

ORDINANCE NO. SCC-1391
AN ORDINANCE REPEALING CHAPTER 20.04 OF TITLE 20 OF THE
SACRAMENTO COUNTY CODE, AND ADDING A NEW CHAPTER 20.04 TO
TITLE 20 OF THE SACRAMENTO COUNTY CODE RELATING TO SURFACE
MINING AND RECLAMATION

The Board of Supervisors of the County of Sacramento, State of California,
ordains as follows:

SECTION 1. Chapter 20.04 of Title 20 of the Sacramento County Code is
hereby repealed in its entirety.

SECTION 2. Chapter 20.04 of Title 20 is hereby added to read as follows:

20.04.005 Title.

This Chapter shall be known as "Surface Mining and Reclamation."

20.04.010 Purpose and Intent.

Sacramento County recognizes that the extraction of minerals is essential to the continued economic well-being of the County and to the needs of society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. Sacramento County also recognizes that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and the specifications therefor may vary accordingly.

The purpose and intent of this Chapter is to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by California's Surface Mining and Reclamation Act of 1975 (Public Resources Code Sections 2710 et seq., as amended, hereinafter referred to as "SMARA,") Public Resources Code ("PRC") Section 2207 (relating to annual reporting requirements), and State Mining and Geology Board regulations for surface mining and reclamation practice (California Code of Regulations, Title 14, Division 2, Chapter 8, Subchapter 1, sections 3500 et seq., hereinafter referred to as "State regulations"), to ensure that:

A. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.

B. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.

C. Residual hazards to the public health and safety are eliminated.

20.04.020 Definitions.

"Board" means the Board of Supervisors of the County of Sacramento.

"Existing mine" means the same as a "surface mining operation" as defined in this section provided said surface mining operation was in operation on January 1, 1976.

"Idle mining operation" means a surface mining operation that has been curtailed for one year or more by ninety (90) percent of the operation's previous maximum annual mineral production with the intent to resume those operations at a future date.

"Mined lands" includes the surface, subsurface and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such areas in which structures, facilities, equipment, machines, tools or other materials or property which result from, or are used in surface mining operations, are located.

"Operator" means any person who is engaged in surface mining operations himself, or who contracts with others to conduct operations on his behalf, except a person who is engaged in surface mining operations as an employee with wages as his sole compensation.

"Permit" means a conditional use permit granted by an appropriate authority pursuant to the Zoning Code of Sacramento County or predecessor zoning ordinances, or a permit issued through the procedures required in an existing special planning area zoning designation.

"Person" means any natural person, firm, association, joint venture, joint stock company, partnership, club, company, corporation, business trust, or organization of any kind as well as any city, county, district, or the state or any department or agency thereof.

"Planning Department" means the Sacramento County Planning and Community Development Department.

"Reclamation" means the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction stabilization or other measures.

"Reclamation Plan" means a surface mining plan submitted pursuant to Section 20.04.060 of this Code.

"Surface mining operations" means all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, borrow pitting, streambed skimming, segregation and stockpiling of mined materials and recovery of the same or surface work incident to an underground mine. Surface mining operations shall include, but are not limited to in-place distillation, retorting or leaching, the production and disposal of mining waste, and prospecting and exploratory activities.

20.04.030 Incorporation by Reference.

The provisions of SMARA, PRC section 2207, and State regulations as those provisions and regulations may be amended from time to time, are made a part of this Chapter by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this Chapter are more restrictive than correlative State provisions, this Chapter shall prevail.

20.04.040 Scope.

Except as provided in this Chapter, no person shall conduct surface mining operations unless a Permit, reclamation plan, and financial assurances for reclamation have first been approved by the County. The procedural and substantive requirements for the required Permit are those set forth in the County's Zoning Code Title II, Chapter 35 Surface Mining, sections 235-40 – 235.54, and as set forth in existing special planning areas. The procedural and substantive requirements for the reclamation plan and Financial Assurances are set forth in this Chapter. Any applicable exemption from this requirement does not automatically exempt a project or activity from the application of other regulations, ordinances or policies of the County, including but not limited to, the application of the California Environmental Quality Act ("CEQA"), the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law. The provisions of this Chapter shall apply to all lands within the County, public and private.

This Chapter shall not apply to the following activities, subject to the above-referenced exemptions:

- A. Excavation or grading conducted for farming or for the purpose of restoring land following a flood or natural disaster to its prior condition.
- B. Onsite excavation and onsite earthmoving activities which are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements associated with those structures, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:
 - 1. All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in accordance with applicable provisions of state law and locally adopted plans and ordinances, including, but not limited to, CEQA.
 - 2. The County's approval of the construction project included consideration of the onsite excavation and onsite earthmoving activities pursuant to CEQA.
 - 3. The approved construction project is consistent with the County General Plan and zoning of the site.
 - 4. Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determine that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.
- C. Operation of a plant site used for mineral processing, including associated onsite structures, equipment, machines, tools, or other materials, including onsite

stockpiling and onsite recovery of mined materials, subject to all of the following conditions:

1. The plant site is located on lands designated for industrial or commercial uses in the County's General Plan.
 2. The plant site is located on lands zoned industrial or commercial, or are contained within a zoning category intended exclusively for industrial activities by the County.
 3. None of the minerals being processed is being extracted onsite.
 4. All reclamation work has been completed pursuant to the approved reclamation plan for any mineral extraction activities that occurred onsite after January 1, 1976.
- D. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden or mineral product totals less than 1,000 cubic yards in any one location, and the total surface area disturbed is less than one acre.
- E. Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose.
- F. Any other surface mining operations that the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances.
- G. The solar evaporation of sea water or bay water for the production of salt and related minerals.
- H. Emergency excavations or grading conducted by the Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.
- I. Road construction and maintenance for timber or forest operations if the land is owned by the same person or entity, and if the excavation is conducted adjacent to timber or forest operation roads. This exemption is only available if slope stability and erosion are controlled in accordance with Board regulations and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and post-closure uses in consultation with the Department of Forestry and Fire Protection. This exemption does not apply to onsite excavation or grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavations for materials that are, or have been, sold for commercial purposes.
- J. Excavations, grading, or other earthmoving activities in an oil or gas field that are integral to, and necessary for, ongoing operations for the extraction of oil or gas that comply with all of the following conditions:
1. The operations are being conducted in accordance with PRC sections 3000 et seq.;
 2. The operations are consistent with the County's General Plan and zoning applicable to the site;
 3. The earthmoving activities are within oil or gas field properties under a common owner or operator; and,
 4. No excavated materials are sold for commercial purposes.

20.04.050 Vested Rights.

A. No person who obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have been made in the operation except in accordance with SMARA. A person shall be deemed to have vested rights if, prior to January 1, 1976, he or she has, in good faith and in reliance upon a permit or other authorization, if the permit or other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary therefore. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation or the issuance of a permit shall not be deemed liabilities for work or materials.

B. The reclamation plan required to be filed under subdivision (b) of PRC section 2770, shall apply to operations conducted after January 1, 1976 or to be conducted.

C. Nothing in this Chapter shall be construed as requiring the filing of a reclamation plan for, or the reclamation of, mined land on which surface mining operations were conducted prior to January 1, 1976.

20.04.060 Reclamation Plan Requirements Surface Mining Operations.

A. The reclamation plan application shall be filed by the operator with the Planning Department in a form acceptable to the Planning Department.

B. The reclamation plan shall be applicable to a specific piece of property or properties, shall be based upon the character of the surrounding area and such characteristics of the property as type of overburden, soil stability, topography, geology, climate, stream characteristics, and principal mineral commodities, shall establish site-specific criteria for evaluating compliance with the approved reclamation plan, including topography, revegetation and sediment, and erosion control, and shall include the following information:

1. The name and address of the surface mining operator and the names and addresses of any persons designated by the operator as an agent for the service of process.

2. The anticipated quantity and type of minerals for which the surface mining operation is to be conducted.

3. The proposed dates for the initiation and termination of surface mining operation.

4. The maximum anticipated depth of the surface mining operation.

5. The size and legal description of the lands that will be affected by the surface mining operation, a map that includes the boundaries and topographic details of the lands, a description of the general geology of the area, a detailed description of the geology of the area in which surface mining is to be conducted, the location of all streams, roads, railroads, and utility facilities within, or adjacent to, the lands, the location of all proposed access roads to be constructed in conducting the surface mining operation, and the names and addresses of the owners of all surface interests and mineral interests in the lands.

