

ORDINANCE NO. 2399

AN ORDINANCE OF THE CITY OF REDLANDS ADDING CHAPTER 18.266 TO THE REDLANDS MUNICIPAL CODE TO ESTABLISH REGULATIONS FOR SURFACE MINING AND RECLAMATION ACTIVITIES AND REPEALING ARTICLE XI OF THE REDLANDS MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REDLANDS AS FOLLOWS:

Section 1. Article XI of the Redlands Municipal Code is hereby repealed in its entirety.

Section 2. Chapter 18.266 relating to Surface Mining and Land Reclamation is hereby added to the Redlands Municipal Code to read as follows:

"Chapter 18.266

SURFACE MINING AND LAND RECLAMATION

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18.266.010 Purpose and Intent. The City of Redlands recognizes that the extraction of minerals is essential to the continued economic well-being of the City and its surrounding community and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health, safety and welfare. The City 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 regulate surface mining operations and implement the minimum requirements of 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 Section 2207, and the California Code of Regulations adopted pursuant thereto, to ensure that:

A. Adverse environmental and other effects of surface mining operations will be prevented or minimized and that the reclamation of mined lands will provide for the beneficial, sustainable long-term productive use of such lands; and

B. The production and conservation of minerals will be encouraged while potential hazards to public health and safety and adverse effects on the environment, including, but not limited to geologic subsidence, air pollution, water quality degradation, damage to biological resources, flooding, erosion, degradation of scenic quality and noise pollution shall be reduced or eliminated.

18.266.020 Definitions. For purposes of this Chapter, the following words and phrases shall be defined as follows:

A. "Area of Regional Significance" means an area designated by the Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in a particular region of the State within which the minerals are located and which, if prematurely developed for alternate incompatible land uses, could result in the premature loss of minerals that are of more than local significance.

B. "Area of Statewide Significance" means an area designated by the Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in the State and which, if prematurely developed for alternate

incompatible land uses, could result in the permanent loss of minerals that are of more than local or regional significance.

C. "Board" means the State Mining and Geology Board.

D. "Borrow Pits" means excavations created by the surface mining of rock, unconsolidated geologic deposits or soil to provide material (borrow) for fill elsewhere.

E. "CEQA" means the California Environmental Quality Act as enacted in Sections 21000 et. seq. of the Public Resources Code.

F. "Compatible Land Uses" means land uses inherently compatible with mining that require a minimum public or private investment in structures or land improvements, and which may allow mining because of the relative economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, very low density residential, geographically extensive but low impact industrial, recreational, agricultural, grazing and open space.

G. "Director" means the Director of the State of California Department of Conservation.

H. "Haul Road" means a road along which minerals and other materials are transported from an area of excavation to a processing plant or stock pile area of a surface mining operation.

I. "Idle" means to curtail, for a period of one year or more, surface mining operations 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.

J. "Incompatible Land Uses" means land uses inherently incompatible with mining and/or that require public or private investment in structures, land improvements and landscaping and that may prevent mining because of the greater economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, high density residential, low density residential with high unit value, public facilities, geographically limited but impact intensive industrial and commercial.

K. "Mined Lands" means the surface, subsurface and ground water 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 area, land excavations, workings, mining waste and 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.

L. "Minerals" means any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas and petroleum.

M. "Operator" means any person who is engaged in surface mining operations, who permits others to conduct surface mining operations on his property and who receives a financial benefit therefrom, or who contracts with others to conduct operations on his behalf, except for a person who is engaged in surface mining operations as an employee with wages as sole compensation.

N. "Overburden" means soil, rock or other material that lies above a mineral deposit or in between mineral deposits, before or after its removal by surface mining operations.

O. "Person" means any individual, firm, association, corporation, organization or partnership, or any city, county or district of the State, or any department or agency thereof.

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

Q. "State Regulations" means collectively the California Surface Mining and Reclamation Act of 1975 (the "Act") (Public Resources Code Sections 2710 et. seq.), Public Resources Code Section 2207 and the California Code of Regulations implementing the Act (14 Cal. Code of Regulations Section 3500 et. seq. and 14 Cal. Code of Regulations, Article 9, Chapter 8, Sections 3700 et. seq.).

R. "Stream Bed Skimming" means excavation of sand and gravel from stream bed deposits above the mean summer water level or stream bottom, whichever is higher.

S. "Surface Mining Operation(s)" means all or any part of the process involved in the mining of minerals by removing overburden and mining directly from mineral deposits, open pit

mining of minerals naturally exposed, mining by the auger method, dredging or quarrying, or surface work incidental 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; prospecting and exploratory activities; and the creation of borrow pits, stream bed skimming, segregation and stockpiling of mined materials and their recovery.

18.266.030 SMARA and State Regulations. The State Regulations, as those provisions may be amended from time to time, are made a part of this Chapter by this reference and shall have 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 conflicting State Regulations, this Chapter shall prevail.

