

BOARD OF SUPERVISORS, COUNTY OF VENTURA, STATE OF CALIFORNIA

TUESDAY, MAY 25, 1999 AT 1:30 P.M.

222/ORD 4187

ADOPTING ORDINANCE NO. 4187, RE AMENDMENT TO THE NON-COASTAL ZONING ORDINANCE AS IT PERTAINS TO MINING RELATED USES AND COMMERCIAL VEHICLE STORAGE.

An Ordinance Amending Provisions of Division 8, Chapter 1, of the Ventura County Ordinance Code (Non-Coastal Zoning Ordinance) is presented to the Board at this time, and upon motion of Supervisors Schillo, seconded by Supervisor Long, and duly carried, it is ordered that the same be passed and adopted as an ordinance of the County of Ventura, to be known as Ordinance No. 4187.

Board members vote as follows:

Ayes: Supervisors Schillo, Long, Mikels and Lacey

Noes: None

Absent: Supervisor Flynn

All members of the Board present voting on the passage and adoption of said Ordinance, it is hereby declared and ordered that said Ordinance is hereby passed and adopted as an Ordinance of the County of Ventura, to be known as Ordinance No. 4187.

It is further ordered that said ordinance shall take effect and be enforce at the expiration of thirty (30) days from the date hereof, and before the expiration of fifteen (15) days the same shall be published, with the names of the members of the Board of Supervisors voting for an against the same, at least once in the Tri-County (TCS), a newspaper of general circulation printed and published in the County of Ventura, State of California.

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STATE MINING and GEOLOGY BOARD

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ORDINANCE NO. 4187

AN ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS  
AMENDING PROVISIONS OF DIVISION 8, CHAPTER 1, OF THE VENTURA  
COUNTY ORDINANCE CODE (NON-COASTAL ZONING ORDINANCE) AS IT  
APPLIES TO MINING AND ACCESSORY USES, AND STORAGE OF ONE LARGE  
COMMERCIAL VEHICLE ON PROPERTY

*The Board of Supervisors of the County of Ventura ordains as follows:*

Section 1

*Section 8102-0 is hereby amended such that the subsequent two existing definitions read as follows:*

Mining, Accessory Uses - Uses customarily incidental, appropriate and subordinate to mining located on the same site, such as stockpiling; sorting; screening; washing; crushing; and maintenance facilities. Other accessory uses include the following: ready mix concrete batching; asphalt concrete batching; recycling of concrete, asphalt and related construction materials; trucking operations associated with products from the site; and contractors' service and storage yards and concrete and asphalt concrete products manufacturing which make use of the products produced from the subject mining site. These uses may require separate permits as principal uses if not addressed under the primary mining permit.

Mining, Public Works Maintenance - Mining, and its accessory uses, for periods of less than one year, on a site where such mining is necessary for the preservation of public facilities or structures, or to alleviate imminent threats to public health and safety, and where such mining has been declared in writing by the Public Works Agency to be under its administrative control through an approved permit. Said uses include such operations as the maintenance of flood control facilities [pursuant to Title 14 CCR § 3502(a)(2)], removing material to avert potential landslides, and accessory processes such as stockpiling, sorting, and screening of on-site material.

## Section 2

*Section 8102-0 is hereby amended to add the following new definitions. Each new definition is added in its appropriate alphabetical location:*

Financial Assurance – A monetary assurance that reclamation will be completed on mined lands pursuant to the approved reclamation plan. In the event that a mining site is abandoned or the owner and/or operator is financially incapable of reclaiming the site, the funds will be used by the County or the State Department of Conservation toward reclamation of the mined site.

Financial Assurance Mechanism - An instrument acceptable to the State Department of Conservation and the County, that serves as the financial assurance, such as a surety bond, trust fund, certificate of deposit or an irrevocable letter of credit.

Idle Mine – Surface mining operations curtailed for a period of one year or more, by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.

Mining, Agricultural Site – An area, or areas within a site where the Planning Director has determined that the excavation and/or removal of more than 1,000 cubic yards of earthen material is integral and beneficial to the development or enhancement of a bone fide farming operation on that site.