6. The mined area subject to SMARA requirements, including:

a. A description of, and a plan for, the type of surface mining to be employed;

- b. A description of the nature and sequence of reclamation activities including such items as: landscaping, erosion control, seeding, fill of low pit areas, shaping of pit floors, management of mined and unminable deposits, original, interim and final rough slopes and grades; and
 - c. An anticipated time schedule that will provide for the completion of surface mining on each segment of the mined lands so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation.
7. A demonstration of the fate of overburden following removal disposal, sale, storage for future use. If onsite storage is proposed, identify anticipated location and dimension aerial extent and average depth of the material.
 8. A description of the identified source and nature of fill, if any, required for reclamation.
 9. A description of the manner in which reclamation, adequate for the proposed use or potential uses will be accomplished, including both of the following:
 - a. A description of the manner in which contaminants will be controlled, and mining waste will be disposed.
 - b. A description of the manner in which affected streambed channels and streambanks will be rehabilitated to a condition minimizing erosion and sedimentation will occur.
 10. An assessment of the effect of implementation of the reclamation plan will have upon the site's remaining unmined resources and future mining in the area.
 11. A description of the proposed use or potential uses of the mined lands after reclamation and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses.
 12. A discussion of the public health and safety, giving consideration to the degree and type of present and probable future exposure of the public to the site.
 - C. An item of information or a document required pursuant to subdivision (B) that has already been prepared as part of a permit application for the surface mining operation, or as part of an environmental document prepared for the project pursuant to CEQA, may be included in the reclamation plan by reference, if that item of information or that document is attached to the reclamation plan when the lead agency submits the reclamation plan to the director for review. To the extent that the information or document referenced in the reclamation plan is used to meet the requirements of subdivision (B), the information or document shall become part of the reclamation plan and shall be subject to all other requirements of this article.
 - D. All reclamation plan applications shall contain the information requested by and adhere to the standards provided in SMARA sections 2772 and 2773 and any regulations promulgated pursuant thereto including the performance standards contained in Article 9 (Sections 3700-3713) of the State regulations.
 - E. The County may impose additional performance standards as developed either in review of individual projects, as warranted, or through the formulation and adoption of countywide performance standards.

20.04.070 Reclamation Plan Amendments.

Reclamation plan amendments that substantially deviate from the approved plan shall be processed according to the procedure set out in 20.04.090 of this Code. A reclamation plan amendment, determined by the Planning Department to be a non-substantial deviation from the approved reclamation plan, shall be accepted and approved by the Planning Department.

20.04 080 Financial Assurances.

A. To ensure that reclamation will proceed in accordance with the approved reclamation plan, the County shall require as a condition of approval security which will be released upon satisfactory performance. The Planning Director is authorized to release the bond or security on completion of the reclamation plan. Financial assurances shall be made payable to the County of Sacramento and the State Department of Conservation. Generally, the following will satisfy the bond or security requirement:

1. Certificates of deposit payable to the County issued by banks doing business in this State and insured by the Federal Deposit Insurance Corporation.
2. Investment certificates or share accounts assigned to the County and issued by a savings and loan association doing business in this State and insured by the Federal Savings and Loan Insurance Corporation.
3. Bearer bonds issued by the United States government or by this State.
4. Cash deposited with the County.
5. Other forms of security acceptable to the County Counsel.

B. Financial assurances will be required to ensure compliance with elements of the reclamation plan, including but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other measures, if necessary.

C. Cost estimates for the financial assurance shall be submitted to the Planning Department for review and approval prior to the operator securing financial assurances. The Planning Department shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the State Department of Conservation does not comment within forty-five (45) days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the County has reason to determine that additional costs may be incurred. The Planning Director shall have the discretion to approve the financial assurance if it meets the requirements of this Chapter, SMARA, and State regulations.

D. The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved reclamation plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities in the upcoming year. Cost estimates should be prepared by a California registered professional engineer and/or other similarly licensed and qualified professionals retained by the operator and approved by the Planning Director. The estimated amount of the financial assurance shall be based on an analysis of physical

activities necessary to implement the approved reclamation plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved reclamation plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of ten percent (10%) shall be added to the cost of financial assurances.

E. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the County or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.

F. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed (including any maintenance required).

G. The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year.

H. Revisions to financial assurances shall be submitted to the Planning Director each year prior to the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required.

20.04.090 Process.

A. Reclamation plan applications for surface mining or land reclamation projects shall be made on forms provided by the Planning Department. The forms for reclamation plan applications shall require, at a minimum, each of the elements required by SMARA sections 2772-2773 and State regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed reclamation plan.

B. All documentation for the reclamation plan shall be submitted to the County at one time. For surface mining operations that are exempt from a use permit, the reclamation plan application shall include information concerning the mining operation that is required for processing the reclamation plan.

C. Upon completion of the environmental review and the filing of all required documents, the permit and/or reclamation plan for the proposed or existing surface mine shall be scheduled for consideration before the project Planning Commission and the Board of Supervisors, in accordance to the procedures set forth in Title I, Chapter

10, Article 1 and Title II, Chapter 35 of the County Zoning Code, and pursuant to PRC section 2774.

D. Within thirty (30) days of acceptance of an application for a permit for surface mining operations and/or a reclamation plan as complete, the Planning Department shall notify the State Department of Conservation of the filing of the application(s). Whenever mining operations are proposed in the 100-year flood plain of any stream, as show in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the Planning Department shall also notify the State Department of Transportation that the application has been received.

E. The Planning Department shall process the application(s) through environmental review pursuant to CEQA and the County's environmental review guidelines.

F. Subsequent to the appropriate environmental review, the Planning Department shall prepare a staff report with recommendations for consideration by the Project Planning Commission.

G. The Project Planning Commission shall hold at least one noticed public hearing on the use permit and/or reclamation plan, and shall take formal action to recommend that the permit and/or reclamation plan be approved, conditioned or denied by the Board.

H. Prior to the Board's final approval of a reclamation plan, financial assurances (as provided in Section 20.40.080 of this Code) or any amendments to the existing financial assurances or the reclamation plan that constitute substantial deviations from the existing reclamation plan (under Section 20.04.070 of this Code), the Board shall certify to the State Department of Conservation that the reclamation plan, financial assurances and/or amendment complies with the applicable requirements of State law. The Planning Department shall submit the reclamation plan, financial assurances and/or amendments to the State Department of Conservation for review pursuant to PRC section 2774(d). The director of the State Department of Conservation shall have thirty (30) days from the date of receipt of a reclamation plan or plan amendment and forty-five (45) days from the date of receipt of financial assurance to prepare written comments, if the director so chooses. The County shall evaluate any written comments received from the director relating to the reclamation plan, plan amendments, or financial assurances within a reasonable amount of time.

The County shall prepare a written response to the director's comments describing the disposition of the major issues raised by the director's comments, and submit the County's proposed response to the director at least thirty (30) days prior to approval of the reclamation plan, plan amendment, or financial assurance. The County's response to the director's comments shall describe whether the County proposes to adopt the director's comments to the reclamation plan, plan amendment, or financial assurance. If the County does not propose to adopt the director's comments, the County shall specify, in detail, why it proposes not to adopt the comments. Copies of any written comments received and responses prepared by the County shall be forwarded to the operator. The County shall also give the director at least thirty (30) days' notice of the time, place, and date of the hearing before the lead agency at which time the reclamation plan, plan amendment, or financial assurance is scheduled to be

approved. If no hearing is required by applicable law, then the County shall provide thirty (30) days' notice to the director that it intends to approve the reclamation plan, plan amendment, or financial assurance. The County shall send to the director its final written response to the director's comments within thirty (30) days following its approval of the reclamation plan, plan amendment, or financial assurance during which period the department retains all powers, duties, and authorities under the law.

I. The Board shall then take action to approve, conditionally approve, or deny the reclamation plan.

J. The County, upon approval of a reclamation plan or an amendment to a reclamation plan, shall record a "Notice of Reclamation Plan Approval" with the County Recorder. The notice shall read: "Mining operations conducted on the hereinafter described real property are subject to a reclamation plan approved by the County of Sacramento Board of Supervisors, a copy of which is on file with the County Recorder."

20.04.100 Statement of Responsibility.

The person submitting the reclamation plan shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the reclamation plan. Said statement shall be kept by the Planning Department in the mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to the Planning Department for placement in the permanent record.

20.04.110 Annual Report Requirements.

Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the Planning Department on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within thirty (30) days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report.

The Planning Department shall forward a copy of each approved site approval for mining operations and/or approved reclamation plan, and a copy of the approved financial assurances to the State Department of Conservation. By July 1 of each year, the Planning Department shall submit to the State Department of Conservation for each active or idle mining operation of a copy of the site approval or reclamation plan amendments, as applicable, or a statement that there have been no changes during the previous year.

20.04.120 Inspections.

The Planning Department shall arrange for inspection of a surface mining operation within six (6) months of receipt of the annual report required in Section 20.40.110, to determine whether the surface mining operation is in compliance with the approved permit and/or reclamation plan, approved financial assurances, and

applicable State regulations. In no event shall less than one inspection be conducted in any calendar year. Said inspections may be made by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, or state-registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous twelve (12) months, or other qualified specialists, as selected by the Planning Director. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board. The Planning Department shall notify the State Department of Conservation within thirty (30) days of completion of the inspection that said inspection has been conducted, and shall forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection.

