

TOWN OF TRUCKEE
California

ORDINANCE NO. 2000-04

**AN ORDINANCE OF THE TOWN OF TRUCKEE AMENDING THE TRUCKEE MUNICIPAL
CODE AND ADDING TITLE 18, DEVELOPMENT CODE**

WHEREAS, the Community Development Department prepared public hearing drafts of the Town Development Code, amendments to the General Plan and Downtown Specific Plan, and a Mitigated Negative Declaration in accordance with State law and local ordinances; and

WHEREAS, on June 30, 2000 said documents were released by the Community Development Department to the public and local and State agencies for review; and

WHEREAS, a public notice was published in the Sierra Sun and mailed to all persons requesting notice of the dates, times, and locations of the Planning Commission and Town Council public hearings for the consideration of the approval of these documents; and

WHEREAS, the Planning Commission held a public hearing on the matter at a special meeting on July 25, 2000 and considered all information and public comment related thereto; and

WHEREAS, the Planning Commission adopted Resolution No. 2000-05 recommending to the Council adoption of the Mitigated Negative Declaration and approval of the Development Code and plan amendments; and

WHEREAS, the Council held a public hearing on the matter at a special meeting on August 29, 2000 and considered Commission Resolution No. 2000-05 and all information and public comment related thereto.

The Town Council of the Town of Truckee Does Ordain as Follows:

Section 1. Enactment. The Truckee Municipal Code is hereby amended by adding Title 18, Development Code, as designated in Exhibit "A" attached hereto and incorporated herein by reference.

Section 2. Rescission. The following Ordinances are hereby rescinded:

- (a) Ordinance No. 94-21 (Gateway East Conditional Rezoning);
- (b) Ordinance No. 95-08 (Town Subdivision Ordinance);
- (c) Ordinance No. 95-09 (Town Zoning Ordinance);
- (d) Ordinance No. 95-17 (Poulsen Planned Development);
- (e) Ordinance No. 97-10 (Downtown Specific Plan, Volume III);
- (f) All planned development ordinances adopted by the County of Nevada for properties in the Town of Truckee. For projects constructed and operated in accordance with a Nevada County planned development ordinance, the Community Development Director may consider such planned developments as a conditional use permit authorizing such existing use(s) to be operated on the property under the conditions of the planned development.

Section 3. Minor Modifications to Town Zoning Map. The Community Development Director is hereby authorized to make minor modifications to the Town Zoning Map that adds information to the Zoning Maps but does not modify the primary or overlay zoning district of properties without formally amending the

Town Zoning Map in accordance with Chapter 18.160 of the Development Code. Examples of such minor modifications include, but are not limited to, identifying planned developments on properties approved by the Planning Commission, displaying new property lines created by subdivisions and lot line adjustments, and displaying new streets and street names.

Section 4. Findings. The findings set forth in Exhibit "C" of Council Resolution No. 2000-48 are hereby adopted in support of adoption of this ordinance.

Section 5. Summary Publication and Posting. Within thirty (30) days after final adoption of this ordinance, the Town Clerk shall have a summary of the ordinance prepared by the Town Attorney and published as required. Within fifteen (15) days after final adoption of this Ordinance, the Town Clerk shall have it posted in the three (3) public places designated by Resolution of the Council.

* * * * *

The foregoing Ordinance was introduced at a regular meeting of the Town Council of the Town of Truckee held on the 7th day of September, 2000, and adopted at a regular meeting of the Town Council of the Town of Truckee, on the 21st day of September, 2000, by Councilmember Drake, who moved its introduction, which motion was seconded by Councilmember Florian was upon roll call carried by the following vote:

AYES: Councilmembers Drake, Florian, Susman & Mayor Schneider

NOES: None

ABSENT: Councilmember McCormack



Maja Schneider, Mayor

ATTEST:



Stephen L. Wright, Town Manager/Clerk

I hereby certify that this is a true and correct copy of the original document which is on file at Town Hall.



