

ORDINANCE NO. 2014

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDDING AMENDING  
TITLE 18, ZONING, OF THE REDDING MUNICIPAL CODE BY ADDING CHAPTER  
18.63: SURFACE MINING AND RECLAMATION.**

The City Council of the City of Redding does hereby ordain as follows:

Section 1. Title 18, Zoning, of the Redding Municipal Code is hereby amended by adding a new Chapter 18.63 as follows:

**Chapter 18.63**

**SURFACE MINING AND RECLAMATION**

Sections:

- 18.63.010 Purpose and Intent.
- 18.63.020 Definitions.
- 18.63.030 Incorporation of SMARA and State Regulations.
- 18.63.040 Scope.
- 18.63.050 Filing and Fees.
- 18.63.053 Performance Requirements.
- 18.63.057 Effect of Annexation.
- 18.63.060 Review Procedure.
- 18.63.070 Financial Assurances.
- 18.63.080 Public Records.
- 18.63.090 Annual Review.
- 18.63.100 Idling of Surface Mining Operations.
- 18.63.110 Amendments.
- 18.63.120 Variance.
- 18.63.130 Enforcement.
- 18.63.140 Appeal.
- 18.63.150 Separability.

**18.63.010 Purpose and Intent.**

The purpose of this Chapter is to comply with the provisions of the California Surface Mining and Reclamation Act of 1975, Chapter 9, Public Resources Code.

The City Council hereby finds and declares that the extraction of minerals is essential to the continued economic well-being of the City and to the needs of the society and that the

reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment, including fisheries and riparian habitat, and to protect the public health and safety.

The City Council further finds that the reclamation of mined lands, as provided in this Chapter, will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land.

The City Council further finds 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.

#### **18.63.020 Definitions.**

- A. "Expansion" - Increases in the intensity of mining of on-site processing operations which have an adverse impact on environmental issues such as noise, dust creation, traffic flow, or water quality or any expansion to the boundaries of the area to be mined.
- B. "Exploration" or "prospecting" - The search for minerals by geological, geophysical, geochemical, or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of minerals present.
- C. "Idle" - To curtail for a period of one (1) year or more surface mining operations by more than ninety (90) percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.
- D. "Mined Lands" - Includes the surface, subsurface, and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, and 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.
- E. "Minerals" - Any naturally-occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.
- F. "Mining Waste" - Includes the residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from, or displaced by, surface mining operations.
- G. "Operator" - Any person who is engaged in surface mining operations himself or who contracts with others to conduct operations on his behalf, except a person who is engaged in surface mining operations as an employee with wages as his sole compensation.
- H. "Overburden" - Soil, rock, or other materials that lie above a natural mineral deposit or in between mineral deposits, before or after their removal, by surface mining operations.

- I. "Permit" - A use permit obtained from the City of Redding, the absence of which would preclude surface mining operations.
- J. "Person" - Any individual, firm, association, corporation, organization, or partnership; any city, county, district, or the State; or any department or agency thereof.
- K. "Reclamation" - The process of land treatment that minimizes water degradation, air pollution, damage to aquatic and wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.
- L. "State Board" - State Mining and Geology Board, in the Department of Conservation, State of California.
- M. "State Geologist" - Individual holding office as structured in Section 677 of Article 3, Chapter 2 of Division 1 of the Public Resources Code.
- N. "Surface Mining Operations" - All or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations shall include, but are not limited to:
  - 1. In-place distillation, retortion, or leaching.
  - 2. The production and disposal of mining waste.
  - 3. Prospecting and exploratory activities.

#### **18.63.030 Incorporation of SMARA and State Regulations.**

The provisions of the California Surface Mining and Reclamation Act of 1975 (P.R.C. Sec. 2710 et seq.), P.R.C. Section 2207, and the California Code of Regulations implementing the act (14 Cal. Admin., Sec. 3500 et seq.), as either may be amended from time to time, are made a part of this Chapter by reference, with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this Chapter are more restrictive than State provisions, this Chapter shall prevail.