20.04.130 Violations and Penalties.

If the Planning Director, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this Chapter, the permit and/or the reclamation plan, the County shall follow the procedures set forth in PRC sections 2774.1 and 2774.2.

20.04.140 Appeals.

Any person aggrieved by an act or determination of the Planning Department in the exercise of authority granted herein, shall have the right to appeal to the Board of Zoning Appeals. An appeal shall be filed on forms provided, within (15) calendar days after the rendition, in writing, of the appealed decision.

20.04.150 Fees.

Fees for any of the review, reports, inspections, hearings or other procedures required or authorized pursuant to this Chapter shall be established by resolution of the Board of Supervisors which may be amended from time to time and shall reflect the reasonable costs incurred by the County. To the extent no fee is set by resolution or to the extent that actual costs exceed the fees established by such resolution, additional amounts may be required to be paid subject to review and approval of such amounts by the Office of Auditor-Controller.

20.04.160 Findings for Approval for Reclamation Plans.

The Board must make the following findings before granting final approval of a Reclamation Plan:

- A. That the reclamation plan complies with SMARA sections 2772 and 2773, and any other applicable provisions;
- B. That the reclamation plan complies with applicable requirements of State regulations (CCR sections 3500-3505, and sections 3700-3713);
- C. That the reclamation plan and potential use of reclaimed land pursuant to the plan are consistent with this Chapter and the County's General Plan and any applicable resource plan or element;
- D. That the reclamation plan has been reviewed pursuant to CEQA and the County's environmental review guidelines, and all significant adverse impacts from

reclamation of the surface mining operations are mitigated to the maximum extent feasible;

E. That the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site development will compensate for related disturbance to resource values;

F. That the reclamation plan will restore the mined lands to a usable condition that is readily adaptable for alternative land uses consistent with the County General Plan and applicable resource plan; and

G. That a written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that Department. Where the County's position is at variance with the recommendations and objections raised by the State Department of Conservation, said response shall address, in detail, why specific comments and suggestions were not accepted.

20.04.170 Interim Management Plans.

A. Within ninety (90) days of a surface mining operation becoming idle, the operator shall submit to the Planning Department a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA, including but not limited to all Site Approval conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the Planning Department, and shall be processed as an amendment to the reclamation plan. IMPs shall not be considered a project for the purposes of environmental review.

B. Financial assurances for idle operations shall be maintained as though the operation were active.

C. Upon receipt of a complete proposed IMP, the Planning Department shall forward the IMP to the State Department of Conservation for review. The IMP shall be submitted to the State Department of Conservation at least thirty (30) days prior to approval by the Planning Commission.

D. Within sixty (60) days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Planning Director and the operator, the Planning Commission shall review and approve or deny the IMP in accordance with this Chapter. The operator shall have thirty (30) days, or a longer period mutually agreed upon by the operator and the Planning Director, to submit a revised IMP. The Planning Commission shall approve or deny the revised IMP within sixty (60) days of receipt. If the Planning Commission denies the revised IMP, the operator may appeal that action to the Board of Supervisors.

E. The IMP may remain in effect for a period not to exceed five years, at which time the Planning Commission may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in accordance with its approved Reclamation Plan.

SECTION 3. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Supervisors on April 23, 2008 and on April 23, 2008 further reading was waived by the unanimous vote of the Supervisors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento.

On a motion by Supervisor Dickinson, seconded by Supervisor MacGlashan, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this 11th day of June 2008, by the following vote:

AYES: Supervisors, Dickinson, MacGlashan, Peters, Yee

NOES: Supervisors, Nottoli

ABSENT: Supervisors, None



Jimmie R Yee

Chairperson of the Board of Supervisors
of Sacramento County, California

ATTEST:

Cyndi Lee
Clerk of the
Board of Supervisors

In accordance with Section 25103 of the Government Code of the State of California a copy of this document has been delivered to the Chairman of the Board of Supervisors, County of Sacramento on

JUN 11 2008
By *Alison Murphy*
Deputy Clerk, Board of Supervisors

FILED

JUN 11 2008

BOARD OF SUPERVISORS
BY *Cyndi Lee*
CLERK OF THE BOARD

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Sacramento }

On 6/24/2008 before me, Kathy McClellan, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Cyndi Lee
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Kathy McClellan
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Ordinance No. SCC-1391

Document Date: 6/11/2008 Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Cyndi Lee

- Individual
- Corporate Officer — Title(s): Clerk of the Board
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

ORDINANCE NO. SZC-2008-0019

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SACRAMENTO TO AMEND THE ZONING CODE
OF SACRAMENTO COUNTY, ORDINANCE NO. 83-10
AS AMENDED, TO REPEAL AND REPLACE
TITLE II, CHAPTER 35, ARTICLE 4
AND TO AMEND
TITLE II, CHAPTER 1, ARTICLE 1, SECTION 201-04;
TITLE II, CHAPTER 25, ARTICLE 2, SECTION 225-14; AND
TITLE II, CHAPTER 30, ARTICLE 2, SECTION 230-13.**

The Board of Supervisors of the County of Sacramento, State of California,
ordains as follows:

SECTION 1 Title II, Chapter 35, Article 4 of the Zoning Code of the Sacramento
County is hereby repealed in its entirety:

SECTION 2 Title II, Chapter 35, Article 4 of the Zoning Code of the Sacramento
County is hereby added to read as follows:

ARTICLE 4: (SM) SURFACE MINING (COMBINING LAND USE ZONE)

MINING ADMINISTRATION AND PROCEDURES.

The following sections are not intended to replace or otherwise limit in any manner other
County regulations or to preclude the imposition of reasonable use permit conditions as
authorized in Section 110-34.

235-40. PURPOSE

The Surface Mining Combining Zone is designed to protect the mineral resources of
Sacramento County from incompatible land use; to manage these mineral resources; to
assure the County of an adequate supply of these resources with due consideration for the

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environment; and to provide for the restoration of mined lands for future use. The goals to be pursued by establishment of this zone include:

- (a) That mineral resource areas be protected from preclusive and incompatible land uses.
- (b) That surface mining be controlled to provide for protection of the environment.
- (c) That surface mining be controlled to protect the public health, safety, welfare, and property values of residents living near surface mining operations.
- (d) That provisions be made for the reclamation of mined lands in compliance with Sacramento County Code Chapter 20.04, Surface Mining and Reclamation.

235-41. DEFINITIONS

- (a) The following definitions apply to this chapter:
 - (1) "Aggregate" means sand, gravel, crushed rock, cobble, and quarried stone.
 - (2) "Board" means the Board of Supervisors, County of Sacramento, State of California.
 - (3) "Department" means the Sacramento County Planning and Community Development Department.
 - (4) "Habitable Structure" means a building used for normal residential activities such as living, sleeping, eating and cooking.
 - (5) "Mined lands" includes the surface, subsurface and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such areas in which structures, facilities, equipment, machines, tools or other materials or property which result from, or are used in surface mining operations, are located.
 - (6) "Mining Operations" includes all types of surface mining uses including primary uses, ancillary uses and accessory uses.
 - (7) "Operator" means any person who is engaged in surface mining operations himself, or who contracts with others to conduct operations on his behalf, except a person who is engaged in surface mining operations as an employee with wages as his sole compensation.

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- (8) "Permit," for the purposes of this chapter, means a conditional use permit to conduct surface mining operations granted by the Board of Supervisors.
- (9) "Person" means any natural person, firm, association, joint venture, joint stock company, partnership, club, company, corporation, business trust, or organization of any kind as well as a city, county, district, or the state or any department or agency thereof.
- (10) "Potentially incompatible uses" means those uses which, when proximate to surface mining uses, would be potentially detrimental to public health, safety or welfare. Such uses include but are not limited to schools, residences, offices, churches, day care centers, parks, or golf courses.
- (11) "Primary Aggregate Uses" means the removal of aggregate pursuant to this Article.
- (12) "Reclamation" means the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and creates no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction stabilization or other measures.
- (13) Residential Properties. Any land use zone which allows one or more habitable structures, as listed in Section 201-01 of this Code.

235-42. PROHIBITION

No building, structure, vehicle, sign or area in the Surface Mining Combining Zone shall be used, altered, moved, enlarged, or stored in any zone with which the Surface Mining Combining Zone is combined except as specifically provided in this Article or in the underlying zone which is combined with the Surface Mining Combining Zone. No property subject to the Surface Mining Combining Zone shall be used in any manner inimical to the public health, safety or general welfare or so as to constitute a public nuisance.

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235-43. USES

(a) Regulation. Any permitted or conditional use in the zone with which the Surface Mining Combining Zone is combined is subject to the regulations of the underlying zone, except as otherwise provided in this Article. The Surface Mining Combining Zone may be combined with AG-160, AG-80, AG-40, AG-20, A-80, A-20, A-10, UR, IR, M-1, M-2, O, C-O, and (F) land use zones.