Reclamation – 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 require the removal of mining related structures, equipment and improvements, backfilling, grading, resoiling, revegetation, soil compaction, slope stabilization, erosion control or other measures which may also extend into adjacent lands surrounding mined lands.

SMARA – The Surface Mining and Reclamation Act (Public Resources Code §2710 et seq.).

## Section 3

*Section 8105-1.2 is hereby amended to read as follows:*

Sec. 8105-1.2 - Italicized notes appearing in this Zoning Ordinance are editorial in nature and are not a part of the Ordinance or its regulatory scheme.

**Section 4**

***Section 8105-1.6 is hereby amended to read as follows:***

Sec. 8105-1.6 - The abbreviations used in Sections 8105-4 and 8105-5 are to be interpreted as follows:

- agric. - agriculture
- CCR - California Code of Regulations
- GFA - gross floor area
- H.&S.C. - California Health and Safety Code
- prelim. - preliminary
- sq.ft. - square feet
- W.&I.C. - California Welfare and Institutions Code

**Section 5**

***Section 8105-4, only as it relates to the heading and sub-headings of MINERAL RESOURCES DEVELOPMENT, is hereby amended to read as follows:***

|  | OS   | AE | RA | RE | RO | R1 | R2 | RPD | TP |
|--|--|----|----|----|----|----|----|-----|----|
| MINERAL RESOURCE DEVELOPMENT                           | ☒  | ☒  | ☒  |    |    |    |    |     |    |
| MINING AND ACCESSORY USES                              | ☒  | ☒  | ☒  |    |    |    |    |     |    |
| MINING, AGRICULTURAL SITE                              | ▲  | ▲  |    |    |    |    |    |     |    |
| Less Than 1 Year In Duration                           | ☐  | ☐  | ☐  | ☐  |    |    |    |     |    |
| Public Works Maintenance, Less Than 1 Year in Duration | △  | △  | △  | △  | △  | △  | △  | △   | △  |
| Reclamation Plan                                       | Following a Public Hearing Where a Reclamation Plan is Required Per SMARA in Conjunction With a Land Use Entitlement |    |    |    |    |    |    |     |    |

## Section 6

*Section 8105-5, only as it relates to the heading and sub-headings of MINERAL RESOURCES DEVELOPMENT, is hereby amended to read as follows:*

|  | CO   | C1                       | CPD                      | M1                       | M2                       | M3                                  |
|--|--|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| MINERAL RESOURCE DEVELOPMENT                           |  |                          |                          |                          |                          | <input checked="" type="checkbox"/> |
| MINING AND ACCESSORY USES                              |  |                          |                          |                          |                          | <input checked="" type="checkbox"/> |
| Less Than 1 Year In Duration                           |  |                          |                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Public Works Maintenance, Less Than 1 Year in Duration | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Reclamation Plan                                       | Following a Public Hearing Where a Reclamation Plan is Required Per SMARA in Conjunction With a Land Use Entitlement |                          |                          |                          |                          |                                     |

## Section 7

*Section 8106-8.2 is hereby amended to read as follows:*

Sec. 8106-8.2 – Accessory Parking and Storage of Large Vehicles – No residential, agricultural, or open space zoned lot shall be used for the accessory parking or storage of vehicles and/or attendant trailers and equipment whose collective rated gross vehicle weight (G.V.W.) exceeds 11,000 pounds and which are used for shipping or the delivery of freight, products and services, except those lots where delivery to storage or market of agricultural commodities is permitted under this Chapter and is occurring on said lot. One commercial vehicle with a rated GVW capacity in excess of 11,000 lbs., or one commercial vehicle with attendant trailers and equipment with an aggregate rated GVW in excess of 11,000 lbs. (e.g. ¾ ton pickup truck towing a vehicle or a trailer carrying a piece of equipment such as a backhoe), may be allowed on the property if it can be demonstrated that:

- a. the vehicle is required for emergency purposes and is either a government vehicle or under contract to a governmental entity; or
- b. the lot on which the vehicle is located is at least one acre in size, the vehicle is not parked in any setback and a waiver has been received from the adjacent property owners and residents pursuant to Sec. 8111-1.1.2; or
- c. the lot on which the vehicle is located is at least one acre in size and the vehicle is parked in an enclosed structure.