Patt Osborne, CMC, Town Clerk

Exhibit "A"

Development Code

Is on file in the Town Clerk's Office

CHAPTER 18.60 - SURFACE MINING AND RECLAMATION STANDARDS

Sections:

- 18.60.010 - Purpose of Chapter
- 18.60.020 - State Standards
- 18.60.030 - Applicability
- 18.60.040 - Vested Rights
- 18.60.050 - Process
- 18.60.060 - Standards for Reclamation
- 18.60.070 - Statement of Responsibility
- 18.60.080 - Findings for Approval
- 18.60.090 - Financial Assurances
- 18.60.100 - Interim Management Plans
- 18.60.110 - Annual Report Requirements
- 18.60.120 - Inspections
- 18.60.130 - Violations and Penalties
- 18.60.140 - Appeals
- 18.60.150 - Fees
- 18.60.160 - Mineral Resource Protection

18.60.010 - Purpose of Chapter

- A. The Town recognizes that the extraction of minerals is essential to the continued economic well-being of the Town 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. The Town also recognizes that surface mining takes place in diverse areas where the biological, climatic, geologic, topographic, and social conditions are significantly different and that reclamation operations and the specifications therefore may vary accordingly.
- B. This Chapter provides standards and procedures that are intended to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by the California Surface Mining and Reclamation Act of 1975 (Public Resources Code (PRC) Sections 2710 et seq., as amended, referred hereafter to as "SMARA"), PRC Section 2207 (relating to annual reporting requirements), and the State Mining and Geology Board regulations for surface mining and reclamation practice (California Code of Regulations (CCR), Title 14, Division 2, Chapter 8, Subchapter 1, Sections 3500 et seq., referred to hereafter as the "State regulations"), to ensure the following:
 - 1. 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;
 - 2. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment; and

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

18.60.020 - State Standards

The provisions of SMARA (PRC Sections 2710 et seq.), PRC Section 2207, and the State regulations (CCR Section 3500 et seq.), as those provisions and regulations may be amended from time to time, are hereby incorporated into this Chapter by reference as though they were fully set forth here, except that when the provisions of this Chapter are more restrictive than correlative State provisions, this Chapter shall prevail.

18.60.030 - Applicability

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 Town. 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 Town, including the application of CEQA, the requirement of Site Approvals or other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be allowed under the law. The provisions of this Chapter shall apply to all lands within the Town, public and private.

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

- A. **Farming/on-site construction.** Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster.
- B. **On-site excavation and earthmoving.** On-site excavation and on-site 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:
 1. All required permits for the construction, landscaping, or related land improvements have been approved by the Town in compliance with applicable provisions of State law and locally adopted plans and ordinances, including the California Environmental Quality Act ("CEQA", Public Resources Code, Division 13, Section 21000 et seq.);
 2. The Town's approval of the construction project included consideration of the on-site excavation and on-site earthmoving activities in compliance with CEQA;
 3. The approved construction project is consistent with the General Plan and the subject zoning district; and
 4. Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.

- C. Mineral processing.** Operation of a plant site used for mineral processing, including associated on-site structures, equipment, machines, tools, or other materials, including the on-site stockpiling and on-site recovery of mined materials, subject to all of the following conditions:
1. The plant site is located on lands designated for commercial or manufacturing uses in the General Plan;
 2. The plant site is located on lands zoned commercial or manufacturing, or are contained within a zoning district intended exclusively for manufacturing activities;
 3. None of the minerals being processed are being extracted on-site; and
 4. All reclamation work has been completed in compliance with the approved Reclamation Plan for any mineral extraction activities that occurred on-site after January 1, 1976.
- D. Prospecting/extraction.** 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.
- E. Required by Federal law.** 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. Infrequent nature.** 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. Solar evaporation.** The solar evaporation of sea water or bay water for the production of salt and related minerals.
- H. Emergency activities.** 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. Timber or forest operations.**
1. 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 adjoining timber or forest operation roads.
 2. This exemption is only available if slope stability and erosion are controlled in compliance with Board regulations and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and postclosure uses in consultation with the Department of Forestry and Fire Protection.
 3. This exemption does not apply to on-site 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.

18.60.040 - Vested Rights**A. Operations vested before January 1, 1976.**

1. A person(s) who obtained a vested right to conduct surface mining operations before January 1, 1976, shall not 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 compliance with SMARA, State regulations, and this Chapter.
2. Where a person with vested rights has continued surface mining in the same area subsequent to January 1, 1976, they shall obtain Town approval of a Reclamation Plan covering the mined lands disturbed by subsequent surface mining.
3. 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).