(b) Surface Mining Operations. The following types of mining operations are permitted in the Surface Mining Combining Zone subject to approval of a conditional use permit by the Board after receipt of a recommendation by the Project Planning Commission and upon approval of a reclamation plan and financial assurances pursuant to Chapter 20.04 of the County Code:

(1) Aggregate Mining Uses

aa. Primary Aggregate Uses including sand, gravel or cobble mining, hard rock quarrying for crushed rock or dimension stone, and the mining of existing dredger tailings.

bb. Ancillary Uses are production of Ready-mix concrete and asphaltic concrete using materials mined on-site, and recycling of aggregate-based construction materials, if all the following are satisfied:

(I) The Board finds that the environmental impacts have been considered and that there are regional benefits in permitting the ancillary uses.

(II) The Board imposes in a conditional use permit the following conditions:

i. Except for recycling of aggregate-based construction materials, only material mined under the approved use permit can be used to supply the primary aggregate needs of the ancillary uses. Minor quantities of other mined material not available on-site (e.g. natural sands) may be imported as required for ancillary uses.

ii. All ancillary uses shall cease when mining is complete. Their removal shall be provided for in the Reclamation Plan.

(2) Clay, Lignite and Related Minerals Mining: Subject to the regulations set forth in this Article.

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- (3) Borrow Sites or Pits: Subject to the regulations set forth in this Article, except as otherwise provided in Section 201-02, 225-11, and Section 230-11.
- (4) Mining Accessory Uses:
 - aa. Dimension stone facilities, on-site conveyor systems, crushing, sorting, the use of sedimentation ponds, processing facilities and stockpiles, all subject to the regulations set forth in this Article.
 - bb. Offices, shops, equipment and truck storage yards, scales and weighing equipment.

235-44. PROCEDURES

Applications for a conditional use permit shall follow the guidelines established in this Article, as well as the procedures set forth in Sacramento County Zoning Code, Title I, Chapter 10, Article 1.

235-45. WORK AUTHORIZATION PERMIT

- (a) Issuance. Prior to commencement of any construction or mining activities pursuant to the conditional use permit, the applicant shall obtain a Work Authorization Permit from the Department. This permit shall not be issued until the Department is satisfied that all conditions of the use permit, and provisions of this Article have been met. In addition, prior to issuance of the Work Authorization Permit the Planning Department must receive the items listed below. Additional items specific to a project may be required prior to issuance of a Work Authorization Permit.
 - (1) Proof of a financial assurance in the amount and form approved by the Planning Director and made payable to the County of Sacramento and the Director, Department of Conservation.
 - (2) Approval by the Sacramento County Environmental Management Department of the setbacks for sewage systems on or near the site, as described in Section 235-52(e)(5).
 - (3) A final drainage plan pursuant to Section 235-51(h) and approved by the Sacramento County Water Resources Department.
 - (4) A final lighting plan as described in Section 235-51(k) approved by the Department.

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- (b) Revocation. The Department may revoke or suspend the Work Authorization Permit if the operator of the mining site fails to comply with the provisions of this Article or the conditions of the use permit. Continued operation of a mine after revocation or suspension of the work authorization permit is deemed a violation of this Code.
- (c) Procedures. The procedure for suspension or revocation of a Work Authorization Permit is as follows:
 - (1) The Department shall notify the operator in writing of the alleged violation. Notice shall be hand delivered to the operator's local office or deposited as certified or registered mail in the U.S. mails.
 - (2) The operator may request an informal hearing with the Planning Director or his designee to be held within 7 days of delivery of the notice. The purpose of the meeting is to allow the Director and the operator to present their respective views regarding the alleged violations.
 - (3) At the conclusion of the hearing, or the failure of the operator to ask for an informal hearing, the Planning Director shall determine in writing if the permit should continue in force, be suspended, or be revoked. A copy of the decision shall be delivered to the operator.
 - (4) Decisions of the Planning Director may be appealed to the Board by giving notice and paying applicable fees to the Clerk of the Board not later than 10 days from the date of decision of the Director. The Clerk shall schedule the appeal to be heard by the Board not later than the third regular meeting of the Board following receipt of notice of the appeal. The Board shall hear the appeal de novo.

235-46. FINDINGS FOR APPROVAL

In addition to any other findings required as a matter of law, the Board shall not grant a conditional use permit unless it finds:

- (a) That the plans and reports submitted pursuant to Section 235-51 or Section 235-55 adequately describe the proposed operation.
- (b) That the plans and reports submitted pursuant to Section 235-51 or Section 235-55 incorporate all reasonable measures to mitigate significant adverse environmental effects of the proposed operation.

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- (c) That the plans and reports submitted pursuant to Section 235-51 or Section 235-55 incorporate adequate measures to restore the site to a usable condition compatible with adjacent areas.
- (d) That the uses proposed are not likely to adversely affect the public health or safety; and
- (e) That the uses proposed would not be incompatible with the objectives, policies, and general land uses and programs specified in the Sacramento County General Plan.

The reasons for denial of a conditional use permit shall be specified in writing.

235-47. PROCESS FOR SEEKING MINOR DEVIATIONS FROM APPROVED USE PERMIT CONDITIONS

- (a) The Planning Director may approve requests for minor deviations from approved use permits, when necessitated by extraordinary circumstances. The Planning Director, when considering a request for a minor deviation, shall consider the following criteria, in addition to others that may be relevant to the request.
 - (1) Whether the request is in substantial compliance with the intent of the use permit and its conditions.
 - (2) The proximity of the site to sensitive land uses.
 - (3) For fencing and landscaping, including berms:
 - aa. Maintenance of visual openness and the preservation of rural character.
 - bb. In rural areas, the protection of watering systems and/or landscaping from theft.
 - cc. Consistency with surrounding landscaping patterns.
- (b) Notice of the decision of the Planning Director shall be mailed to neighboring property owners in accordance with this code. The decision of the Planning Director may be appealed to the Board of Supervisors. Appeals must be submitted in writing, with appropriate fees, to the Clerk of the Board within 10 days of the date of the determination.

235-48. RECORDATION

No conditional use permit shall be effective until it has been executed by the Chair of the Board and recorded in the official records of the County Recorder of Sacramento County.

235-49. FEES

The County shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this Article and the State regulations, including but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement and compliance. Such fees shall be paid by the operator, as required by the County, at the time of filing of the conditional use permit application, Reclamation Plan application, and at such other times as are determined by the County to be appropriate in order to ensure that all reasonable costs of implementing this Article are borne by the mining operator.

235-50. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Article is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Article.

AGGREGATE MINING APPLICATION DATA, STANDARDS AND GUIDELINES.

235-51. APPLICATION DATA FOR AGGREGATE MINING OPERATIONS

In addition to the application data for conditional use permits set forth in Section 110-01, an application for a conditional use permit under this Article shall include the following information:

- (a) Mining Plan. The application shall include a mining plan, which shall:
 - (1) Show the progression of all operations of the facility.
 - (2) Show the location of equipment, stockpiles, settling ponds, interim drainage, and deposit locations.
 - (3) Indicate the progression of stripping and excavating through the use of cross sections or elevations.
 - (4) Indicate the time lag between mining and reclamation, and between original equipment siting and relocations.
 - (5) Show the proposed plan for concurrent excavation and reclamation, if applicable.
 - (6) Show the location and type of all fencing that will be erected for safety and security purposes. Also, indicate the approximate timing (construction and dismantling) of site fencing.
- (b) Reclamation Plan. The applicant shall submit a reclamation plan that complies with Sacramento County Code Chapter 20.04.

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- (c) Soil, Geologic and Hydrologic Data. The applicant shall provide the following data:
- (1) An estimate of the total quantity of constituent materials (extracted materials, overburden, other) available at the site.
 - (2) Anticipated dimensions of the excavation area, i.e., areal extent and average depth of overburden and resource materials.
 - (3) An estimate of the ton per hour plant capacity and the anticipated annual production rates.
 - (4) Description of the equipment and methods used in the resource recovery for the total operation and for each constituent resource or extracted material.
 - (5) Soil; geologic, especially lithologic; surface and ground water samplings if required by the Municipal Services Agency; and any sand and aggregate studies of the site prepared for project proponent. Any previous sand and aggregate studies of the project site or adjacent sites of which project proponent may be aware should also be provided.
 - (6) Fate of overburden following removal, i.e., disposal, sale, storage for later use, other.
 - (7) Description of drainage course alterations and diversions.
 - (8) Identification numbers of existing wells on the project site and the location of proposed wells.
 - (9) Source of water, purpose and rate of water use, and description of disposal methods or treatment of such water.
 - (10) Source and nature of fill, if any, for reclamation and an engineering stability analysis of final slopes based on the physical characteristics of the slope material, its probable maximum water content, landscaping requirements and other factors.
 - (11) Identification of all sewage disposal systems within 300 feet of the proposed mining area.
 - (12) Information regarding mitigation measures proposed to reduce potential nuisances, hazards or environmental impacts if required by the Department.