## Section 8

*Section 8107-9 is hereby repealed and re-enacted to read as follows:*

### Sec. 8107-9 - MINING AND RECLAMATION

Sec. 8107-9.1 - Purpose - The purpose of this section is to establish reasonable and uniform limitations, safeguards and controls for mining and accessory uses which will allow for the reasonable use of an important County resource. These regulations shall also ensure that mining activities will be conducted in harmony with the environment and other uses of land within the County and that mineral sites will be appropriately reclaimed.

Sec. 8107-9.2 - Application - Unless otherwise indicated herein, the purpose, intent and provisions of Section 8107-9 et seq. shall be and are hereby automatically imposed and made a part of any permit for mining development issued by Ventura or any mining development operation initiated upon Federally owned lands for which it has been determined that no land use permit is required by Ventura County.

Sec. 8107-9.3 - Definitions - Unless otherwise defined herein, or unless the text clearly indicates otherwise, the definition of mining shall be that defined in this Chapter.

Sec. 8107-9.4 - Required Permits - No mining related use may commence without the approval of the appropriate land use permit, reclamation plan, and the approval and depositing of the applicable financial assurances for reclamation required pursuant to this Chapter. Furthermore, a Zoning Clearance must be obtained by the permittee prior to commencing activities authorized by the land use permit, and as it may be modified. The issuance of a land use permit shall not relieve the operator of the responsibility of securing and complying with any other permit which may be required by other County Ordinances, or State or Federal laws. No condition of a land use permit for uses allowed by this Chapter shall be interpreted as permitting or requiring any violation of law, or any lawful rules or regulations or orders of an authorized governmental agency. In instances where more than one set of rules applies, the stricter one shall take precedence.

Sec. 8107-9.5 - Mining and Reclamation Guidelines - The general guidelines that follow shall be used in the development of conditions which will help ensure that mining projects generate minimal negative impacts on the environment. The guidelines shall be applied whenever physically and economically feasible or practicable, unless the strict application of a particular guideline(s) would otherwise defeat the intent of other guidelines. An applicant should use the guidelines in the design of the project and anticipate their use as permit conditions, unless the applicant can demonstrate that they are not physically or economically feasible or practicable.

Sec. 8107-9.5.1 - All mining and reclamation shall be consistent with the County General Plan, the Ventura County Water Management Plan, and the State Surface Mining and Reclamation Act of 1975 (SMARA), as amended, and State policy adopted pursuant to SMARA.

Sec. 8107-9.5.2 - Mining and accessory uses of less than one year in duration may not be renewed nor shall such uses be allowed to continue operating beyond one year after the inauguration of the land use entitlement.

Sec. 8107-9.5.3 - No provisions in this Chapter or in the County General Plan shall be construed to encourage any mining operation or facility which would endanger the public's health, safety or welfare, which would endanger private or public facilities or which would prohibit the alleviation of a hazard by hampering or precluding such activities as the maintenance, restoration or construction of public works facilities.

Sec. 8107-9.5.4 - In general, projects shall be located, designed, operated and reclaimed so as to minimize their adverse impact on the physical and social environment, and on natural resources. To this end, dust, noise, vibration, noxious odors, intrusive light, aesthetic impacts, traffic impacts and other factors of nuisance and annoyance, erosion, and flooding shall be minimized or eliminated through the best accepted mining and reclamation practices, applicable to local conditions, which are consistent with contemporary principles and knowledge of resource management, stormwater quality, groundwater quality and quantity, flood control engineering and flood plain management.

Sec. 8107-9.5.5 - All surface mining activities shall strike a reasonable balance with other resource priorities such as water, farmland, fish and wildlife and their habitat, groundwater recharge, sediment for replenishment of beaches and the protection of public and private structures and facilities.

Sec. 8107-9.5.6 - The extraction of aggregate resources in rivers and streams shall allow for the ongoing maintenance of viable riparian ecology by preserving as many natural stream elements as practical. Mining operations may provide for the enhancement of some riparian ecosystems as a mitigation to compensate for significant adverse environmental effects on other riparian ecosystems, thereby preserving the overall quality of the riparian environment.