18.266.040 Applicability.

A. Requirement for Conditional Use Permit. Unless exempted by the provisions of this Chapter, any person who proposes to conduct Surface Mining Operations, or who proposes to permit another person to engage in Surface Mining Operations on his property shall, prior to the commencement of said operations, file and obtain approval from the City for a Conditional Use Permit as provided in Chapter 18.192 of this Code, a Reclamation Plan in accordance with the provisions set forth in this Chapter, and the State Regulations, and any applicable financial assurances for reclamation. A Conditional Use Permit shall be required for all surface mining operations in all zoning districts in which surface mining is allowed and for the expansion or substantial change of operation of any surface mine for which such expansion or change has not been thereby approved, including any operation which meets the definition of a "non-conforming use" as provided for in this Code.

B. Requirement for Reclamation Plan. A Reclamation Plan shall be required for all surface mining operations including those portions of existing surface mining operations which claim to have vested rights as defined by the State Regulations, unless otherwise exempted from the requirements of the State Regulations or as set forth herein.

C. Exemptions. This Chapter shall not apply to the following activities:

1. Excavations or grading conducted for farming or on-site construction for the purpose of restoring land following a flood or natural disaster.

2. 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, 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: (a) 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 land and locally adopted plans and ordinances, including but not limited to, CEQA; (b) the City's approval of the construction project included consideration of the onsite excavation and onsite earthmoving activities pursuant to CEQA; (c) the approved construction project is consistent with the general plan or zoning of the site; and (d) surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if its determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.

3. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.

4. Surface mining operations that are required by federal law to protect a mining claim, if such operations are conducted solely for that purpose.

5. Such other surface mining operations which the Board determines to be of an infrequent nature and which involve only minor surface disturbances.

6. 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, disaster or other emergencies.

7. The solar evaporation of sea water or bay water for the production of salt and related minerals.

8. Excavations or grading for roadbed materials for 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 operating 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 water course or 75 feet of a Class Two water course, or excavation for materials that are sold for commercial purposes.

An exemption under this Chapter does not exempt a project or activity from the application of other Federal, State and local regulations, ordinances or policies including, but not limited to, CEQA.

18.266.050 Vested Rights.

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, State regulations and this Chapter. Where a person with vested rights has continued surface mining in the same area subsequent to January 1, 1976, he shall obtain City of Redlands approval of a Reclamation Plan covering the mined lands disturbed by such subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre- and post-Act mining, the Reclamation Plan shall call for reclamation proportional to that disturbance caused by the mining after the effective date of the Act (January 1, 1976). All other requirements of State law and this Chapter shall apply to vested mining.

18.266.060 Permit and Reclamation Plan.

A. An application for a Conditional Use Permit or Reclamation Plan for surface mining operations or a land reclamation project shall be made on the form provided by the Community Development Department. The application shall be filed in accordance with this Chapter and any written procedures established by the Community Development Director.

B. Copies of the Reclamation Plan application as may be required by the Community

Development Director shall be submitted in conjunction with all applications for Conditional Use Permits for surface mining operations. For surface mining operations that are exempt from a Conditional Use Permit pursuant to this Chapter, the Reclamation Plan application shall include information concerning the mining operation that is required for processing the Reclamation Plan.

C. Applications shall include all required environmental review forms and information prescribed by the Community Development Director.

D. Upon completion of the environmental review procedure and filing of all documents required by the Community Development Director, consideration of the Conditional Use Permit or Reclamation Plan for the proposed or existing surface mine shall be completed pursuant to this Code at a noticed public hearing before the Planning Commission, and pursuant to Section 2774 of the Public Resources Code.

18.266.070 Processing.

A. Within thirty (30) days of acceptance of an application for a Conditional Use Permit to conduct surface mining operations and/or for a Reclamation Plan as complete, the Community Development Department shall notify the Director of the filing of the application. Whenever mining operations are proposed in the 100-year flood plain of any stream, as shown 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 Community Development Department shall also notify the State Department of Transportation that the application has been received.

B. The Community Development Department shall process the application in accordance with CEQA and the City's CEQA Guidelines and prepare a staff report with recommendations for consideration to the Planning Commission. Prior to final approval of a Reclamation Plan, financial assurances (as provided in this Chapter), or any amendments to the Reclamation Plan or existing financial assurances, the Planning Commission shall certify to the Director that the Reclamation Plan and/or financial assurance complies with the applicable requirements of the State regulations and submit the plan, assurances, or amendments to the Director for review. The Planning Commission may conditionally approve the Reclamation Plan and financial assurances before submittal to the Director. If a Conditional Use Permit is being processed concurrently with the Reclamation Plan,



the Planning Commission may simultaneously also conceptually approve the Conditional Use Permit. However, the Planning Commission may defer action on the Conditional Use Permit until taking final action on the Reclamation Plan and financial assurance. If necessary to comply with permit processing deadlines, the Planning Commission may conditionally approve the Conditional Use Permit with the condition that the Community Development Department shall not issue the Conditional Use Permit for the mining operation until financial assurances have been reviewed by the Director and final action has been taken on the Reclamation Plan and financial assurances.