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- (d) Traffic and Parking Plan. The application shall include an off-street parking plan for customers, employees and equipment as provided in Section 330-60(c). The plan shall demonstrate that the site provides adequate space for parking, queuing and loading of trucks, as well as parking of employee vehicles to minimize traffic problems to residents on neighboring streets. The application shall also show the anticipated street truck routes from the site to freeway and major arterials, site ingress and egress points, and address the potential benefit of using feasible alternatives to trucks, including conveyor belt systems.
- (e) Air Pollution Control Measures. The application shall include dust control measures designed to comply with any relevant rules of the Sacramento Metropolitan Air Quality Management District (SMAQMD), including Rules 402 and 403. The air pollution control measures shall include signage and other notification that provides neighbors with information needed for reporting nuisance dust concerns to the operator and to SMAQMD. Such signage shall be placed at intervals of not more than 500 feet.
- (f) Noise Data. The application must include a plan indicating the anticipated noise contour levels on the mining site and adjacent properties along with the measures proposed to control the noise. When mining, processing, and related activities are planned to occur within 500 feet of a habitable structure and/or potentially incompatible use, the mining operator shall provide to the County a noise monitoring program prepared by a qualified acoustical consultant (chosen from a list provided by the Department of Environmental Review and Assessment). The study area radius of the noise monitoring program shall be increased to 1,000 feet if habitable structures and/or potentially incompatible uses are on land with either Agricultural or Agricultural-Residential zoning. The program will be used to evaluate the effectiveness of mitigation measures in reducing noise levels to comply with applicable noise ordinances. A qualified consultant shall test noise levels during the removal of overburden, the extraction of aggregates and the backfill of overburden as they occur at abutting residential boundaries. The owners of habitable structures and/or potentially incompatible uses included in the study area shall be notified when testing is to occur. Further testing may not be required if the consultant determines the mitigation measures are successful in achieving the required noise reduction. If testing indicates that noise standards are exceeded, the testing results shall be reported to the County and additional mitigation measures will be required.

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- (g) Waste Data. The application shall include a plan showing the kind, amounts and method of removal of solid and liquid waste anticipated to occur at the site. The plan shall indicate the quantity of given water waste that will be discharged into settling or percolation ponds or discharged directly to water courses.
- (h) Drainage Plan. The application shall include a draft drainage plan. Approval of a final drainage plan is required before a Work Authorization Permit will be issued as provided in Section 235-45(a)(3).
- (i) Hazardous Materials. The applicant shall identify any hazardous materials to be used in the aggregate mining operations and measures proposed for the handling, storage and disposal of those materials.
- (j) Landscape Plan. The applicant shall submit a landscape plan to the Department which shall include the location, description and timing of plantings, fences, sound walls, and berms. The description of fencing or sound walls, including temporary noise barriers, shall include color and materials, when appropriate. The landscaping plan shall be designed to be generally compatible with the surrounding uses and existing landscaping patterns, to the satisfaction of the Senior Landscape Architect, Department of Transportation. In rural areas the following shall be considered when approving the landscape plan:
 - (1) Maintenance of visual openness and the preservation of rural character through design that may include clustering of plant species.
 - (2) Protection of watering systems and/or landscaping from theft.
 - (3) Requests from owners of residential properties located within 500 feet of the parcel or parcels that are being mined.
- (k) Lighting Plan. The applicant shall submit a lighting plan that outlines performance criteria and demonstrates that neither public rights-of-way nor adjacent properties will be significantly illuminated during aggregate mining operations. The lighting plan shall describe site-specific standards including a requirement that a minimum of 90% of the light shall be projected downward and within the mining site boundaries. Shielding will be used, as needed, to minimize glare and to minimize light projection into the sky. Approval of the lighting plan is required before a Work Authorization Permit will be issued as provided in Section 45(a)(4).

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- (1) Regional Analysis of Ancillary Uses. The applicant shall provide a detailed analysis of regional benefits created by locating the ancillary uses on or abutting the mine site as compared to locating the uses on available sites with industrial zoning. The analysis shall include an evaluation of the potential regional benefits to air quality and traffic.

235-52. OPERATING STANDARDS FOR AGGREGATE MINING OPERATIONS

All aggregate mining operations, including sand and gravel mines, hard rock quarries and dredger tailing mining operations, shall be subject to the requirements set forth in this section. This section is not intended to replace or otherwise limit in any manner other

County regulations or to preclude the imposition of reasonable use permit conditions as authorized in Section 110-34.

(a) Operating and Haul Out Hours.

- (1) When mining, processing, and related activities occur within 1,000 feet of a habitable structure and/or potentially incompatible use on land zoned Agricultural or Agricultural-Residential, or within 500 feet from a habitable structure and/or potentially incompatible uses in all other zones, or are otherwise provided as a condition of use permit, then the hours of operation of mining, processing and related activities, including haul out, shall be:

- aa. Monday through Friday: 6:00 a.m. until 9:00 p.m.:
maintenance operations beyond mining hours to occur from 9:00 p.m. to midnight.
- bb. Saturday: 7:00 a.m. through 3:00 p.m.: maintenance operations beyond mining hours to occur from 3:00 p.m. to 4:00 p.m.
- cc. Sunday and labor union holidays: no mining, processing or maintenance.

- (2) For all parcels not subject to Section 235-52(a)(1) above, the hours of operation of mining, processing and related activities, including haul out, shall be:

- aa. Monday through Friday: 6:00 a.m. until 10:00 p.m.:
maintenance operations beyond mining hours to occur from 10:00 p.m. to 6:00 a.m.
- bb. Saturday: 6:00 a.m. through 3:00 p.m.: maintenance operations beyond mining hours to occur from 3:00 p.m. to 10:00 p.m.

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cc. Sunday and labor union holidays: no mining, processing or maintenance.

- (3) Extensions of Operating and Haul Out Hours. The use permit may specify hours of operation and haul out exceeding the hours set forth above for specified activities including haul out, basic uses, and ancillary uses, but not including mining. Any extension of hours through the use permit shall specify the use(s) and the hours, and may specify the circumstances required for using the extended hours and/or the number of days annually that the extended hours may be used.
- (4) Exceptions for Operating and Haul out Hours. The Zoning Administrator may permit, on an interim basis, operating or haul out hours different from those allowed under the use permit if he or she finds that the public benefit outweighs the community hardship, and/or public projects are being served by the site and require extended periods of continuous operation, and/or the work requires a continuous pour of concrete. Applicants for exceptions must submit an application and fees for a Zoning Administrator's Action (ZAZ) and a letter stating the specific reason for the exception, the duration of the exception (with approximate dates), the extension of hours requested, and the specific uses to be allowed under the exception. Notice of the decision of the Zoning Administrator shall be mailed to neighboring property owners in accordance with this code. Decisions by the Zoning Administrator may be appealed to the Board of Supervisors. Appeals must be submitted in writing, with appropriate fees, to the County Clerk within 10 days of the date of the decision.

(b) Fences. Unless otherwise provided by condition of the use permit the following fence requirements shall apply:

- (1) Fences erected for safety purposes shall be chain-link. Fences erected for other purposes may be of other types, as designated in the use permit.
- (2) Fences shall be not less than 6 feet in height above the grade of the property outside the fenced area.
- (3) Gates shall be installed to fence height at all entrances.
- (4) Fences shall be kept in good repair.
- (5) Fences shall conform to the ground to preclude opening of more than 4 inches between the ground and the fence.
- (6) Fences shall be placed around mining site and processing site boundaries as necessary to ensure public safety and security.

- (c) Warning and Complaint Information Signs.
- (1) The operator shall provide warning and trespass signs advising of the aggregate mining operation on the fences at intervals of not more than 500 feet. Signs shall be kept legible and in good repair.
 - (2) The operator shall provide signs containing information necessary for reporting complaints to the mine operator, and also for reporting fugitive dust to the Sacramento Metropolitan Air Quality Management District. Signs shall be placed to be easily visible by the public.
- (d) Visual Screen. The Board may, as a condition of the use permit, require a visual screen when the mining site is adjacent to a public street and/or potentially incompatible uses. Visual screening shall be designed to “soften” views into the pit to create aesthetically pleasing landscaping. Landscaping plans shall locate trees and shrubs, if required, in a natural looking distribution. Berms, if required, should be designed to meander to create a natural-looking effect. Complete blockage of the view into the pit is discouraged. Visual screening may be accomplished by use of berms, fences, landscaping, setbacks or combinations thereof.
- (e) Mining Setbacks. Setback areas consisting of mined land shall be reclaimed to original grade within 1 year of the completion of mining activities. Unless otherwise provided as a condition of the use permit, mining areas shall be set back from property lines, public streets and sewage disposal systems as follows:
- (1) Periphery of the Mining Site. A 25 foot minimum setback from the property line, the first 5 feet of which shall consist of undisturbed land.
 - (2) Periphery of Mining Sites Adjacent to Habitable Structures and/or Potentially Incompatible Uses. The operator shall maintain a 25 foot minimum setbacks from property lines that are adjacent to habitable structures and/or potentially incompatible uses, the first 10 feet of which shall consist entirely of undisturbed land. The setback area consisting of mined land shall be reclaimed to original grade within one year or less of completion of the mining phase.
 - (3) Periphery of Mining Sites Adjacent to Habitable Structures. For habitable structures existing at the time of mining use permit issuance (including habitable structures primarily used as a residence on a non-residentially zoned property) maintain a minimum of 50 feet of unmined land between the structure and mining activity. The distance from habitable structures is to be measured from the edge of a primary residence or residential

accessory dwelling, whichever is closer to the property line. The distance is not to be measured from ancillary structures such as pools, decks, and patios.