#### **18.63.040 Scope.**

- A. The following activities are exempt from the provisions of this Chapter:
  - 1. Excavations or grading conducted for farming, on-site building construction with a valid building permit or for the purpose of restoring land following a flood or natural disaster.

2. Prospecting and exploration for minerals of commercial value where less than 1,000 cubic yards of overburden is removed in any one location of one (1) acre or less, provided that a use permit and grading permit from the City of Redding and streambed alteration permit (Section 1600 et al. permit) from the State Department of Fish and Game have been obtained for such prospecting and exploration activities.
3. Any surface mining operation that does not involve either the removal of a total of more than 1,000 cubic yards of minerals, ores, and overburden, or involve more than one (1) acre in any one location, provided that a use permit from the City of Redding and streambed-alteration permit (Section 1600 et al. permit) from the State Department of Fish and Game have been obtained for such surface mining operations.
4. Surface mining operations that are required by federal law in order to protect a mining claim, if such operations are conducted solely for that purpose.
5. Such other mining operations that the City determines to be of an infrequent nature, which involve only minor surface disturbances and are categorically identified by the State Board pursuant to Sections 2714(d) and 2758(c) of the California Surface Mining and Reclamation Act of 1975.
6. Grading activities permitted by a lawful grading permit issued by the City that are not intended for mineral recovery.

#### **18.63.050 Filing and Fees.**

- A. Any person, unless exempted by provisions of this Chapter, who proposes to engage in surface mining operations as defined in this Chapter shall, prior to the commencement of such operations, obtain: (1) a use permit to mine from the City of Redding; (2) approval of a reclamation plan; and (3) approval of financial assurances for reclamation, in accordance with the provisions set forth in this Chapter and as further provided in Article 5, California Surface Mining and Reclamation Act of 1975.
- B. No person who has obtained a vested right to conduct a surface mining operation prior to January 1, 1976, shall be required to secure a permit pursuant to the provisions of this Chapter as long as such vested right continues, provided that no substantial change is made in that operation except in accordance with the provisions of this Chapter. A person may be deemed to have such vested rights if, prior to January 1, 1976, the person has:
  1. Obtained any required permit or other authorization to do surface mining.
  2. Commenced surface operations and incurred substantial expenses for work and necessary materials. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation, incurred in obtaining a permit, or incurred in the acquisition of property or easements shall not be deemed liabilities for work or materials.
- C. No person who has a surface mining operation meeting the definition of a "nonconforming use" under Chapter 18.58 of the Redding Municipal Code shall be required to obtain a use

permit under the provisions of this Chapter, unless the nonconforming use is changed or expanded.

