



1 (hereinafter referred to as "State regulations") for surface mining and reclamation practice  
2 (California Code of Regulations [CCR], Title 14, Division 2, Article 8, SubArticle 1, Sections  
3 3500 et seq.), to ensure that:

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

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

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

## 10 **§2.0 Definitions**

11 The definitions set forth in this section shall govern the construction of this Article.

12 City. The City of Oceanside, California.

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

19 Area of Statewide Significance. An area designated by the Board which is known to  
20 contain a deposit of minerals, the extraction of which is judged to be of prime importance in  
21 meeting future needs for minerals in the State and which, if prematurely developed for alternate  
22 incompatible land uses, could result in the permanent loss of minerals that are of more than  
23 local or regional significance.

24 Borrow Pits. Excavations created by the surface mining of rock, unconsolidated  
25 geologic deposits or soil to provide material (borrow) for fill elsewhere.

26 Compatible Land Uses. Land uses inherently compatible with mining and/or that require  
27 a minimum public or private investment in structures, land improvements, and which may allow  
28 mining because of the relative economic value of the land and its improvements. Examples of



1 such uses may include, but shall not be limited to, very low density residential, geographically  
2 extensive but low impact industrial, recreational, agricultural, silvicultural, grazing, and open  
3 space.

4 Haul Road. A road along which material is transported from the area of excavation to  
5 the processing plant or stock pile area of the surface mining operation.

6 Director. The term "Director" shall collectively reference the City Planning Director and  
7 City Engineer of the City of Oceanside, California.

8 Idle. Surface mining operations curtailed for a period of one year or more, by more than  
9 90 percent of the operation's previous maximum annual mineral production, with the intent to  
10 resume those surface mining operations at a future date.

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

17 Mined Lands. The surface, subsurface, and ground water of an area in which surface  
18 mining operations will be, are being, or have been conducted, including private ways and roads  
19 appurtenant to any such area, land excavations, workings, mining waste, and areas in which  
20 structures, facilities, equipment, machines, tools, or other materials or property which result from,  
21 or are used in, surface mining operations are located.

22 Minerals. Any naturally occurring chemical element or compound, or groups of elements  
23 and compounds, formed from inorganic processes and organic substances, including, but not  
24 limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and  
25 petroleum.

26 Operator. Any person who is engaged in surface mining operations, or who contracts with  
27 others to conduct operations on his/her behalf, except a person who is engaged in surface mining  
28 operations as an employee with wages as his/her sole compensation.

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

8           Stream Bed Skimming. Excavation of sand and gravel from stream bed deposits above the  
9 mean summer water level or stream bottom, whichever is higher.

10           Surface Mining Operations. All, or any part of, the process involved in the mining of  
11 minerals on mined lands by removing overburden and mining directly from the mineral deposits,  
12 open-pit mining of minerals naturally exposed, mining by the auger method, dredging and  
13 quarrying, or surface work incident to an underground mine. Surface mining operations include,  
14 but are not limited to, inplace distillation or retorting or leaching, the production and disposal of  
15 mining waste, prospecting and exploratory activities, borrow pitting, streambed skimming, and  
16 segregation and stockpiling of mined materials (and recovery of same).

### 17 **§3.0 Incorporation by Reference**

18           The provisions of SMARA (PRC §2710 et seq.), PRC Section 2207, and State regulations  
19 CCR §3500 et seq., as those provisions and regulations may be amended from time to time, are  
20 made a part of this Article by reference with the same force and effect as if the provisions therein  
21 were specifically and fully set out herein, excepting that when the provisions of this Article are  
22 more restrictive than correlative State provisions, this Article shall prevail.