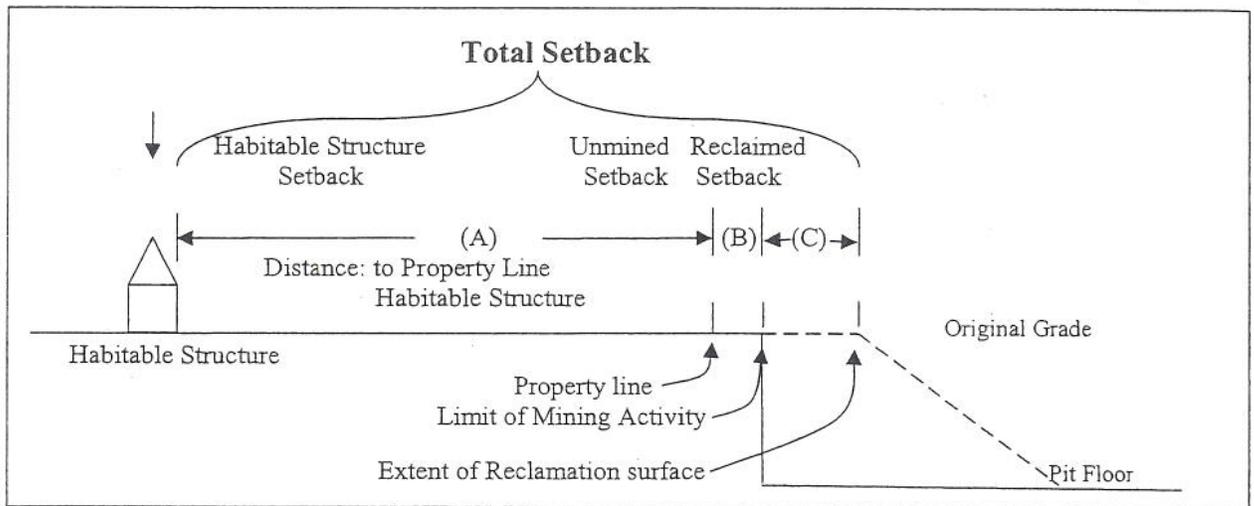
Three setbacks, as applied to this subsection only, are defined:

Total Setback – The distance from the residence to edge of the pit at reclamation. Typically, the total setback will include both residential and mining land.

Unmined Setback – The distance on mining property that is to remain unmined. The minimum unmined setback is 10 feet and the maximum required setback is 50 feet.

Reclaimed Setback – The distance on mining property that may be mined, but must be returned to the original grade at reclamation. It may range from zero up to 15 feet.

Diagrammatic Definition of Setback Components:



aa. If the habitable structure is 80 feet or greater from the mining property line, then the unmined Setback at reclamation shall be no less than 10 feet on the mining property, and the reclaimed setback shall be no less than 15 feet on mining property (see Section 235-52(e)(2)).

bb. If the habitable structure is between 80 feet and 40 feet from the mining property, then the setback standards of Table I shall apply. In no case will the total setback be less than 90 feet.

Table I
Setback Standards: Habitable Structures between 80 feet and 40 feet from Property Line

Distance: Habitable Structure to Property Line (A)		Minimum Setbacks on Mining Property	
Less Than (feet)	Equal to or More Than (feet)	(B) Unmined Setback (feet)	(C) Reclaimed Setback (feet)
80	75	15	10
75	70	20	5
70	65	25	0
65	60	30	0
60	55	35	0
55	50	40	0
50	45	45	0
45	40	50	0

- cc. If the habitable structure is less than 40 feet from the mining property line, then the unmined setback at reclamation shall be no less than 50 feet on the mining property. The reclaimed setback may be zero.
- (4) Periphery of Mining Sites Abutting Public Streets. There shall be a 25 foot minimum setback from all public streets consisting entirely of unmined land.
- (5) Sewage Systems. In the event there are individual sewage disposal systems near or within the mining site, the mining setbacks shall conform to the provisions of the Sacramento County Code, Chapter 6.32, and shall be subject to the approval of the Sacramento County Environmental Management Department and the Regional Water Quality Control Board. Approval of these agencies must be obtained on the minimum mining setbacks before a Work Authorization Permit can be obtained, per Section 235-45(a)(2). If setbacks of the mining use permit are established which exceed the setbacks prescribed in this Section, the Board shall specify in writing the reasons for requiring the additional setback and the setbacks shall become conditions of the use permit.
- (f) Noise Standards. Unless otherwise provided by the Sacramento County Code the sound level created by the mining use at the boundary line of the authorized mining area shall not exceed 70 dBA except along a boundary

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contiguous to another area authorized to mine for sand or aggregates. A violation of the noise standard will occur if the noise level at the property line exceeds:

- (1) The noise limit for a cumulative period of more than thirty (30) minutes in any hour, or;
 - (2) The noise limit plus 5 dBA for a cumulative period of more than 1 minute in any hour, or the noise limit plus 20 dBA for any period of time.
- (g) Standards for Backfilling, Regrading, Slope Stability and Recontouring.
- (1) Slope Stability. Final reclaimed fill slopes, including permanent piles or dumps of mine waste rock and overburden, shall not exceed 2:1 (horizontal to vertical) for the purpose of maintaining slope stability, except when site specific geologic and engineering analysis demonstrate that the proposed final slope will have a minimum slope stability factor of safety that is suitable for the proposed end use, and when the proposed final slope can be successfully revegetated.
 - (2) Slope Compatibility. At closure, all fill slopes, including permanent piles of mine waste and overburden, shall conform with the surrounding topography and/or approved end use.
 - (3) Final Use. Cut slopes, including final highwalls and quarry faces, shall have a minimum slope stability factor of safety that is suitable for the proposed end use and conform with the surrounding topography and/or approved end use.
- (h) Roadways.
- (1) Road Repairs. The operator shall repair any damage caused by its hauling operations to structural paving material along the project site roadway segments upon which loaded trucks are routed.

235-53. ADDITIONAL OPERATING STANDARDS FOR HARD ROCK MINING OPERATIONS

In addition to the regulations set forth in Section 235-51, applicants seeking approval for hardrock mining operations must also satisfy the following:

- (a) Cal OSHA Compliance. Demonstrate that measures are in place to achieve compliance with California Office of Safety Hazard Administration (Cal OSHA) regulations as well as other applicable state

regulations regarding the handling and reporting requirements for use of explosives during mining operations.

- (b) Setbacks. Demonstrate the adequacy of mining setbacks and/or mitigation measures to address noise, fly rock, vibration, and aesthetic concerns for the mine site. The operator is required to make a showing that sufficient buffer lands and/or other mitigation measures have been incorporated into the project to address these matters.

235-54. DEVELOPMENT GUIDELINES FOR AGGREGATE MINING OPERATIONS

The Development Guidelines provide guidance intended to achieve goals to minimize mining impacts to sensitive uses in specific circumstances. The guidelines provide a basis for formation of use permit conditions or for directing the approval process.

Not all guidelines will apply to all projects. Each set is defined by a specific circumstance which is followed by a goal statement. The guidelines offer options which may be selected by decision-makers for achieving that goal. In some circumstances a goal may be better achieved through other approaches tailored to the specific situation.

- (a) Guidelines for Mining Sites Adjacent to Habitable Structures and/or Potentially Incompatible Uses. Goal: Provide improved protection for sensitive uses from the impacts of nearby mining operations and accommodate potential future urbanization where appropriate.
 - (1) Slopes. Where mining and residential property are adjacent, or in mine locations inside the County Urban Service Boundary, the reclaimed slope should be no steeper than 3:1.
 - (2) Haul Roads. Haul roads should be at least 25 feet away from residential property lines.
 - (3) Stockpiles. No stockpiled soil or material should be placed closer than 25 feet from a property boundary or other required setback, unless the property boundary abuts a mining use. This shall be measured from the toe of the stockpile.
 - (4) Facilities and Stationary Equipment. No stationary aggregate processing equipment or facilities, such as grisleys and pit feeders but excepting conveyors, should be located within 200 feet of any habitable structure.