B. Other requirements. All other applicable requirements of State law and this Chapter shall apply to vested mining operations.**18.60.050 - Process**

- A. Application.** Applications for a Site Approval or Reclamation Plan for surface mining or land reclamation projects shall be made on forms provided by the Department. The application shall be filed in compliance with this Chapter and procedures to be established by the Director. 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, to be established at the discretion of the Director.
- B. Required information.** As many copies of a Site Approval and Reclamation Plan application, as may be required by the Director, shall be submitted in conjunction with all applications for the surface mining operations. For surface mining operations that are exempt from a Site Approval in compliance with this Chapter, the Reclamation Plan application shall include information concerning the mining operation that is required for processing the Reclamation Plan. All documentation for the Reclamation Plan shall be submitted to the Department at the same time.
- C. Environmental review forms.** Applications shall include all required environmental review forms and information identified by the Director.
- D. Public hearing.** Upon completion of the environmental review procedure and filing of all documents required by the Director, Site Approval or Reclamation Plan for the proposed or existing surface mine shall reviewed at a public hearing before the Commission, and in compliance with Section 2774 of the Public Resources Code.

E. Notification to the State.

1. Within 30 days of acceptance of an application for a Site Approval for surface mining operations and/or a Reclamation Plan as complete, the Department shall notify the State Department of Conservation of the filing of the application(s).
2. 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 Department shall also notify the State Department of Transportation that the application has been received.

F. CEQA compliance. The Director shall process the application(s) through environmental review in compliance with the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) and the Town's environmental review guidelines.

G. Staff report. Subsequent to the appropriate environmental review, the Director shall prepare a staff report with recommendations for consideration by the Commission.

H. Commission hearing. The Commission shall hold at least one noticed public hearing on the Site Approval and/or Reclamation Plan, in compliance with Chapter 18.180 (Public Hearings).

I. Financial assurance compliance.

1. Before final approval of a Reclamation Plan, financial assurances (as identified in this Chapter), or any amendments to the Reclamation Plan or existing financial assurances, the Commission shall certify to the State Department of Conservation that the Reclamation Plan and/or financial assurance complies with the applicable requirements of State law, and submit the plan, assurance, or amendments to the State Department of Conservation for review. The Commission may conceptually approve the Reclamation Plan and financial assurance before submittal to the State Department of Conservation.
2. If a Site Approval is being processed concurrently with the Reclamation Plan, the Commission may simultaneously conceptually approve the Site Approval. However, the Commission may defer action on the Site Approval until taking final action on the Reclamation Plan and financial assurances.
3. If necessary to comply with permit processing deadlines, the Commission may conditionally approve the Site Approval with the condition that the Director shall not issue the Site Approval for the mining operations until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the Reclamation Plan and financial assurances.
4. In compliance with PRC Section 2774(d), the State Department of Conservation shall be given 30 days to review and comment on the Reclamation Plan and 45 days to review and comment on the financial assurance. The Commission shall evaluate written comments received, if any, from the State Department of Conservation during the comment periods. Staff shall prepare a written response describing the disposition of the major issues raised by the State for the Commission's approval. In particular, when the Commission's position

is at variance with the recommendations and objections raised in the State'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 Commission shall be promptly forwarded to the operator/applicant.

- J. Commission's action.** The Commission shall take action to approve, conditionally approve, or deny the Site Approval and/or Reclamation Plan, and to approve the financial assurances in compliance with PRC Section 2770(d).
- K. Copy to the State.** The Department shall forward a copy, to the State Department of Conservation, of each:
1. Approved Site Approval for mining operations and/or approved Reclamation Plan, and a copy of the approved financial assurances; and
 2. Approved Site Approval or Reclamation Plan amendments, as applicable, or a statement that there have been no changes during the previous year, by July 1 of each year for every active or idle mining operation within the Town.

18.60.060 - Standards for Reclamation

- A. State requirements.** All Reclamation Plans shall comply with the provisions of SMARA (Sections 2772 and 2773) and State regulations (CCR Sections 3500-3505). Reclamation Plans approved after January 15, 1993, Reclamation Plans for proposed new mining operations, and any substantial amendments to previously approved Reclamation Plans, shall also comply with the requirements for reclamation performance standards (CCR Sections 3700-3713).
- B. Performance standards.** The Town may impose additional performance standards as developed either in review of individual projects, as warranted, or through the formulation and adoption of Town-wide performance standards.
- C. Initiation of reclamation activities.** Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. 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 Town. Each phase of reclamation shall be specifically described in the Reclamation Plan and shall include:
1. The beginning and expected ending dates for each phase;
 2. All reclamation activities required;
 3. Criteria for measuring completion of specific reclamation activities; and
 4. Estimated costs for completion of each phase of reclamation.