### 23 **§4.0 Scope**

24           Except as provided in this Article, no person shall conduct surface mining operations  
25 unless a permit, Reclamation Plan, and financial assurances for reclamation have first been  
26 approved by the City. Any applicable exemption from this requirement does not automatically  
27 exempt a project or activity from the application of other regulations, ordinances or policies of the  
28 City, including but not limited to, the application of CEQA, the requirement of Site Approvals or



1 other permits, the payment of development impact fees, or the imposition of other dedications and  
2 exactions as may be permitted under the law. The provisions of this Article shall apply to all  
3 lands within the City, public and private.

4 This Article shall not apply to the following activities, subject to the above-referenced  
5 exceptions:

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

8 B. Onsite excavation and onsite earthmoving activities which are an integral and  
9 necessary part of a construction project that are undertaken to prepare a site for  
10 construction of structures, landscaping, or other land improvements, including the  
11 related excavation, grading, compaction, or the creation of fills, road cuts, and  
12 embankments, whether or not surplus materials are exported from the site, subject  
13 to all of the following conditions:

14 1. All required permits for the construction, landscaping, or related land  
15 improvements have been approved by a public agency in accordance with  
16 applicable provisions of state law and locally adopted plans and ordinances,  
17 including, but not limited to, the California Environmental Quality Act  
18 ("CEQA", Public Resources Code, Division 13, §21000 et seq.).

19 2. The City's approval of the construction project included consideration of the  
20 onsite excavation and onsite earthmoving activities pursuant to CEQA.

21 3. The approved construction project is consistent with the general plan or  
22 zoning of the site.

23 4. Surplus materials shall not be exported from the site unless and until actual  
24 construction work has commenced and shall cease if it is determined that  
25 construction activities have terminated, have been indefinitely suspended,  
26 or are no longer being actively pursued.

27 C. Operation of a plant site used for mineral processing, including associated onsite  
28 structures, equipment, machines, tools, or other materials, including the onsite

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

- 3 1. The plant site is located on lands designated for industrial or commercial  
4 uses in the City's General Plan.
- 5 2. The plant site is located on lands zoned industrial or commercial, or are  
6 contained within a zoning category intended exclusively for industrial  
7 activities by the City.
- 8 3. None of the minerals being processed are being extracted onsite.
- 9 4. All reclamation work has been completed pursuant to the approved  
10 Reclamation Plan for any mineral extraction activities that occurred onsite  
11 after January 1, 1976.

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

15 E. Surface mining operations that are required by federal law in order to protect a  
16 mining claim, if those operations are conducted solely for that purpose.

17 F. Any other surface mining operations that the State Mining and Geology Board  
18 determines to be of an infrequent nature and which involve only minor surface  
19 disturbances.

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

22 H. Emergency excavations or grading conducted by the Department of Water  
23 Resources or the Reclamation Board for the purpose of averting, alleviating,  
24 repairing, or restoring damage to property due to imminent or recent floods,  
25 disasters, or other emergencies.

26 I. Road construction and maintenance for timber or forest operations if the land is  
27 owned by the same person or entity, and if the excavation is conducted adjacent to  
28 timber or forest operation roads. This exemption is only available if slope stability



1 and erosion are controlled in accordance with Board regulations and, upon closure  
2 of the site, the person closing the site implements, where necessary, revegetation  
3 measures and post-closure uses in consultation with the Department of Forestry and  
4 Fire Protection. This exemption does not apply to onsite excavation or grading that  
5 occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two  
6 watercourse, or to excavations for materials that are, or have been, sold for  
7 commercial purposes.