The Director shall have 30 days to prepare written comments on the Reclamation Plan and financial assurances and 45 days to review and comment, if the Director so chooses. The Planning Commission shall evaluate written comments received from the Director during the 45-day comment period. The Community Development Department shall prepare a written response describing the disposition of the major issues raised by the State for the Planning Commission's approval. When the Planning Commission's position is at variance with the recommendations and objections raised in the Director's comments, the written response shall address in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the Planning Commission shall be promptly forwarded to the operator/applicant. The Planning Commission may approve, conditionally approve, or deny the Reclamation Plan pursuant to Section 2774 of the Public Resources Code, and the financial assurances pursuant to Section 2770 (d) of the Public Resources Code.

C. The Community Development Department shall forward a copy of each approved Conditional Use Permit for mining operations and/or approved Reclamation Plan, and a copy of the financial assurances to the Director. By July 1 of each year, the Community Development Department shall submit to the Director for each active or idle mining operation a copy of the Conditional Use Permit or Reclamation Plan amendments, as applicable, or a statement that there have been no changes during the previous year.

D. Annual Reports. Surface mining operators shall forward an annual status report to the Director and the City Community Development Department on a date established by the Director upon forms furnished by the Board.

18.266.080 Performance Standards for Reclamation Plans

A. All new or revised Reclamation Plans shall conform to minimum statewide performance standards required pursuant to Public Resources Code Sec. 2773 (b), as Conditional Use Permit and/or Reclamation Plan, pursuant to Section B adopted by the Board, including but not limited to wildlife habitat, backfilling, revegetation, drainage, agricultural land reclamation, equipment removal, stream protection, topsoil salvage, and waste management.

The City of Redlands may impose additional performance standards developed either in review of individual projects, as warranted, or through the formulation and adoption of City-wide performance standards.

18.266.090 Reclamation Phasing.

Reclamation activities may be phased with respect to the mining operation and shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance (see also, Interim Management Plans for Idle Mining Operations, hereinbelow). Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the City. Each phase of reclamation shall be specifically described in the Reclamation Plan and shall include (a) the beginning and expected ending dates for each phase; (b) all reclamation activities required; (c) criteria for measuring completion of specific reclamation activities; and (d) estimated costs as provided under Financial Assurances hereinbelow.

18.266.100 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 operator'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.

18.266.110 Findings for Approval

A. Approval of a Conditional Use Permit. In addition to the findings for approval of a Conditional Use Permit contained in Chapter 18.192 of this Code, Conditional Use Permits for surface mining operations shall include a finding that the project complies with the provisions of the State regulations.

B. Approval of Reclamation Plans. For Reclamation Plans, the following findings shall be required:

1. That the Reclamation Plan complies with Sections 2772, 2773, and 2773.1 of the Public Resources Code and any other applicable provisions.

2. That the Reclamation Plan complies with the State regulation.

3. That the Reclamation Plan and potential use of reclaimed land pursuant to the Plan are consistent with this Chapter and the City's General Plan.

4. That the Reclamation Plan has been reviewed pursuant to the CEQA and the City's CEQA guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible.

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

6. That the Reclamation Plan will restore the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the City's General Plan.

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

18.266.120 Inspections.

The Community Development Department shall arrange for inspection of a surface mining operation within six months of receipt of the Annual Report required by this Chapter to determine

whether the surface mining operation is in compliance with the approved Conditional Use Permit and/or Reclamation Plan, approved financial assurances, and the 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, 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 12 months, or other qualified specialists, as selected by the Community Development Director and as retained by the City. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board. The Community Development Department shall notify the Director within thirty (30) days of completion of the inspection that the 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.

18.266.130 Financial Assurances.

A. To ensure that reclamation will proceed in accordance with the approved Reclamation Plan, the City shall require as a condition of approval of any Surface Mining Operation security which will be released upon satisfactory performance.

B. The applicant may post security in an acceptable form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the City and the Board as specified in statewide regulations adopted by the Board, and which the City reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved Reclamation Plan. Financial assurances shall be made payable to the City and the Department of Conservation. Financial assurances shall be required to ensure compliance with elements of the Reclamation Plan, including but not limited to, revegetation and landscaping requirements; restoration or aquatic or wildlife habitat; restoration of water bodies and water quality; slope stability and erosion and drainage control, disposal of hazardous materials; and other mitigation measures. Financial assurances for such elements of the Plan shall be monitored by the Community Development Department.

