARY**

Clearlake Redi-Mix is requesting ***Extension of Use Permit to Mine, UPM10-01***. There will be no changes in the operation and/or expansion of the authorized use. The applicant shall continue to be in compliance with all previously-approved Conditions of Approval for Use Permit to Mine UPM10-01 (Attachment 2) and the proposed Conditions of Approval for Use Permit Extension UPX19-04 (Attachment 3). County Staff recommends approval of the Use Permit Time Extension Request for a period of twenty years.

#### **Background and Previous Actions:**

Approved by the Planning Commission on August 24, 2000, Use Permit UP 98-05 permitted terrace mining of approximately 140,000 cubic yards of aggregate at 12572 White Rock Canyon Road, Upper Lake. Subsequent extension of the excavation was permitted upon approval by the Planning Commission of the Use Permit to mine UPM10-01 on September 23, 2010. UPM10-01 stated the expiration of the permit would be August 24, 2020.

Prior to the expiration of the use permit, the applicant applied for an extension on December 31, 2019. The submittal of

the extension enabled the facility to continue to produce until this extension was heard and decided on by the Planning Commission.

The California Department of Conservation, Division of Mining (DMR) provides additional oversight of the project under the Surface Mining and Reclamation Act (SMARA). Prior to initial project approval, DMR (formerly the Office of Mining) approved Reclamation Plan 98-1 for the project. Under SMARA, the excavation project undergoes annual inspections by County Staff, with reports submitted to DMR. Clearlake Redi-Mix additionally provides a financial assurance cost estimate annually and is required to maintain a mechanism by which the amount for reclamation is available in the event mining should halt and reclamation begin.

## **II. RECOMMENDATION**

**Staff recommends that the Planning Commission approve the project extension UPX 19-04 with the following findings:**

**A. Adopt Categorical Exemption, Class 4 (CE19-98) for Use Permit Extension UPX19-04 with the following findings:**

1. This time extension is for an existing use permit to allow continued operation of an existing sand and gravel pond. There will be no changes and/or expansion of the authorized use and the applicant shall adhere to the conditions of approval.
2. This project is consistent with CEQA Categorical Exemption, Class 4, which includes grading on land with a slope of less than 10% which is not in a waterway, wetland, scenic are, or officially mapped area of severe geologic hazard.
3. This project remains consistent with the Lake County General Plan, Aggregate Resource Management Plan, Upper Lake-Nice Area Plan, and the Lake County Zoning Ordinance.
4. There has been no change in the project which would create new significant environmental impacts.
5. This project is consistent with land uses in the vicinity.
6. This project will not result in any significant adverse environmental impacts.

**B. Approve the request for an Extension of Time, UPX19-04 for Use Permit to Mine UPM10-01.**

1. This project will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the area of the proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.
2. The site is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.
3. The streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the proposed use.
4. There are adequate services to serve the project.
5. This project is consistent with the Lake County General Plan, Upper Lake-Nice Area Plan and the Lake County Zoning Ordinance.
6. No violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the properties.
7. The project is consistent with the California Surface Mining and Reclamation Act.

## **SAMPLE MOTIONS**

### **Categorical Exemption**

I move that the Planning Commission find that **Use Permit Extension UPX19-04** applied by **Clearlake Redi-Mix** on property located at **12572 White Rock Canyon Road; Upper Lake, CA** and known as APN: 022-009-06 is exempt from CEQA because it falls within Categorical Exemption Class 4, based on the findings set forth in the Staff Report dated

July 14, 2022.

**Use Permit Extension**

I move that the Planning Commission find that **Use Permit Extension UPX19-04** applied by **Clearlake Redi-Mix** on property located at **12572 White Rock Canyon Road; Upper Lake, CA** and known as APN: 022-009-06 does meet the requirements of Section 51.4(a) of the Lake County Zoning Ordinance and that the Planning Commission has reviewed and considered the Categorical Exemption CE19-98 which was adopted for this project, and Use Permit Extension UPX19-04 be granted for a period of 20 years and subject to the conditions 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, 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*