8 **§5.0 Process**

- 9 A. Applications for a Site Approval or Reclamation Plan for surface mining or land  
10 reclamation projects shall be made on forms provided by the Director. Said  
11 application shall be filed in accord with this Article and procedures to be established  
12 by the Director. The forms for Reclamation Plan applications shall require, at a  
13 minimum, each of the elements required by SMARA (§§2772-2773) and State  
14 regulations, and any other requirements deemed necessary to facilitate an  
15 expeditious and fair evaluation of the proposed Reclamation Plan, to be established  
16 at the discretion of the Director. As many copies of the Site Approval application  
17 as may be required by the Director shall be submitted to the City.
- 18 B. As many copies of a Reclamation Plan application as may be required shall be  
19 submitted in conjunction with all applications for Site Approvals for surface mining  
20 operations. For surface mining operations that are exempt from a Site Approval  
21 pursuant to this Article, the Reclamation Plan application shall include information  
22 concerning the mining operation that is required for processing the Reclamation  
23 Plan. All documentation for the Reclamation Plan shall be submitted to the City at  
24 one time.
- 25 C. Applications shall include all required environmental review forms and information  
26 prescribed by the Director.
- 27 D. Upon completion of the environmental review procedure and filing of all  
28 documents required by the Director, consideration of the Site Approval or

1 Reclamation Plan for the proposed or existing surface mine shall be completed  
2 pursuant to City requirements at a public hearing before the Planning Commission,  
3 and pursuant to Section 2774 of the Public Resources Code.

4 E. Within thirty (30) days of acceptance of an application for a Site Approval for  
5 surface mining operations and/or a Reclamation Plan as complete, the Director shall  
6 notify the State Department of Conservation of the filing of the application(s).  
7 Whenever mining operations are proposed in the 100-year flood plain of any  
8 stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal  
9 Emergency Management Agency, and within one mile, upstream or downstream, of  
10 any state highway bridge, the City shall also notify the State Department of  
11 Transportation that the application has been received.

12 F. The City shall process the application(s) through environmental review pursuant to  
13 the California Environmental Quality Act (Public Resources Code Sections 21000  
14 et seq.) and the City's environmental review guidelines.

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

17 H. The Planning Commission shall hold at least one noticed public hearing on the Site  
18 Approval and/or Reclamation Plan.

19 I. Prior to final approval of a Reclamation Plan, financial assurances (as provided in  
20 this Article), or any amendments to the Reclamation Plan or existing financial  
21 assurances, the Planning Commission shall certify to the State Department of  
22 Conservation that the Reclamation Plan and/or financial assurance complies with  
23 the applicable requirements of State law, and submit the plan, assurance, or  
24 amendments to the State Department of Conservation for review. The Planning  
25 Commission may conceptually approve the Reclamation Plan and financial  
26 assurance before submittal to the State Department of Conservation. If a Site  
27 Approval is being processed concurrently with the Reclamation Plan, the Planning  
28 Commission may simultaneously also conceptually approve the Site Approval.



2 However, the Planning Commission may defer action on the Site Approval until  
3 taking final action on the Reclamation Plan and financial assurances. If necessary  
4 to comply with permit processing deadlines, the Planning Commission may  
5 conditionally approve the Site Approval with the condition that the City shall not  
6 issue the Site Approval for the mining operations until cost estimates for financial  
7 assurances have been reviewed by the State Department of Conservation and final  
8 action has been taken on the Reclamation Plan and financial assurances.

9 Pursuant to PRC §2774(d), the State Department of Conservation shall be given 30 days to  
10 review and comment on the Reclamation Plan and 45 days to review and comment on the  
11 financial assurance. The Planning Commission shall evaluate written comments received, if any,  
12 from the State Department of Conservation during the comment periods. Staff shall prepare a  
13 written response describing the disposition of the major issues raised by the State for the Planning  
14 Commission's approval. In particular, when the Planning Commission's position is at variance  
15 with the recommendations and objections raised in the State's comments, the written response  
16 shall address, in detail, why specific comments and suggestions were not accepted. Copies of any  
17 written comments received and responses prepared by the Planning Commission shall be  
18 promptly forwarded to the operator/applicant.

19 J. The Planning Commission shall then take action to approve, conditionally approve,  
20 or deny the Site Approval and/or Reclamation Plan, and to approve the financial  
21 assurances pursuant to PRC §2770.