- D. A person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, or who meets the definition of a nonconforming use of the Redding Municipal Code, shall submit to the City Planning Department and receive, within a period of three (3) months, approval of a reclamation plan for operations to be conducted after January 1, 1976, unless a reclamation plan was approved by the City of Redding or Shasta County prior to January 1, 1976; and the person submitting that plan has accepted responsibility for reclaiming the mined lands in accordance with that plan. Nothing in this Chapter shall be construed as requiring the filing of a reclamation plan for, or the reclamation of, mined lands on which surface mining operations were conducted prior to, but not after, January 1, 1976.
- E. Use permits for surface mining activities shall be applied for under the terms of Chapter 18.70 of the Redding Municipal Code. Such applications are also subject to review under the terms of the California Environmental Quality Act and are subject to the City of Redding development and floodplain regulations, and applicable State regulations relating to fisheries, wildlife, and air quality.
- F. A fee as established in the City Fee Ordinance shall be paid to the City of Redding at the time of filing of the use permit and reclamation plan applications. The use permit fee shall be the same as that for other industrial use permits. The reclamation plan fee, established by resolution of the City Council, shall be charged in addition to the use permit fee for projects requiring a use permit as shall any environmental review fees.
- G. All applications for a reclamation plan for surface mining operations shall be made on forms provided by the office of the City Planning Department.
- H. All applications shall demonstrate conformity with the City of Redding General Plan. Use permits for surface mining may only be issued in areas designated on the City of Redding General Plan as General Industry or Extractive Industry.
- I. The use permit application for surface mining and reclamation shall consist of and contain the following information:
  - 1. One (1) reproducible sepia, mylar, or other reproducible site plan submitted on a map eighteen (18) inches by twenty-six (26) inches in size and drawn to a scale of no smaller than one (1) inch equals eight hundred (800) feet. The site plan shall show the following information:
    - a. Date, north point, and scale.
    - b. Sufficient legal description of the land to define the boundaries of the site.
    - c. A key map indicating the location of the site in relation to the surrounding area.
    - d. The existing topography of the land proposed to be mined using contour intervals of not more than five (5) feet and of not less than two (2) feet where the grade of the land is less than five (5) percent. Contours of adjacent land shall also be shown whenever the surface features of the land affect the design

of the surface mine. The contour plan shall be an accurate and current representation of the topography.

- e. The location of all streams, roads, trees, wetland areas, railroads, and utility facilities within, or adjacent to, such lands, and the location of all proposed access roads to be constructed in conducting the mining operation.
  - f. The location of the 100-year floodplain boundary of any stream if it is on or within 500 feet of the site.
  - g. The proposed location of all mining equipment, sorters, crushers, storage piles, haul roads, access routes to public streets, office buildings, sheds, fire-suppression equipment, water sources, settling ponds, etc.
  - h. A plan showing how any stream channel would be utilized and how equipment would be protected in the event of a 100-year flood.
2. One (1) reproducible sepia, mylar, or other reproducible reclamation plan submitted on a map eighteen (18) inches by twenty-six (26) inches in size and drawn to a scale of no smaller than one (1) inch equals eight hundred (800) feet. The reclamation plan shall show the following information:
- a. Date, north point, and scale.
  - b. Sufficient legal description of the land to define the boundaries of the site.
  - c. A key map indicating the location of the site in relation to the surrounding area.
  - d. The proposed topography of the land when the mining activity ceases using contour intervals of not more than five (5) feet and of not less than two (2) feet where the grade of the land is less than five (5) percent. If the proposed reclamation plan includes the use of lakes, the contour map shall show the proposed lake bed.
  - e. All areas of proposed uncompacted fill.
  - f. All areas of proposed compacted fill.
  - g. The proposed reclamation plan use with theoretical development of the area in a manner consistent with the reclamation plan. Representative structures, parking areas, landscaping, and other land-use characteristics shall be shown.
  - h. A phasing plan showing the approximate areas to be mined and reclaimed on an annual basis.
3. Current aerial photos at a scale of one (1) inch equals one hundred (100) feet. The aerial photos shall clearly show all areas to be disturbed by the mining operation. Any areas on the property outside the marked disturbance area shall be undisturbed when the mining operation is complete.