Sec. 8107-9.5.7 - Appropriate and reasonable monitoring and enforcement measures shall be imposed on each mining operation which will ensure that all permit conditions, guidelines and standards of Sec. 8107-9 et seq. are fulfilled.

Sec. 8107-9.5.8 - Reclamation of a site shall include the removal of equipment and facilities and the restoration of the site so that it is readily adaptable for alternate land use(s) which is consistent with the approved reclamation plan as well as the existing and proposed uses in the general area. Reclamation shall be conducted in phases on an ongoing basis, where feasible.

Sec. 8107-9.5.9 - All mining and reclamation with direct significant effects on resources within the coastal zone shall consider the effect on coastal zone resources including anadromous fish runs, sand supply, and coastal wetland, stream and marine resources.

Sec. 8107-9.5.10 - Reclamation shall be considered complete when the standards, specified in the approved reclamation plan, have been successfully completed to the satisfaction of the State Department of Conservation and the County.

Sec. 8107-9.6 - Mining and Reclamation Standards - The following are minimum standards and requirements which shall be applied pursuant to Sec. 8107-9.2.

Sec. 8107-9.6.1 - General Mining Standards - Projects shall be located, designed, operated and reclaimed so as to minimize their adverse impact on the physical and social environment, and on natural resources. To this end, dust, noise, vibration, noxious odors, intrusive light, aesthetic impacts, traffic impacts and other factors of nuisance and annoyance, erosion and flooding shall be minimized or eliminated through the best accepted mining and reclamation practices which are applicable to local conditions and incident to the exploration for and extraction of aggregate resources. In addition, mitigation measures should be consistent with contemporary principles and knowledge of resource management, stormwater quality, groundwater quality and quantity, flood control engineering and flood plain management. Further, posting of signs and notification to neighboring property owners of the project's activities shall be required where necessary.

Sec. 8107-9.6.2 - Setbacks - No processing equipment or facilities shall be permanently located, and no mining or accessory uses shall occur, within the horizontal setbacks specified below:

- a. 100 feet of any dedicated public street or highway unless the Public Works Agency determines a lesser distance would be acceptable.
- b. 100 feet of any dwelling not accessory to the project, unless a waiver is signed pursuant to Sec. 8107-9.6.13 allowing the setback to be reduced. In no case shall permanent processing facilities, equipment, or mining be located less than 50 feet from said structures.
- c. 200 feet of any institution, school or other building used as a place of public assemblage, unless a waiver is signed pursuant to Sec. 8107-9.6.13 allowing the setback to be reduced. In no case shall permanent processing facilities or equipment or mining be located less than 100 feet from said structures.

Other facilities and structures shall be set back distances which are applicable for accessory structures for the zone in which the use is located.

Sec. 8107-9.6.3 - Obstruction of Drainage Courses - Mining operations and their accessory uses, access roads, facilities, stockpiling of mineral resources and related mining activities shall be consistent with current engineering and public works standards and in no case shall obstruct, divert, or otherwise affect the flow of natural drainage and flood waters so as to cause significant adverse impacts, except as authorized by the Public Works Agency.



Sec. 8107-9.6.4 - Control of Contaminants, Run-Off and Siltation - Contaminants, water run-off and siltation shall be controlled and generally contained on the project site so as to minimize adverse off-site impacts.

Sec. 8107-9.6.5 - Dust Prevention - The project site and all roads or hauling routes located between the public right-of-way and the subject site shall be improved or otherwise treated as required by the County and maintained as necessary to prevent the emanation of dust.

Sec. 8107-9.6.6 - Light Emanation - Light emanation shall be controlled so as not to produce excessive levels of glare or abnormal light levels directed at any neighboring uses.

Sec. 8107-9.6.7 - Painting - All permanent facilities and structures on the site shall be colored so as to mask facilities visible from surrounding uses and roadways in the area. Said colors shall also take into account such additional factors as heat buildup and designation of danger areas. Said colors shall be approved by the Planning Director prior to painting of facilities.