22 K. The City shall forward a copy of each approved Site Approval for mining  
23 operations and/or approved Reclamation Plan, and a copy of the approved financial  
24 assurances to the State Department of Conservation. By July 1 of each year, the  
25 City shall submit to the State Department of Conservation for each active or idle  
26 mining operation a copy of the Site Approval or Reclamation Plan amendments, as  
27 applicable, or a statement that there have been no changes during the previous year.

## 28 §6.0 Standards for Reclamation

A. All Reclamation Plans shall comply with the provisions of SMARA (§2772 and

1 §2773) and State regulations (CCR §§3500-3505). Reclamation Plans approved  
2 after January 15, 1993, Reclamation Plans for proposed new mining operations, and  
3 any substantial amendments to previously approved Reclamation Plans, shall also  
4 comply with the requirements for reclamation performance standards (CCR  
5 §§3700-3713).

6 B. The City may impose additional performance standards as developed either in  
7 review of individual projects, as warranted, or through the formulation and adoption  
8 of Citywide performance standards.

9 C. Reclamation activities shall be initiated at the earliest possible time on those  
10 portions of the mined lands that will not be subject to further disturbance. Interim  
11 reclamation may also be required for mined lands that have been disturbed and that  
12 may be disturbed again in future operations. Reclamation may be done on an  
13 annual basis, in stages compatible with continuing operations, or on completion of  
14 all excavation, removal, or fill, as approved by the City. Each phase of reclamation  
15 shall be specifically described in the Reclamation Plan and shall include (a) the  
16 beginning and expected ending dates for each phase; (b) all reclamation activities  
17 required; (c) criteria for measuring completion of specific reclamation activities;  
18 and, (d) estimated costs for completion of each phase of reclamation.

19 **§7.0 Statement of Responsibility**

20 The person submitting the Reclamation Plan shall sign a statement accepting responsibility  
21 for reclaiming the mined lands in accordance with the Reclamation Plan. Said statement shall be  
22 kept by the City in the mining operation's permanent record. Upon sale or transfer of the  
23 operation, the new operator shall submit a signed statement of responsibility to the City for  
24 placement in the permanent record.

25 **§8.0 Findings for Approval**

26 A. Site Approvals. In addition to any findings required by the City, Site Approvals for  
27 surface mining operations shall include a finding that the project complies with the  
28 provisions of SMARA and State regulations.



1 B. Reclamation Plans. For Reclamation Plans, the following findings shall be  
2 required:

- 3 1. That the Reclamation Plan complies with SMARA §§2772-2773, and any  
4 other applicable provisions;
- 5 2. That the Reclamation Plan complies with applicable requirements of State  
6 regulations (CCR §§3500-3505, and §§3700-3713).
- 7 3. That the Reclamation Plan and potential use of reclaimed land pursuant to  
8 the plan are consistent with this Article and the City's General Plan and any  
9 applicable resource plan or element.
- 10 4. That the Reclamation Plan has been reviewed pursuant to CEQA and the  
11 City's environmental review guidelines, and all significant adverse impacts  
12 from reclamation of the surface mining operations are mitigated to the  
13 maximum extent feasible.
- 14 5. That the land and/or resources such as water bodies to be reclaimed will be  
15 restored to a condition that is compatible with, and blends in with, the  
16 surrounding natural environment, topography, and other resources, or that  
17 suitable off-site development will compensate for related disturbance to  
18 resource values.
- 19 6. That the Reclamation Plan will restore the mined lands to a usable condition  
20 which is readily adaptable for alternative land uses consistent with the  
21 General Plan and applicable resource plan.
- 22 7. That a written response to the State Department of Conservation has been  
23 prepared, describing the disposition of major issues raised by that  
24 Department. Where the City's position is at variance with the  
25 recommendations and objections raised by the State Department of  
26 Conservation, said response shall address, in detail, why specific comments  
27 and suggestions were not accepted.