4. Written descriptions of the following:
  - a. The environmental setting of the site of operations and the effect that possible alternate reclaimed site conditions may have upon the existing and future uses of surrounding lands.
  - b. Effects of the project on public health and safety, giving consideration to the degree and type of present and probable future exposure of the public to the site.
  - c. The anticipated quantity and type of minerals for which the surface mining operation is to be conducted. (This portion is to be prepared by a registered geologist.)
  - d. The proposed dates for the initiation and termination of such operation.
  - e. The maximum anticipated depth of the surface mining operation.
  - f. A description of the general geology of the area and a detailed description of the geology of the area in which surface mining is to be conducted. This may be presented in map form.
  - g. The names and addresses of the owners of all surface and mineral interests of the affected lands.
  - h. A description of the manner in which reclamation, adequate for the proposed use or potential uses will be accomplished, including:
    - (1) A description of the manner in which contaminants will be controlled and mining waste will be disposed.
    - (2) A description of the manner in which rehabilitation of affected streambed channels and streambanks to a condition minimizing erosion and sedimentation will occur.
  - i. An assessment of the effect of implementation of the reclamation plan on future mining in the area.
  - j. A statement that the person submitting the plan accepts responsibility for reclaiming the mined lands in accordance with the reclamation plan.
5. A title report for all parcels involved current within sixty (60) days of the application date.
6. The reclamation plan shall address and shall establish compliance criteria for the areas of environmental concern listed in Section 2773(b) of the Surface Mining and Reclamation Act of 1975 and any other areas of concern adopted by the State Board pursuant to that Section. These compliance criteria shall be at least as stringent as standards established by the State Board and shall be in accordance with generally accepted engineering practices.

### 18.63.053 Performance Requirements.

As a product of the nature of a surface mining operation, there is the potential for the creation of dust, noise, glare, vibration, and turbidity, impacts from the use of heavy trucks, impacts on residential areas due to extended hours of operation during the construction season, and the creation of land-use compatibility problems. In addition, related operations such as asphalt plants can create odors.

In order to mitigate these potential impacts, any use permit for a new or expanded surface mining operation shall contain the following requirements:

- A. **Setback.** Setback from areas designated on the City of Redding or Shasta County General Plan as residential shall be sufficient to protect the residential areas from any impacts from the environmental factors listed in this section. The applicant shall be responsible for:
  1. Studies to determine the appropriate setback.
  2. A mitigation monitoring program to ensure that the setback achieves the goal of eliminating the identified impacts.
- B. **Dust.** All activities at the site of a surface mine shall be conducted in a manner to control fugitive dust emissions through the use of dust palliative agents or the use of water to mitigate off-site impacts. The applicant shall fund a monitoring program to ensure that dust mitigations are eliminating off-site impacts and shall obtain all necessary permits from the Air Quality District.
- C. **Odor and Noxious Pollution.** No person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such person or the public, or which cause, or have the natural tendency to cause, injury or damage to business or property. The applicant shall fund a complaint-responsive, monitoring program to ensure that odor mitigations are eliminating off-site impacts.
- D. **Noise.** Noise from a surface mining operation shall not exceed the levels specified in Table 1 of the Noise Element of the Redding General Plan. The Industrial Noise Complaints Section of the Noise Element of the Redding General Plan shall apply to surface mining operations so long as the operation is not expanded. The applicant shall fund a complaint-responsive, monitoring program to ensure that noise is not exceeding permitted levels.
- E. **Glare.** Glare from night lighting shall not be visible on any public street or in any area shown as residential on the Redding General Plan. Should a verifiable complaint of glare be received, the night lighting must be reoriented or shielded to prevent the glare; or night operations must cease.
- F. **Vibration.** Vibration transmitted through the air and the ground shall be undetectable at the boundaries of the property containing the surface mining operation. Should a verifiable complaint of vibration beyond the property boundaries be received, the operation causing the vibration shall cease.