Sec. 8107-9.6.8 - Site Maintenance - The permit area shall be maintained in a neat and orderly manner so as not to create unsightly conditions visible from outside the permitted area or any hazardous conditions. Equipment and materials may be stored on the site which are appurtenant to the operation and maintenance of mining operations.

Sec. 8107-9.6.9 - Reclamation Plan - No mining permit shall be approved without an approved reclamation plan, unless it is exempted from said reclamation plan by the State Department of Conservation. Where reclamation plans are not processed concurrently with a discretionary land use entitlement, at least one noticed public hearing on the reclamation plan must be held prior to its approval. Such reclamation plans are subject to all rights of appeal associated with permit approval. All reclamation plans must be found to be consistent with and approved in accordance with: the Ventura County Zoning Ordinance, as amended; the provisions of SMARA (Public Resource Code (PRC) § 2710 et seq.), PRC Section 2207, and State regulation Title 14 California Code of Regulations (CCR) § 3500 et seq., as amended; the regulations, guidelines and other measures adopted by the State Mining and Geology Board; Ventura County Public Works Agency standards; any and all locally adopted resource management goals and policies; and compatible with the existing geological and topographical features of the area. Additional considerations, such as the following, shall also be addressed in the reclamation plan and permit:

- a. The creation of safe, stable slopes and the prevention of subsidence;
- b. Control of water run-off and erosion;
- c. Views of the site from surrounding areas;
- d. Availability of backfill material;

- e. Proposed subsequent use of the land which will be consistent with the General Plan and existing and proposed uses in the general area;
- f. Removal or reuse of all structures and equipment;
- g. The time frame for completing the reclamation;
- h. The costs of reclamation if the County will need to contract to have it performed;
- i. Revegetation of the site;
- j. Phased reclamation of the project area;
- k. Provisions of an appropriate financial assurance mechanism to ensure complete implementation of the approved reclamation plan.

Upon receipt of a complete reclamation plan, the Planning Director shall forward the plan to the State Department of Conservation for review. Following review by the State, the reclamation plan may be approved by the County in accordance with the requirements of SMARA, as amended. Termination of the use or revocation of the use permit does not absolve the responsible parties for the reclamation of the site pursuant to the adopted reclamation plan and/or SMARA requirements. Failure to reclaim mined lands constitutes a violation of this Chapter and the property owner is ultimately responsible for such reclamation.

**Sec. 8107-9.6.10 - Removal of Equipment, Facilities and Structures** - All equipment, except that which is required to complete the reclamation plan, and all facilities and structures on the project site, except those approved for retention in support of the authorized "end use", shall be removed from the site in accordance with the reclamation plan, within 180 days after the termination of the use, unless a time extension is approved by the Planning Director.

**Sec. 8107-9.6.11 - Application of Sensitive Use Related Standards** - The imposition of regulations on mining operations, which are based on distances from occupied sensitive uses (i.e. residences, schools, health care facilities, or places of public assembly), shall only apply to those occupied sensitive uses which were in existence at the time the permit for the subject mining operations was approved. The provisions of this section shall continue for the life of the permitted mining operations at the subject site.

**Sec. 8107-9.6.12 - Exceptions to Standards** - Upon the written request of the permittee, the Planning Director may grant temporary exceptions to the noise standards, hours of operation and the conditions of a given permit provided it is deemed necessary because of a declared public emergency or the off-hours scheduling of a public works project where a formal contract to conduct the work in question has been issued.

Sec. 8107-9.6.13 - Waivers of Standards - Where provisions exist for the waiver of ordinance requirements, the waiver must be signed by the owner and all adult occupants of a dwelling, or in the case of other sensitive uses, by the owner of the use in question. Once a waiver is granted, the permittee is exempt from affected ordinance requirements relative to the sensitive use in question for the life of the permitted operations.

Sec. 8107-9.6.14 - Reporting of Accidents - The permittee shall immediately notify the Planning Director of any incidents such as fires, explosions, spills, land or slope failures or other conditions at the permit site which could pose a hazard to life or property outside the permit area. Upon request of any County agency, the permittee shall provide a written report of any incident within seven calendar days which shall include, but not be limited to, a description of the facts of the incident, the corrective measures used and the steps taken to prevent recurrence of the incident.