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1 **§9.0 Financial Assurances**

- 2 A. To ensure that reclamation will proceed in accordance with the approved  
3 Reclamation Plan, the City shall require as a condition of approval security which  
4 will be released upon satisfactory performance. The applicant may pose security  
5 in the form of a surety bond, trust fund, irrevocable letter of credit from an  
6 accredited financial institution, or other method acceptable to the City and the  
7 State Mining and Geology Board as specified in State regulations, and which the  
8 City reasonably determines are adequate to perform reclamation in accordance  
9 with the surface mining operation's approved Reclamation Plan. Financial  
10 assurances shall be made payable to the City and the State Department of  
11 Conservation.
- 12 B. Financial assurances will be required to ensure compliance with elements of the  
13 Reclamation Plan, including but not limited to, revegetation and landscaping  
14 requirements, restoration of aquatic or wildlife habitat, restoration of water bodies  
15 and water quality, slope stability and erosion and drainage control, disposal of  
16 hazardous materials, and other measures, if necessary.
- 17 C. Cost estimates for the financial assurance shall be submitted to the City for review  
18 and approval prior to the operator securing financial assurances. The Director shall  
19 forward a copy of the cost estimates, together with any documentation received  
20 supporting the amount of the cost estimates, to the State Department of  
21 Conservation for review. If the State Department of Conservation does not  
22 comment within 45 days of receipt of these estimates, it shall be assumed that the  
23 cost estimates are adequate, unless the City has reason to determine that additional  
24 costs may be incurred. The Director shall have the discretion to approve the  
25 financial assurance if it meets the requirements of this Article, SMARA, and State  
26 regulations.
- 27 D. The amount of the financial assurance shall be based upon the estimated costs of  
28 reclamation for the years or phases stipulated in the approved Reclamation Plan,



1 including any maintenance of reclaimed areas as may be required, subject to  
2 adjustment for the actual amount required to reclaim lands disturbed by surface  
3 mining activities in the upcoming year. Cost estimates should be prepared by a  
4 California registered Professional Engineer and/or other similarly licensed and  
5 qualified professionals retained by the operator and approved by the Director. The  
6 estimated amount of the financial assurance shall be based on an analysis of  
7 physical activities necessary to implement the approved Reclamation Plan, the unit  
8 costs for each of these activities, the number of units of each of these activities, and  
9 the actual administrative costs. Financial assurances to ensure compliance with  
10 revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat,  
11 and any other applicable element of the approved Reclamation Plan shall be based  
12 upon cost estimates that include but may not be limited to labor, equipment,  
13 materials, mobilization of equipment, administration, and reasonable profit by a  
14 commercial operator other than the permittee. A contingency factor of ten percent  
15 (10%) shall be added to the cost of financial assurances.

- 16 E. In projecting the costs of financial assurances, it shall be assumed without prejudice  
17 or insinuation that the surface mining operation could be abandoned by the operator  
18 and, consequently, the City or State Department of Conservation may need to  
19 contract with a third party commercial company for reclamation of the site.
- 20 F. The financial assurances shall remain in effect for the duration of the surface  
21 mining operation and any additional period until reclamation is completed  
22 (including any maintenance required).
- 23 G. The amount of financial assurances required of a surface mining operation for any  
24 one year shall be adjusted annually to account for new lands disturbed by surface  
25 mining operations, inflation, and reclamation of lands accomplished in accordance  
26 with the approved Reclamation Plan. The financial assurances shall include  
27 estimates to cover reclamation for existing conditions and anticipated activities  
28 during the upcoming year, excepting that the permittee may not claim credit for

1 reclamation scheduled for completion during the coming year.