18.60.070 - Statement of Responsibility

- A. **Responsibility for reclaiming lands.** The person submitting the Reclamation Plan shall sign a statement accepting responsibility for reclaiming the mined lands in compliance with the Reclamation Plan.
- B. **Permanent record.** The statement shall be kept by the Department in the mining operation's permanent record.
- C. **Statement of new operator.** Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility, before initiating or continuing operations, to the Department for placement in the permanent record.

18.60.080 - Findings for Approval

- A. **Site approvals.** In addition to any findings required by the Municipal Code, Site Approvals for surface mining operations shall include a finding that the project complies with the provisions of SMARA and State regulations.
- B. **Reclamation Plans.** For Reclamation Plans, the following findings shall be required:
 - 1. The Reclamation Plan complies with SMARA Sections 2772 and 2773, and any other applicable provisions;
 - 2. The Reclamation Plan complies with applicable requirements of State regulations (CCR Sections 3500-3505, and Sections 3700-3713);
 - 3. The Reclamation Plan and potential use of reclaimed land in compliance with the plan are consistent with this Chapter and the General Plan and any applicable resource plan or element;
 - 4. The Reclamation Plan has been reviewed in compliance with CEQA and the Town's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations would be mitigated to the maximum extent feasible;
 - 5. The land and/or resources (e.g., water bodies to be reclaimed, etc.) would 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 would compensate for related disturbance to resource values;
 - 6. The Reclamation Plan would restore the mined lands to an usable condition which is readily adaptable for alternative land uses in compliance with the General Plan and applicable resource plan; and

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

18.60.090 - Financial Assurances

A. Security.

1. To ensure that reclamation will proceed in compliance with the approved Reclamation Plan, the Town shall require, as a condition of approval, security which will be released upon satisfactory performance.
2. The applicant may post security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the Town and the State Mining and Geology Board as specified in State regulations and in compliance with 18.84.040 (Performance Guarantees), and which the Town reasonably determines are adequate to perform reclamation in compliance with the surface mining operation's approved Reclamation Plan.
3. The financial assurances shall be made payable to the Town and the State Department of Conservation.

B. Financial assurances required. Financial assurances will be required to ensure compliance with elements of the Reclamation Plan, including 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.

1. Cost estimates for the financial assurance shall be submitted to the Department for review and approval before the operator secures financial assurances.
2. The Director 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.
3. If the State Department of Conservation does not comment within 45 days of receipt of these estimates, it shall be presumed that the cost estimates are adequate, unless the Town has reason to determine that additional costs may be incurred.
4. The Director shall have the discretion to approve the financial assurance if it meets the requirements of this Chapter, SMARA, and State regulations.

D. Amount of financial assurances.

1. 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 since January 1, 1976, and new lands to be disturbed by surface mining activities in the upcoming year.
2. Cost estimates shall be prepared by a California registered Professional Engineer and/or other similarly licensed and qualified professionals retained by the operator and approved by the Director.
3. 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.
4. 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 labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee.
5. A contingency factor of 10 percent shall be added to the cost of financial assurances.

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

F. Duration of financial assurances. 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. Adjustment of financial assurances.

1. 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 compliance with the approved Reclamation Plan.
2. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, except that the permittee may not claim credit for reclamation scheduled for completion during the coming year.

H. Revisions to financial assurances. Revisions to financial assurances shall be submitted to the Director each year before 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.