Sec. 8107-9.6.15 - Contact Person - The permittee shall provide the Planning Director with the current name(s) and/or position title, address and phone number of the person who shall receive all orders, notices and communications regarding matters of condition and code compliance. The person(s) in question shall be available by phone during the hours that activities occur on the permit site, even if this means 24 hours a day.

Sec. 8107-9.6.16 - Current Mining Plans - For mining projects located in sensitive areas which operate under regularly changing environmental conditions (e.g., in-river mining), a mining plan shall be prepared by the permittee on a regular basis in accordance with the applicable conditions of a project's permit. Said plan shall describe how mining over the next interval will be conducted in accordance with the intent and provisions of the project's use permit. The plan shall be reviewed and approved by the County at the permittee's expense. The review and approval of current mining plans shall not be used in lieu of the formal modification process to change the text and drawings of the permit conditions.

Sec. 8107-9.6.17 - Permit Review - Monitoring of the permit or aspects of it may be required as often as necessary to ensure compliance with the permit conditions. In any case, the permit and site shall be reviewed and inspected by the Planning Division or its contractors at least once a year. The purpose of said review is to ascertain whether the permittee is in compliance with all conditions of the permit and current SMARA requirements and whether there have been significant changes in environmental conditions, land use or mining technology, or if there is other good cause which would warrant the Planning Director's filing of an application for modification of the conditions of the permit. If such an application is filed, it shall be at the County's expense and modification of conditions would not occur without a duly noticed public hearing. More frequent inspections may be mandated at the discretion of the Planning Director after violations have been discovered on the site. The permittee shall pay the County the annual inspection fee established by resolution of the Board of Supervisors.

Sec. 8107-9.6.18 - Enforcement Costs - Permit conditions shall be imposed which will enable the County to recover the reasonable and appropriate costs necessary for the reviewing and monitoring of permit operations and the enforcing of the applicable requirements of the Zoning Ordinance and the conditions of this permit.

Sec. 8107-9.6.19 - Civil Penalties - In case of any failure by the permittee to perform or comply with any term or provision of this conditional use permit, the final decision-making authority that would act on the permit may, after notice to the permittee and a public hearing, determine by resolution the amount of the civil penalty to be levied against the permittee. Said penalty shall be paid within 30 days unless the penalty is under appeal. Failure to pay the penalty within the allotted time period shall be considered grounds for suspension of the subject use, pursuant to Sec. 8111-7.2, until such time as the penalty is paid. The payment of a civil penalty shall not insulate the permittee from liability in excess of the sum of the penalty for damages or injury or expense or liability suffered by the County of Ventura from any breach by the permittee of any term or condition of said permit or of any applicable ordinance or of this security. Said penalty is separate from the "administrative penalty" that the County may impose pursuant to SMARA.

The maximum penalty that can be levied against a permittee at any given time shall be in accordance with the amounts set forth below. The amounts for a given permit may be increased to adjust for inflation pursuant to the conditions of the subject permit.

| <u>Total Permitted Extraction<br/>(Life of the Project)</u> | <u>Applicable Civil<br/>Penalty Ceiling</u> |
|---|---|
| Less than 10,000 cu. yards                                  | \$ 5,000.00                                 |
| 10,000 to 99,999 cu. yards                                  | \$10,000.00                                 |
| 100,000 to 999,999 cu. yards                                | \$15,000.00                                 |
| 1,000,000+ cu. yards  | \$25,000.00                                 |

Sec. 8107-9.6.20 - Performance Securities - Performance bonds or other securities may be imposed on any permit to ensure compliance with certain specific tasks or aspects of the permit. The amount of the security shall be based upon the actual anticipated costs for completing the subject task if the County were forced to complete it rather than the permittee. The performance security may be posted in phases as tasks are undertaken or required to be completed.

Sec. 8107-9.6.21 - Insurance - The permittee shall maintain, for the life of the permit, liability insurance of not less than \$500,000 for one person and \$1,000,000 for all persons, and \$2,000,000 for property damage, unless the Ventura County Risk Management Agency deems higher limits are necessary. This requirement does not preclude the permittee from being self-insured.