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- (5) Noise Barriers. The operators should provide noise barriers consisting of 8 foot high earthen berms or temporary portable barriers installed and moved along property boundaries as mining progresses. The noise barriers should be maintained in place at least until sufficient pit excavation has occurred to block the line of site between nearby residences and mining activities.
 - (6) Scenic and Visual Preservation. Use a temporary sound wall for noise and chain link fence for safety, instead of perimeter planting. Once sites are reclaimed, provide residents the option to remove and replace chain link fencing with lighter cattle fencing at the aggregate producer's expense.
 - (7) Loading Points. Loading points should be located to minimize noise and ground vibration. Loading points should not be located closer than 50 feet to any residential property line, unless otherwise conditionally permitted.
 - (8) Good Neighbor Policy/Notification of Mining Activities. In a good faith effort to facilitate communication between aggregate producers and nearby properties containing habitable structures, the mining operator should notify residential property owners located within 800 feet of anticipated mining activities. Notification should be given 3 months prior to the anticipated, initial start-up of mining activities. The aggregate producer should thereafter keep residents informed of all major operational changes.
- (b) Guidelines for Mining Operations Abutting County Roads. Goal: Minimize the impacts to county roads from the impacts of abutting aggregate mining operations.
- (1) Limitations on Truck Routes. Coordinate with Sacramento County Department of Transportation on appropriate signage for prohibiting truck traffic when a collector is not to be used for truck traffic.
 - (2) Minimization of Dirt/Gravel from Trucks onto Roadways. A paved surface, gravel surface or mud trap (series of metal bars or grating with space underneath to accumulate material) may be required at distances of not less than 100 feet from right-of-way line into the area of operation in order to minimize the deposit of dirt and gravel from trucks onto the public highway. During hauling operations, any spillage of materials onto public roads should be promptly and completely removed by the operator.

- (c) Guideline for Two-Lane Street With Mining on One Side and a Residence on the Other. Goal: Minimize visual impacts to residential uses across a two-lane street from aggregate mining operations.

The operator should maintain a 25 foot landscaped setback from the ultimate right-of-way line. The aggregate producer should install and maintain landscaping throughout the permitted operation. Ultimately, once the mining site is reclaimed, the owner of the land should be responsible for maintenance of the landscaped setback. Alternatively, if the landscaping is acceptable, upon completion of mining, the landscape strip may be dedicated to a Lighting and Landscape District.

- (d) Guidelines for Processing Plants in the Proximity of Residential Properties. Goal: Minimize visual and noise impacts to residential uses in the proximity of aggregate processing plants.

- (1) Processing Plants abutting residentially zoned properties should only be considered after finding that there is no other feasible alternative location or method of transporting the materials to other plants.
- (2) Sound-Walls for Processing Plants. The operator should construct an earthen berm or sound-wall or combination berm/soundwall of not less than 8 feet in height early in the stripping phase along adjacent residential/mining property lines within 1,200 feet of the processing plant to break the line of site of loaders and crushers at the processing plant from any sensitive off-site receptor.
- (3) Plant Elevations. The operator should consider lowering processing plant elevations to not less than 15 feet below existing grade if natural topography does not mitigate visual impacts sufficiently and when alternative methods for mitigating visual impacts are not feasible, or when noise impacts cannot meet Zoning Code standards.
- (4) Noise Conformance. After processing plant start-up, the operator should conduct a noise investigation of the plant to determine what adjustments, if any, must be made to comply with Section 235-51(f). If noise readings taken during initial plant start-up indicate that processing activities exceed noise standards, additional noise measures or plant adjustments shall be made to ensure that noise standards are met.

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- (e) Guidelines for Fencing and Landscaping in Rural Areas. Goal: Allow flexibility in landscaping and fencing standards, as appropriate, in rural areas.

In remote areas, it is not always necessary to construct fencing or landscaping. Alternative fencing, e.g. three-strand barbed wire fencing, may be appropriate in some cases. In rural areas, landscaping should be installed exterior to berms or chain link fencing to provide the least “industrial” appearance and the highest compatibility with neighboring uses. Chain link fencing may be placed in front of landscaping and berms to protect landscaping and watering systems from theft. However, the types of shrubbery chosen must be capable of eventually obscuring the fencing by growing through and around it.

- (f) Planting Guidelines. Goal: Successfully establish effective and timely visual barriers when required.
- (1) Planting Schedule. To maximize its effectiveness during mining phases, required landscaping should be planted as soon as possible after final project approval, to the extent allowed by the approved mining plan. To provide a reasonable means of securing the use and enjoyment of nearby properties and roadways, plantings along all areas adjacent to neighboring properties or roadways should occur at one time.
 - (2) Fencing with Slats. Fencing with slats should only be used when complete blockage of the view into the site is needed and if there is no other reasonable alternative such as vegetation or other solid fencing types.
 - (3) Planting Intervals. Trees and shrubs should be placed to mimic a natural distribution and spaced to allow partial viewing of the pit.
 - (4) Planting Types. Native plantings are encouraged; however, non-native plants that are preferred by nearby residents may be used.
 - (5) Irrigation. Plantings should be irrigated with trenching or with individual bubblers on an automatic irrigation system.
 - (6) Inspections. Plantings should be inspected yearly for the first 5 years after installation to ensure compliance with the Landscape Maintenance Plan. After the first 5 years, inspections should take place every other year.

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- (g) Guidelines for Berms. Goal: Create visually pleasing berms, when berms are required.

To the extent possible, earthen berms should meander and be contoured to reflect a more natural pattern with variations in width, height, and direction.

- (h) Guidelines for Suppressing Dust. Goal: Minimize impacts of dust to surrounding residential and agricultural uses.

(1) Overburden Stockpiles.

- aa. Should be treated with appropriate dust suppressants, watered regularly, or otherwise treated to minimize wind erosion.
- bb. Every effort should be made to remove overburden during the period of the year when surface soils are moist. If overburden is removed when surface soils are dry, water-spraying equipment should be used to cut dust emission. Water-spraying equipment should likewise be used, as needed, when removing aggregate.
- cc. Seeding of stockpiled overburden and exposed soils is required at the next appropriate planting time unless the site is excavated within 6 months of overburden removal, or if site has been partially excavated, but is to remain dormant for a period of more than 1 year. Saleable aggregate products produced by the processing plant are exempt from this provision.

(2) Unpaved Haul Roads.

- aa. Unpaved haul roads should be regularly treated with appropriate dust suppressants (e.g. water or chemical dust palliatives). The frequency of application should vary according to the weather and moisture level of the soils on the site, but should be frequent enough to avoid visible dust plumes

- (i) Guidelines for Development of Ancillary Uses. Goal: Minimize the impacts of ancillary uses by providing appropriate regulation as needed.

Consider application of the Industrial Development Standards (Title III, Chapter 25, Article 1 and 2) when evaluating proposed ancillary uses.

**CLAY, LIGNITE, BORROW SITES
AND RELATED MINERAL MINING:
APPLICATION DATA, STANDARDS AND GUIDELINES.**

235-55. APPLICATION DATA FOR CLAY, LIGNITE, BORROW SITES AND
RELATED MINERAL MINING OPERATIONS

In addition to the application data for conditional use permits set forth in Section 110-01, the applicant for a conditional use permit for clay, lignite, borrow sites and related minerals mining when the mining site is located in Permanent Agricultural or Industrial Extensive land use categories on the Sacramento County General Plan shall submit as part of the application the data required by Section 235-55(a) through 235-55 (e). When the mining site is located in any land use category on the General Plan other than the Permanent Agricultural or Industrial Extensive, the applicant shall submit as part of the application the data required by Sections 235-51 (d), (e), (f), and (g) and Sections 235-55 (a) through 235-55 (e).

- (a) Mining Plan. The applicant shall submit a mining plan which shall:
- (1) Show the proposed area of excavation.
 - (2) Show the anticipated phased progression of mining.
 - (3) Show the location of inventory piles and overburden piles.
 - (4) Show the fate of overburden following removal, such as disposal, sale, storage for other use or other disposition.
 - (5) Show the estimated surface areas disturbed annually and days of annual production. Show the anticipated pit side slopes and end slopes.
- (b) Reclamation Plan. The applicant shall submit a reclamation plan which shall:
- (1) Show land uses for which the site, after reclamation, is adaptable. If storage of water is indicated, the pit shall be justified as a water storage site only if it is demonstrated to be a collector of substantial runoff and the ultimate use of stored water is demonstrated.
 - (2) Show present and future topography of site after reclamation, showing degree of slopes of remaining excavations, contours, and disposal of drainage.