- G. Blasting. Blasting shall require a use permit or an amendment to an existing use permit.
- H. Water Quality. As part of obtaining a surface mining use permit from the City of Redding, the applicant shall obtain all necessary permits from the Regional Water Quality Control Board (RWQCB). All surface mining use permit applications will be forwarded to the RWQCB for review of compliance with National Pollution Discharge Elimination Standards and the State's Waste Discharge Requirements. The applicant will also be required to comply with the State Department of Fish and Game criteria to protect fisheries and wildlife in streams adjacent to or flowing through the project site.
- I. Flood Plains. Gravel and sand-extraction operations may be permitted within a flood fringe provided that such uses comply with all provisions of Chapter 18.47 of the Redding Municipal Code, and providing that necessary permits have been obtained from the State Department of Fish and Game and the Army Corps of Engineers (including a streambed alteration permit, Section 1600 et al.), provided such operations will not broaden the floodplain off site nor direct flood flows out of the natural floodplain.
- J. Paved Access. In order to prevent the spread of dirt and other materials to public streets, the applicant shall provide a strip of paving at least seventy-five (75) feet long prior to entering the public street at all access points to the property. Should the seventy-five (75) feet of paving prove inadequate to prevent the spread of materials onto public streets, the paving shall be extended or a truck-washing program instituted.
- K. Street Structural Section and Access. The applicant will be required to make any necessary off-site street improvements to ensure that public streets providing access to the operation shall have adequate structural section and design characteristics for the projected vehicle trips created by the mining operation. Additionally, alternative access routes may be required to be constructed if existing access routes pass through residential areas, by schools, or in some other way pass through areas inappropriate for frequent heavy commercial traffic. Required improvements may include, but are not limited to, traffic studies, studies of existing street structural sections, reconstructing public streets, construction of new public streets, and installation of traffic control devices.
- L. Screening. The entire surface mining area shall be screened from public view in all directions with a solid six- (6) foot fence, solid vegetative hedge, or equivalent method approved by the Planning Commission. Screening is not required from adjacent parcels if they are both designated as industrial or heavy commercial type development on the City of Redding or Shasta County General Plan and developed with an industrial or heavy commercial use. Screening shall be consistently maintained such that the screening does not itself become a visual blight.

Additionally, standards contained in Chapter 16.40 of the Redding Municipal Code relating to Clearing, Grading, Fills, and Excavation may be as applicable to restore and stabilize surface areas.

#### **18.63.057 Effect of Annexation.**

Surface mining operations that annex to the City that are either legal, non-conforming uses or permitted uses by the County at the time of annexation may continue to operate provided there is not any expansion of the use and provided that the County use permit clearly defines the

physical limits of the operation and that the County reclamation plan met the requirements of the County's SMARA ordinance at the time the permit was issued. Expansion would require a use permit issued under the terms of this Chapter. If the annexed surface mining operation does not have an approved reclamation plan by the County prior to annexation, then within three (3) months of notice by the City, the operator or owner shall submit a reclamation plan to the City for approval pursuant to this Chapter. Failure to submit a plan shall be grounds for revocation of the existing permit or termination of the use by the City.

Where a surface mining operation annexes to the City that has an approved reclamation plan by the County, the approved plan shall be honored by the City as long as the surface mining operation is not expanded. At the time of expansion of a use, the reclamation plan shall be amended and submitted to the City for approval pursuant to this Chapter.

Financial assurances must be reviewed annually for adequacy, thus preannexation financial assurances may require modification to meet the standards of this Chapter.

**18.63.060 Review Procedure.**

Upon submission of an application for a permit to mine, approval of a reclamation plan, or approval of financial assurances, the following review periods shall apply:

- A. Whenever surface mining operations are proposed in the 100-year floodplain for any stream, as shown in Zone A of Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one (1) mile, upstream or downstream, of any State highway bridge, the City must notify the State Department of Transportation of such application. The City must wait for response from the State Department of Transportation, but not more than forty-five (45) days, prior to scheduling the public hearing for the permit. Additionally, such applications shall be reviewed under the terms of Chapter 18.47 of the Redding Municipal Code relating to floodplains.
- B. All reclamation plans and financial assurances and amendments to such plans and financial assurances shall be submitted to the State Geologist for review. The City must wait for comments from the State Geologist and provide a written response describing the disposition of the major issues raised. Comments received and responses prepared by the City shall be forwarded to the applicant for review. If the State Geologist has not responded within forty-five (45) days of notification, the plans and assurances may be scheduled for public hearing.
- C. The City shall notify the State Geologist of the filing of an application for a permit to conduct surface mining operations within thirty (30) days of such an application being filed with the City.
- D. The City shall notify the State Department of Fish and Game, the regional Air Quality Control Board, and the regional Water Quality Board of the request to conduct surface mining operations.
- E. The City shall notify the Bureau of Land Management of any application to mine on lands within the jurisdiction of the Bureau. The City shall not proceed with review of such application until appropriate application has been made to the Bureau.