C. The amount of the financial assurances shall be based upon the estimated costs of reclamation for the years or phases stipulated in pursuant to 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 since January 1, 1976, and new lands to be disturbed by surface mining activities in the upcoming year, as provided in paragraph (6) herein below. Cost estimates shall be prepared by a licensed engineer and/or other qualified professionals retained by the operator and approved by the Community Development 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.

D. 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 City or State may need to contract with a third party commercial company for reclamation of the site.

E. 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.

F. 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 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.

G. Revisions to financial assurances shall be submitted to the Community Development

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.

18.266.140 Interim Management Plans

A. Within 90 days of a surface mining operation becoming idle, the operation shall submit to the Community Development Department a proposed Interim Management Plan (the "IMP"). The proposed IMP shall fully comply with the requirements of Public Resources Code, Sec. 2770 (h) and shall provide measures the operator will implement to maintain the site in compliance with SMARA, and all conditions of the Conditional Use Permit and/or Reclamation Plan. The proposed IMP shall be processed as an amendment to the Reclamation Plan and shall not be considered a project for the purposes of environmental review.

B. Financial assurances for idle operations shall be continued as addressed in the Reclamation Plan or an otherwise approved through the Idle mine's IMP. Upon receipt of a complete proposed IMP, the Community Development Department shall forward the IMP to the Department of Conservation for review. The IMP shall be submitted to the Department of Conservation at least 45 days prior to approval by the Planning Commission.

C. Within 60 days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Community Development 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 Community Development 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 City Council.

D. 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.

18.266.150 Periodic Review

As a condition of approval for either the Conditional Use Permit or the Reclamation Plan, a periodic review schedule shall be established to evaluate the compliance with such permit or plan.

18.266.160 Time Limit for commencement of Use Permits for Surface Mining Operations

The time limits for commencing surface mining operations that are permitted pursuant to this Chapter shall be as provided in this Code.

18.266.170 Appeals

Any person aggrieved by an act or determination of the Planning Commission in the exercise of the authority granted herein shall have the right to appeal to the City Council. An appeal shall be filed on forms provided by the City within ten (10) calendar days after the date of the decision being appealed.

18.266.180 Violations and Penalties

If the Community Development 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 applicable Conditional Use Permit, any required permit and/or the Reclamation Plan, the City shall follow the procedures set forth in Public Resources Code Sections 2774.1 and 2774.2 concerning violations and penalties, as well as those provisions of this Code for revocation and/or abandonment of a Conditional Use Permit which are not preempted by SMARA.

18.266.190 Fees.

The City shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this Chapter 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 of the surface mining and/or reclamation plan, as required by the City, at the time of filing of the Conditional Use Permit application, Reclamation Plan application, or at such

other time as is determined by the City to be appropriate in order to ensure that all reasonable costs of implementing this Chapter are borne by the operator.

18.266.200 Mineral Resource Protection

Mine development is encouraged in compatible areas before encroachment of conflicting uses. Mineral resource areas that have been classified by the State Department of Conservation's Division of Mines and Geology or designated by the State Mining and Geology Board, as well as existing surface mining operations that remain in compliance with the provisions of this Chapter, shall be protected from intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible consistent with the City's General Plan.

In accordance with Public Resources Code 2762, the City's General Plan and resource maps will be prepared to reflect mineral information (classification and/or designation report) within 12 months of receipt from the State Mining and Geology board of such information. Land use decisions within the City will be guided by information provided on the location of identified mineral resources of regional significance. Conservation and potential development of identified mineral resource areas will be considered and encouraged. Recordation on property titles of the presence of important mineral resources within the identified mineral resources areas may be encouraged as a condition of approval of any development project in the impacted area. Prior to approving a use that would otherwise be incompatible with mineral resource protection, conditions of approval may be applied to encroaching development projects to minimize potential conflicts.

Section 3. Severability.

If any section, subsection, sentence clause or phrase of this ordinance 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 the ordinance.



The Mayor shall sign this ordinance and the City shall certify to the adoption of this ordinance and shall cause it, or a summary of it, to be published once in the Redlands Daily Facts, a newspaper of general circulation within the City, and thereafter, this ordinance shall take effect in accordance with law.

  
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Mayor, City of Redlands

ATTEST:

  
\_\_\_\_\_  
City Clerk of the City of Redlands

I, Lorrie Poyzer, City Clerk of the City of Redlands, hereby certify that the foregoing ordinance was duly adopted by the City Council at a regular meeting thereof held on the 18<sup>th</sup> day of May \_\_\_\_\_, 1999 by the following vote:

AYES: Councilmembers Banda, Gilbreath, George, Freedman; Mayor Cunningham  
NOES: None  
ABSTAIN: None  
ABSENT: None

  
\_\_\_\_\_  
City Clerk, City of Redlands