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- (3) Show management of mined and unminable portions of deposit.
 - (4) Show at least an annual-inspection schedule and a report schedule in 5 year intervals. The report shall show 5 year increments in: changes to original grade, existing grade, and final topography expected with reclamation details to date of report. Each five year report shall indicate progress made and deviations required in reclamation of the property that has occurred since filing of the previous report.
- (c) Soil, Geologic and Hydrologic Data. The applicant shall provide the following data:
- (1) A topographic contour map with at least 10 foot intervals of the existing terrain and the terrain following reclamation.
 - (2) Anticipated dimensions of the disturbed area and average depth of both overburden and the resource materials.
 - (3) A summary of sampling data on soil, geologic and hydrologic characteristics and other preexisting studies of the site prepared for the project proponent or other relevant reports which the proponent may be aware. The Environmental Coordinator may require a full report if necessary to prepare an environmental document.
 - (4) A description of drainage course alterations and or diversions.
 - (5) If applicable, source of water, purpose and rate of water use, and description of disposal methods or treatment of any water to be used. If groundwater is to be used, the proponent shall provide identification numbers of any wells on the project site.
 - (6) Runoff and Flood Control. Applicants shall submit with the use permit application a drainage design for approval to the Water Resources Department
 - (7) The location of all individual sewage disposal systems within 300 feet of the proposed mining area.
- (d) Fencing and Posting. The applicant shall show the locations of all fences and signs warning of the aggregate mining operations. Trespass signs shall be posted at reasonable access points. Signs shall be kept in good repair.
- (e) Air Pollution Control. The application shall describe methods to be used in:
- (1) Dust control on roads and other graded surfaces on the subject property.

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- (2) Removal of dust and spillage from off-site public streets or roads used by trucks from the subject property.
- (3) Control of dust emanating from mined areas and inventory piles.

235- 56. OPERATING STANDARDS FOR CLAY LIGNITE, BORROW SITES
AND RELATED MINERAL MINING OPERATIONS

All clay, lignite, borrow sites, and related materials mining shall be subject to the requirements set forth in this section. This section is not intended to replace or otherwise limit in any manner other County regulations or to preclude the imposition of reasonable use permit conditions as authorized in Section 110-34.

- (a) Mining Setbacks. Mining setbacks of the minable area from property lines shall be as follows:
 - (1) Mining may take place no closer than 5 feet from a property line not adjacent to a public street right-of-way. The Board may waive this requirement if:
 - aa. Evidence is provided by the applicant that the setback can be reduced by engineering design, or;
 - bb. The neighboring property owners consent to the request.
 - (2) Mining shall be setback 50 feet from all public street rights-of-way. The setback may be reduced if evidence is provided by the applicant to the Board of Supervisors to the effect that the setback is not necessary.
- (b) Fences. Unless otherwise provided by condition of the use permit or a deviation is approved, the applicant shall:
 - (1) Conform fences to the ground so as to prevent any opening between the fence and ground surface from exceeding 4 inches.
 - (2) Maintain gates to fence height at all vehicular and pedestrian entrances.
 - (3) Keep fences in good repair.
 - (4) Post trespass signs on the fences at reasonable access points. Signs shall be kept in good repair.
- (c) Reclaimed Site. All clay, lignite, and related materials mining sites shall be reclaimed after completion of mining operations consistent with the approved Reclamation Plan. The site shall be left with safe slopes no steeper than 1:1. Slopes closer to horizontal may be required as a

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condition of the use permit. The slopes shall be revegetated where necessary for soil stabilization. The site shall be free of derelict machinery, scrap and nonnatural waste materials.

- (d) Term of Conditional Use Permit. Any conditional use permit granted for clay, lignite and related material mining shall have a term of not less than 10 years. Permits may thereafter be renewed for up to 3 successive 5 year periods by the Board of Supervisors if the mining operation is being conducted in conformance with the provisions of the conditional use permit and applicable Federal, State and County regulations.
- (e) Registration of Mines under Ordinance 1163. Clay, lignite and other mines registered pursuant to Ordinance No. 1163 of the County of Sacramento are deemed to have a vested right to continue operation of the registered mines. The registration under Ordinance No. 1163 does not exempt the mine nor the operator thereof from the requirements of the Surface Mining and Reclamation Act of 1975, Division 2, Chapter 9 of the Public Resources Code of the State of California.

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SECTION 3 Title II, Chapter 1, Article 1, Section 201-04, special condition # 37
of the Zoning Code of the Sacramento County is hereby amended to read as follows:

(37) Permitted for short duration, small-scale borrow sites and material removal sites subject to the issuance of a conditional use permit by the appropriate authority and compliance with surface mining standards found in Title II, Chapter 35, Article 4. Short duration sites shall mean sites where less than 200,000 cubic yards of soil, sand, gravel, decomposed granite or rock are removed over a one year period. Conveyor systems for transporting aggregate material may be allowed to extend off of the mine site, on land without the Surface Mining Combining Zone, if approved as a part of a mining use permit and reclamation plan. Surface mining operations conducted in conjunction with a permitted public service project shall be regulated pursuant to Title III, Chapter 1, Article 1, Section 301-13. All other surface mining operations shall be regulated by the Surface Mining Combining Zone pursuant to Title II, Chapter 35, Article 4, Section 235-40 or regulation through the procedures of an existing special planning area's zoning designation. (Amended 6/08)

SECTION 4 Title II, Chapter 25, Article 2, Section 225-14, special condition # 57
of the Zoning Code of the Sacramento County is hereby amended to read as follows:

(57) Permitted for short duration, small scale borrow sites and material removal sites subject to the issuance of a conditional use permit by the appropriate authority and compliance with surface mining standards found in Title II, Chapter 35, Article 4. Short duration sites shall mean sites where less than 200,000 cubic yards of soil, sand, gravel, decomposed granite or rock are removed over a one year period. Conveyor systems for transporting aggregate material may be allowed to extend off of the mine site, on land without the Surface Mining Combining Zone, if approved as a part of a mining use permit and reclamation plan. Surface mining operations conducted in conjunction with a permitted public service project shall be regulated pursuant to Title III, Chapter 1, Article 1, Section 301-13. All other surface mining operations shall be regulated by the Surface Mining Combining Zone pursuant to Title II, Chapter 35, Article 4, Section 235-40 or regulation through the procedures of an existing special planning area's zoning designation. (Amended 6/08)

SECTION 5 Title II, Chapter 30, Article 2, Section 230-13, special condition # 24
of the Zoning Code of the Sacramento County is hereby amended to read as follows:

(24) Permitted for short duration, small scale borrow sites and material removal sites subject to the issuance of a conditional use permit by the appropriate authority and compliance with surface mining standards found in Title II, Chapter 35, Article 4. Short duration sites shall mean sites where less than 200,000 cubic yards of soil, sand, gravel, decomposed granite or rock are removed over a one year period. Conveyor systems for

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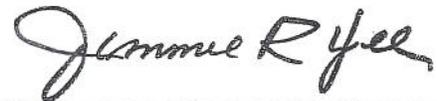
transporting aggregate material may be allowed to extend off of the mine site, on land without the Surface Mining Combining Zone, if approved as a part of a mining use permit and reclamation plan. Surface mining operations conducted in conjunction with a permitted public service project shall be regulated pursuant to Title III, Chapter 1, Article 1, Section 301-13. All other surface mining operations shall be regulated by the Surface Mining Combining Zone pursuant to Title II, Chapter 35, Article 4, Section 235-40 or regulation through the procedures of an existing special planning area's zoning designation. (Amended 6/08)

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SECTION 6: This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage hereof, and, before expiration of fifteen (15) days from the date of its passage, it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published within the County of Sacramento, State of California.

On a motion by Supervisor Dickinson, seconded by Supervisor MacGlashan, the foregoing Resolution was passed and adopted by the Board of Supervisors of the County of Sacramento this 11th day of June, 2008, by the following vote, to wit:

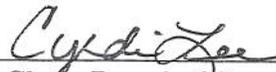
AYES: Supervisors, Dickinson, MacGlashan, Peters, Yee
NOES: Supervisors, Nottoli
ABSENT: Supervisors, None
ABSTAIN: Supervisors, None



Chair of the Board of Supervisors
of Sacramento County, California

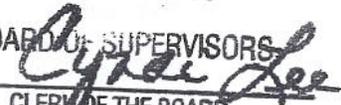


ATTEST:


Clerk, Board of Supervisors

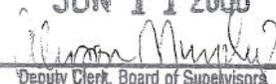
FILED

JUN 11 2008

BOARD OF SUPERVISORS
BY 
CLERK OF THE BOARD

In accordance with Section 25103 of the Government Code of the State of California a copy of this document has been delivered to the Chairman of the Board of Supervisors, County of Sacramento on

JUN 11 2008

By 
Deputy Clerk, Board of Supervisors

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Sacramento }

On 6/24/2008 before me, Kathy McClellan, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Cyndi Lee
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Kathy Mc Clellan
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Ordinance No. SZC-2008-0019

Document Date: 6-11-2008 Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Cyndi Lee

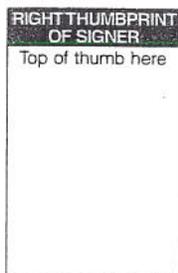
- Individual
- Corporate Officer — Title(s): Clerk of the Board
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____