18.60.100 - Interim Management Plans

- A. Interim Management Plan (IMP).** Within 90 days of a surface mining operation becoming idle, the operator shall submit to the Department a proposed Interim Management Plan (IMP).
1. The proposed IMP shall fully comply with the requirements of SMARA, including 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.
 2. The proposed IMP shall be submitted on forms provided by the Department, and shall be processed as an amendment to the Reclamation Plan.
 3. IMPs shall not be considered a project for the purposes of CEQA.
- B. Idle operations financial assurances.** Financial assurances for idle operations shall be maintained as though the operation were active, or as otherwise approved through the idle mine's IMP.
- C. Submittal to the State.** Upon receipt of a complete proposed IMP, the 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 30 days before review and approval by the Commission.
- D. Commission's action.**
1. Within 60 days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Director and the operator, the Commission shall review and approve or deny the IMP in compliance with this Chapter.
 2. The operator shall have 30 days, or a longer period mutually agreed upon by the operator and the Director, to submit a revised IMP.
 3. The Commission shall approve or deny the revised IMP within 60 days of receipt.
 4. If the Commission denies the revised IMP, the operator may appeal that action to the Council, in compliance with Chapter 18.140 (Appeals).
- E. Duration of IMP.** The IMP may remain in effect for a period not to exceed five years, at which time the Commission may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in compliance with its approved Reclamation Plan.

18.60.110 - Annual Report Requirements

- A. Existing operations.** Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the Department on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board.
- B. New operations.** New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within 30 days of permit approval, or before commencement of operations, whichever is sooner.
- C. Fees and report required.** 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.

18.60.120 - Inspections

- A. Scheduling and conduct of inspections.**
 - 1. The Director shall arrange for inspection of a surface mining operation within six months of receipt of the annual report required in Section 18.60.110, above, to determine whether the surface mining operation is in compliance with the approved Site Approval and/or Reclamation Plan, approved financial assurances, and State regulations.
 - 2. At least one inspection shall be conducted each calendar year.
 - 3. The inspections may be made by a State-licensed/registered: civil engineer, geologist, forester, or landscape architect, 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 Director.
 - 4. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.
- B. Notification to the State.** The Director shall notify the State Department of Conservation within 30 days of completion of the inspection that the inspection has been conducted, and shall forward a copy of the inspection notice and any supporting documentation to the mining operator.
- C. Inspection costs.** The operator shall be solely responsible for the reasonable cost of the inspections.

18.60.130 - Violations and Penalties

If the 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 Site Approval, any required permit and/or the Reclamation Plan, the Town shall follow the procedures identified in Public Resources Code, Sections 2774.1 and 2774.2 concerning violations and penalties, as well as those provisions of Chapter 18.190 (Revocations and Modifications) for revocation and/or abandonment of a Site Approval which are not preempted by SMARA.

18.60.140 - Appeals

Any person aggrieved by an act or determination of the Department, Director, or Commission in the exercise of the authority granted in this Chapter, shall have the right to appeal to the Commission or Council, as applicable, in compliance with Chapter 18.140 (Appeals).

18.60.150 - Fees

- A. Establishment of fees.** The Town shall establish fees as it deems necessary to cover the reasonable costs incurred in implementing this Chapter and the State regulations, including processing of applications, annual reports, inspections, monitoring, enforcement, and compliance.
- B. Operator responsibility.** The fees shall be paid by the operator, as required by the Council's Fee Resolution, at the time of filing of the Site Approval application, Reclamation Plan application, and at other times as are determined by the Town to be appropriate in order to ensure that all reasonable costs of implementing this Chapter are borne by the mining operator.

18.60.160 - Mineral Resource Protection

- A. Compatible areas.** 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 for consistency with the General Plan.
- B. Land use decisions.**
 - 1. In compliance with PRC Section 2762, the General Plan and resource maps will be updated to reflect mineral information (classification and/or designation reports) within 12 months of receipt from the State Mining and Geology Board of the information.
 - 2. Land use decisions within the Town will be guided by information provided by the California Department of Conservation on the location of significant mineral resource areas.
 - 3. Conservation and potential development of identified mineral resource areas shall be considered and encouraged.
 - 4. Recordation on property titles of the presence of important mineral resources within the identified mineral resource areas may be encouraged as a condition of approval of any development project in the impacted area.
 - 5. Before 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.

Surface Mining and Reclamation

18.60

6. Before approving a use tht would otherwise be incompatible with mineral resource protection, the total tonnage of aggregate or other minerals that may be lost to development shall be estimated and the project's direct and cumulative impacts on mineral resources shall be evaluated.

Surface Mining and Reclamation

18.60

I hereby certify that this is a true and correct copy of the original document which is on file at Town Hall.


Pat Osborne, CMC, Town Clerk