Sec. 8107-9.6.22 - Noise Standards - Unless herein exempted, operations associated with an approved mining permit shall not produce noise, measured at a point outside of

occupied sensitive uses such as residences, schools, health care facilities, or places of public assembly, that exceeds the following standard or any other more restrictive standard that may be established as a condition of a specific permit. Noise from the subject property shall be considered in excess of the standard when the average sound level, measured over one hour at the sensitive use, is greater than the standard that follows. The determination of whether a violation has occurred shall be made by the Planning Director in accordance with the provisions of the permit in question, where such provisions exist. If the permit has no such violation determination provisions, then best common practice shall be used.

Nomenclature and noise level descriptor definitions are described in the Ventura County General Plan Goals, Policies and Programs and the Ventura County General Plan Hazards Appendix. Measurement procedures shall be guided by the Ventura County General Plan Hazards Appendix and other contemporary procedures in effect. The maximum allowable average sound level is as follows:

**One Hour Average Noise Levels (LEQ)**

- Leq1H of 55 dB(A) or ambient noise level plus 3 dB(A), whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.
- Leq1H of 50 dB(A) or ambient noise level plus 3 dB(A), whichever is greater, during any hour from 7:00 p.m. to 10:00 p.m.
- Leq1H of 45 dB(A) or ambient noise level plus 3 dB(A), whichever is greater, during any hour from 10:00 p.m. to 6:00 a.m.

Sec. 8107-9.6.23 - Exceptions to Noise Standard - The noise standard established pursuant to Sec. 8107-9.6.22 shall not be exceeded except for the following conditions:

- a. Where the ambient noise levels (excluding the permitted mining operation) exceed the applicable noise standards. In such cases, the maximum allowable noise levels shall not exceed the ambient noise levels plus 3 dB(A).
- b. Where a waiver has been signed pursuant to Sec. 8107-9.6.13, wherein those granting the waiver acknowledge that noise from mining related operations and traffic could exceed the allowable noise standard and that they are willing to experience such noise levels. The noise standards described under Sec. 8107-9.6.22 shall continue to apply at all locations where a waiver has not been signed pursuant to Sec. 8107-9.6.13.

Sec. 8107-9.7 - Interim Management Plan Standards - The following are minimum standards and requirements which shall be applied pursuant to Sec. 8107-9.2.

Sec. 8107-9.7.1 - General Standards for Interim Management Plan (IMP) – Within 90 days of a surface mining operation becoming idle, the operator shall submit to the Planning Director a proposed IMP. The proposed IMP shall fully comply with the requirements of SMARA, all land use permit 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.

Sec. 8107-9.7.2 – Financial Assurance for Interim Management Plan (IMP) – Financial assurances for idle operations shall be maintained as though the operation were active.

Sec. 8107-9.7.3 – Approval Procedure for Interim Management Plan (IMP) – Upon receipt of a complete proposed IMP, the Planning Director shall forward the IMP to the State Department of Conservation for review. Following review by the State, the IMP may then be approved by the County in accordance with the requirements of SMARA, as amended.

Sec. 8107-9.7.4 – Expiration of Interim Management Plan (IMP) – The IMP may remain in effect for a period not to exceed five years, at which time the Planning Director may renew the IMP for one additional period not to exceed five years, or require the surface mining operator and/or property owner to commence reclamation in accordance with its approved reclamation plan.

Sec. 8107-9.8 – Agricultural Mining Site – No permit for an Agricultural Mining Site shall be approved unless all of the following applicable standards have been met.

Sec. 8107-9.8.1 – It has been determined by the County, in conjunction with the State Mining and Geology Board, that the Agricultural Mining Site is exempt from the requirements of the Surface Mining and Reclamation Act pursuant to PRC § 2714(f), or a reclamation plan and financial assurances must be approved pursuant to Sec. 8107-9 et seq.

Sec. 8107-9.8.2 - Signed waivers, on forms provided by the County, from the applicable property owners/residents, as determined by the Planning Director, pursuant to Sec. 8111-1.1.2 have been provided.