Following completion of the required notification and comment period, the Planning Department shall review the permit application and the reclamation plan in accordance with the use permit procedures of Chapter 18.70 of the Redding Municipal Code, except that:

- A. A public hearing shall be mandatory for use permit applications that involve a reclamation plan.
- B. Notification shall be by public notice and by mailing to all persons owning property within a distance of not less than 1,000 feet from the exterior boundaries of the project.

#### **18.63.070 Financial Assurances.**

Upon a finding by the City of Redding that a supplemental guarantee for the reclamation of the mined land is necessary, and upon the determination by the Planning Department of the cost of the reclamation of the mined land according to the reclamation plan, a surety bond, irrevocable letter of credit, trust fund, or other form of financial assurance adopted by the State Board conditioned upon the faithful performance of the reclamation plan shall be filed with the Planning Department. Such surety shall be executed in favor of the City of Redding and the State Geologist and reviewed and revised annually as necessary. Such surety shall be maintained in an amount equal to the cost of a third party completing the remaining reclamation of the site as prescribed in the approved or amended reclamation plan during the succeeding one- (1) year period, or other reasonable term. The revised surety shall account for new lands disturbed by surface mining operations, inflation (based on the latest rate established by the Engineering News Record), and reclamation accomplished in accordance with the reclamation plan.

If a mining operation is sold or ownership is transferred to another person, the existing financial assurances shall remain in force and shall not be released by the lead agency until new financial assurances are secured from the new owner and have been approved by the lead agency in accordance with Section 2770.

#### **18.63.080 Public Records.**

Reclamation plans, reports, applications, and other documents submitted pursuant to this Chapter are public records unless it can be demonstrated to the satisfaction of the City that the release of such information, or part thereof, would reveal production, reserves, or rate of depletion entitled to protection as proprietary information. The City shall identify such proprietary information as a separate part of each application. A copy of all permits, reclamation plans, reports, applications, and other documents submitted pursuant to this Chapter, including proprietary information, shall be furnished to the District Geologist of the State Division of Mines and Geology by the City of Redding. Proprietary information shall be made available to persons other than the State Geologist only when authorized by the mine operator and by the mine owner in accordance with Section 2778, California Surface Mining and Reclamation Act of 1975.

#### **18.63.090 Annual Review.**

Within six (6) months of receipt of a surface mining operation's annual report to the State Board submitted pursuant to Section 2207, California Surface Mining and Reclamation Act of 1975, the City shall cause an inspection of the surface mining operation. The inspection shall be conducted

by a State-registered geologist, State-registered civil engineer, State-licensed landscape architect, or State-registered forester who is experienced in land reclamation and has not been employed by the mining operation in any capacity during the previous twelve (12) months. The reasonable cost of the inspection shall be the sole responsibility of the operator. The inspection shall be conducted using a form approved by the State Board. The inspector shall prepare a report showing:

- A. Verification that the areas of the mine designated as "reclaimed" have been reclaimed to the standards of the approved reclamation plan.
- B. Calculations showing the adequacy of the existing performance bond.
- C. Verification that the mine is in compliance with remaining conditions of the use permit and reclamation plan.

The inspection report cannot be submitted to the State Board until the performance bond has been shown to conform to the amount determined by the City to be adequate. Performance bonds exceeding the amount determined by the City to be adequate may be revised to that amount.