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

8 **§10.0 Interim Management Plans**

- 9 A. Within 90 days of a surface mining operation becoming idle, the operator shall  
10 submit to the City a proposed Interim Management Plan (IMP). The proposed IMP  
11 shall fully comply with the requirements of SMARA, including but not limited to  
12 all Site Approval conditions, and shall provide measures the operator will  
13 implement to maintain the site in a stable condition, taking into consideration public  
14 health and safety. The proposed IMP shall be submitted on forms provided by the  
15 Planning Department, and shall be processed as an amendment to the Reclamation  
16 Plan. IMPs shall not be considered a project for the purposes of environmental  
17 review.
- 18 B. Financial assurances for idle operations shall be maintained as though the operation  
19 were active.
- 20 C. Upon receipt of a complete proposed IMP, the City shall forward the IMP to the  
21 State Department of Conservation for review. The IMP shall be submitted to the  
22 State Department of Conservation at least 30 days prior to approval by the Planning  
23 Commission.
- 24 D. Within sixty (60) days of receipt of the proposed IMP, or a longer period mutually  
25 agreed upon by the Director and the operator, the Planning Commission shall  
26 review and approve or deny the IMP in accordance with this Article. The operator  
27 shall have thirty (30) days, or a longer period mutually agreed upon by the operator  
28 and the Director, to submit a revised IMP. The Planning Commission shall approve



1 or deny the revised IMP within sixty (60) days of receipt. If the Planning  
2 Commission denies the revised IMP, the operator may appeal that action to the City  
3 Council.

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

8 **§11.0 Annual Report Requirements**

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

16 **§12.0 Inspections**

17 The City shall arrange for inspection of a surface mining operation within six months of  
18 receipt of the Annual Report required in Section 12, to determine whether the surface mining  
19 operation is in compliance with the approved Site Approval and/or Reclamation Plan, approved  
20 financial assurances, and State regulations. In no event shall less than one inspection be  
21 conducted in any calendar year. Said inspections may be made by a state-registered geologist,  
22 state-registered civil engineer, state-licensed landscape architect, or state-registered forester, who  
23 is experienced in land reclamation and who has not been employed by the mining operation in any  
24 capacity during the previous 12 months, or other qualified specialists, as selected by the Director.  
25 All inspections shall be conducted using a form approved and provided by the State Mining and  
26 Geology Board.

7 The City shall notify the State Department of Conservation within thirty (30) days of  
28 completion of the inspection that said inspection has been conducted, and shall forward a copy of

1 said inspection notice and any supporting documentation to the mining operator. The operator  
2 shall be solely responsible for the reasonable cost of such inspection.

3 **§13.0 Violations and Penalties**

4 If the Director, based upon an annual inspection or otherwise confirmed by an inspection  
5 of the mining operation, determines that a surface mining operation is not in compliance with this  
6 Article, the applicable Site Approval, any required permit and/or the Reclamation Plan, the City  
7 shall follow the procedures set forth in Public Resources Code, §2774.1 and §2774.2 concerning  
8 violations and penalties, as well as those provisions of the City Development Code for revocation  
9 and/or abandonment of a Site Approval which are not preempted by SMARA.

10 **§14.0 Appeals**

- 11 A. To avoid results inconsistent with the purposes of this ordinance, decisions of the  
12 Director may be appealed to the Planning Commission, and decisions of the  
13 Planning Commission may be appealed to the City Council.
- 14 B. Appeals of decisions appealable shall be initiated within 10 days of the date of the  
15 decision, except that in the instance where a time extension application for the  
16 Tentative Map is denied, the sub-divider shall initiate an appeal within 15 days of  
17 the date of the denial decision, pursuant to the State Subdivision Map Act.
- 18 C. When the appeal period ends on a weekend or holiday, the time limits shall be  
19 extended to the next working day.
- 20 D. An appeal of a Director decision shall be filed in writing with the Department and  
21 shall be accompanied by the required fees. In filing an appeal, the appellant shall  
22 specifically state the reasons or justification for an appeal.
- 23 E. An appeal of a Planning Commission decision shall be filed in writing with the City  
24 Clerk and shall be accompanied by the required fees. In filing an appeal, the  
25 appellant shall specifically state the reasons or justification for an appeal.
- 26 F. In all cases, the reasons or justifications given by the appellant shall form the basis  
27 on which the appeal hearing before the appropriate appellate body shall focus.