Sec. 8107-9.8.3 - There is an approved Grading permit or Hillside Erosion Control plan for the project, if required.

Sec. 8107-9.8.4 - The area, or areas in question, have an average existing slope of less than 20 percent.

Sec. 8107-9.8.5 - The amount of material exported from the site is in keeping with good engineering practices as determined by the County Public Works Agency.

Sec. 8107-9.8.6 - The permittee shall provide the Planning Director with the current name(s) and/or position title, address and phone number of the person who shall receive all orders, notices and communications regarding matters of code compliance. The person(s) in question shall be available by phone during the hours that activities occur on the permit site, even if this means 24 hours a day.

Sec. 8107-9.8.7 - The amount of material to be removed does not exceed 40,000 cubic yards of earthen material.

Sec. 8107-9.8.8 - The proposed project is the only such agricultural mining site that may be approved on the subject legal lot.

Sec. 8107-9.8.9 - There shall be no more than 50 one-way truck trips per operating day. Any haul truck arriving at the site shall count as one (1) one-way vehicle trip and any haul truck departing the site shall count as one (1) one-way vehicle trip (i.e., one (1) round-trip equals two (2) one-way trips).

Sec. 8107-9.8.10 - The project shall cease after one year from the date the permit is issued.

Sec. 8107-9.8.11 - Truck hauling shall be limited to six days per week, excluding Sundays, and shall occur only between the hours of 9:00 am to 3:00 pm.

Sec. 8107-9.8.12 - All trucks leaving the site must be constructed, covered, or loaded to prevent any of its contents from dropping, sifting, leaking, blowing, spilling, or otherwise escaping from the vehicle onto a private or public roadway.

Sec. 8107-9.8.13 - Material shall not be stockpiled on or hauled through or within 100 feet of areas such as wetlands, riparian habitat or other environmentally sensitive areas.

Sec. 8107-9.8.14 - The permittee has a program that demonstrates to the satisfaction of the Planning Director that the following factors have been adequately addressed:

- a. Excavated material shall be relocated to a lawful site.
- b. The haul routes do not conflict with school bus routes/schedules.
- c. Traffic controls exist to promote the safe ingress and egress of vehicles to and from the site through such means as signs, flagmen, notices to property owners, etc.
- d. Dust shall be controlled to a degree comparable with agricultural operations in the area through such means as watering the work site.
- e. Erosion of the site shall not occur.
- f. Siltation of streams and adjacent property shall not occur.

Sec. 8107-9.8.15 – Removal of material is integral to conduct agricultural operations, and is beneficial for the development or enhancement of a bone fide farming operation on the site, as determined by the Planning Director, in consultation with County agricultural authorities (i.e., Agricultural Commissioners Office, Farm Advisor, etc.). In making this determination the Planning Director shall use the following guidelines among others, where applicable:

- a. An agronomic report by a qualified soil expert certifies that the proposed removal of material will enhance the agricultural productivity of the site may be required if determined necessary by the Planning Director.
- b. The topsoil at the site is being preserved.
- c. The depth of material excavated does not exceed the minimum depth required to create a suitable soil zone for the intended crops/trees.
- d. A farm plan that includes such details as: the crops/trees to be grown at the site, irrigation plans, long term water availability for the intended crops/trees, and an implementation schedule.

This ordinance shall become effective thirty days after its adoption by this Board. **PASSED AND ADOPTED** this 25<sup>th</sup> day of May, 1999, by the following vote:

AYES: Supervisors Schillo, Long, Mikel  
and Lacey

NOES: None

ABSENT: Supervisor Flynn  
Suse K. Lacey  
Chair, Board of Supervisors

ATTEST: RICHARD D. DEAN,  
County Clerk, County of Ventura  
State of California, and ex-officio  
Clerk of the Board of Supervisors  
thereof.

By Karel B. Placencia  
Deputy County Clerk



I hereby certify that the annexed instrument is a true and correct copy of the document which is on file in this office.

Dated: 8/9/99 RICHARD D. DEAN, County Clerk  
and ex-officio Clerk of the Board  
of Supervisors, County of Ventura,  
State of California.

By Roberta Rodriguez  
Deputy County Clerk

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