#### **18.63.100 Idling of Surface Mining Operations.**

- A. Within ninety (90) days of a surface mining operation's becoming idle, as defined in this Chapter, the operator shall submit to the lead agency for review and approval, an interim management plan. The review and approval of an interim management plan shall not be considered a project within the meaning of Division 13 (commencing with Section 21000). The approved management plan shall be considered an amendment to the surface mining operation's approved reclamation plan, for purposes of this Chapter. The interim management plan shall provide measures the operator will implement to maintain the site in compliance with this Chapter, including, but not limited to, all permit conditions.

The interim management plan may remain in effect for a period not to exceed five (5) years, at which time the City shall do one of the following:

- 1. Renew the interim management plan for another period not to exceed five (5) years if the lead agency finds that the surface mining operator has complied fully with the interim management plan.
  - 2. Require the surface mining operator to commence reclamation in accordance with its approved reclamation plan.
- B. Financial assurances required by this Chapter shall remain in effect during the period the surface mining operation is idle. If the surface mining operation is still idle after expiration of its interim management plan, the surface mining operation shall commence reclamation in accordance with its approved reclamation plan.
  - C. The review, approval, and appeal process for interim management plans shall be as described in Sec. 2770(h), California Surface Mining and Reclamation Act of 1975.

**18.63.110 Amendments.**

- A. Amendments to an approved surface mining or reclamation plan may be submitted to the City at any time, detailing proposed changes from the original plan. Substantial deviations from the original plan shall not be undertaken until such amendment has been filed with, and approved by, the City.
- B. Amendments to an approved surface mining reclamation plan shall be approved by the same procedure as is prescribed for approval of a reclamation plan.

**18.63.120 Variance.**

Variances from this Chapter may be allowed upon request of the operator and applicant, if they are not one and the same, and upon a finding by the Planning Commission that each requested variance is necessary to achieve the prescribed or higher postmining use of the reclaimed land.

**18.63.130 Enforcement.**

The Provisions of this Chapter shall be enforced by any authorized member of the Planning Department of the City of Redding or such other persons as may be designated by the City Council.

**18.63.140 Appeal.**

Any person aggrieved by an act or determination of the Planning Department administrator in the exercise of the authority granted herein shall have the right to appeal to the Planning Commission and the City Council as the case may be. Any appeal must be filed, in writing within ten (10) days after the rendition of the decision.

**18.63.150 Separability.**

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

Section 2. The City Council has ratified the negative declaration prepared in connection herewith, finding that no significant effect on the environment is created hereby.

Section 3. The City Clerk shall certify to the adoption of this Ordinance and cause its publication according to law.

I HEREBY CERTIFY that the foregoing Ordinance was introduced and read at a regular meeting of the City Council on the 19th day of May, 1992, and was duly read and adopted on the 2nd day of June, 1992, at a regular meeting of the City Council by the following vote:

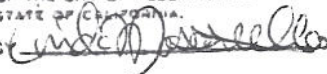
<b>AYES:</b>	<b>COUNCIL MEMBERS:</b>	Anderson, Amess, Dahl, Kehoe & Moss
<b>NOES:</b>	<b>COUNCIL MEMBERS:</b>	None
<b>ABSENT:</b>	<b>COUNCIL MEMBERS:</b>	None
<b>ABSTAIN:</b>	<b>COUNCIL MEMBERS:</b>	None

This instrument is a correct copy of the original on file in this office.

/s/ Charlie Moss

ATTEST: JUN 1 3 1992

**CHARLIE MOSS, Mayor**  
**City of Redding**

**CONNIE STROHMAYER**  
CITY CLERK AND CLERK OF THE CITY COUNCIL  
OF THE CITY OF REDDING, COUNTY OF SHASTA,  
STATE OF CALIFORNIA.  
By  DEPUTY

**ATTEST:**

/s/ Connie Strohmayer

**CONNIE STROHMAYER, City Clerk**

**FORM APPROVED:**

/s/ Randall A. Hays

**RANDALL A. HAYS, City Attorney**