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1 Issues not raised by the appellant in the written appeal cannot be considered in the  
2 appeal hearing.

3 G. Decisions that are appealed or called up for review shall not become effective until  
4 the appeal is resolved.

5 H. An appeal shall be scheduled for a hearing before the appellate body within 30 days  
6 of the city's receipt of an appeal unless otherwise specified by State Law.

7 I. An appeal or review hearing shall be a public hearing if the decision being appealed  
8 or reviewed required a public hearing. Notice of public hearings shall be given in  
9 the manner required for the decision being appealed.

10 J. An appeal or review hearing, the appellate body shall consider only the same  
11 application, plans, and related project materials that were the subject of the original  
12 decision and only the issue(s) raised by the appeal or the call for review.  
13 Compliance with this provision shall be verified prior to or during the hearing by  
14 the Director.

15 K. At the hearing, the appellate body shall review the record of the decision and hear  
16 testimony of the appellant, the applicant, and any other interested party.

17 L. After the hearing, the appellate body shall affirm, modify, or reverse the original  
18 decision. When a decision is modified or reversed, the appellate body shall state the  
19 specific reasons for modification or reversal. Decisions on appeals or review shall  
20 be rendered by adoption of a resolution. The Director shall mail notice of a  
21 Planning Commission decision and the City Clerk shall mail notice of a City  
22 Council decision. Such notice shall be mailed within five working days after the  
23 date of the decision to the applicant, and any other party requesting such notice.

24 M. A decision by the City council regarding an appeal or review shall become final on  
25 the date of the decision. A decision by the Planning Commission regarding an  
26 appeal shall become final on the date of the decision, unless appealed to the City  
27 Council.

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1 **§15.0 Fees**

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

9 **§16.0 Mineral Resource Protection**

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

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

27 **§17.0 Severability**

28 If any section, sentence, clause or phrase of this Ordinance is for any reason held to be



1 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision  
2 shall not affect the validity of the remaining portions of this Ordinance. The City Council  
3 hereby declares that it would have passed this ordinance and adopted this Ordinance and each  
4 section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section,  
5 subsections, sentences, clauses or phrases be declared invalid or unconstitutional."

6 SECTION 3. The City Clerk of the City of Oceanside is hereby directed to publish this  
7 ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)  
8 days after its passage in the North County Times, a newspaper of general circulation published  
9 in the City of Oceanside.

10 SECTION 4. This ordinance shall take effect and be in force on the thirtieth (30<sup>th</sup>) day  
11 from and after its final passage.

12 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,  
13 California, held on the 17<sup>th</sup> day of March, 1999, and, thereafter,

14 PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
15 Oceanside California, held on the 7<sup>th</sup> day of April, 1999, by the following vote:

16 AYES: LYON, O'HARRA, HARDING, JOHNSON, McCAULEY

17 NAYS: NONE

18 ABSENT: NONE

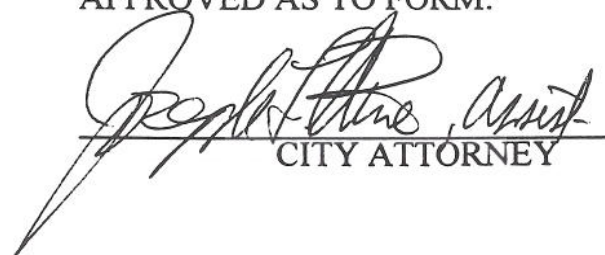
19 ABSTAIN: NONE

20   
21 MAYOR OF THE CITY OF OCEANSIDE

22 ATTEST:

23   
24 CITY CLERK

25 APPROVED AS TO FORM:

26   
27 CITY ATTORNEY

28 Amending Ordinance No. 81-20 Establishing Surface Mining and Reclamation Regulations within the City of Oceanside