

ORDINANCE NO. 6476

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING IN ITS ENTIRETY CHAPTER 5.46 OF THE RIVERSIDE MUNICIPAL CODE RELATED TO SURFACE MINING AND RECLAMATION.

The City Council of the City of Riverside, California, does ordain as follows:

Section 1. Chapter 5.46 of the Riverside Municipal Code is amended in its entirety to read as follows:

SURFACE MINING AND RECLAMATION

Sections:

- 5.46.010 Purpose and Intent
- 5.46.020 Definitions
- 5.46.030 Incorporation by Reference
- 5.46.040 Scope
- 5.46.050 Vested Rights
- 5.46.060 Process
- 5.46.070 Standards for Reclamation
- 5.46.080 Statement of Responsibility
- 5.46.090 Findings for Approval
- 5.46.100 Financial Assurances
- 5.46.110 Interim Management Plans
- 5.46.120 Annual Report Requirements
- 5.46.130 Inspections
- 5.46.140 Violations and Penalties
- 5.46.150 Appeals
- 5.46.160 Fees
- 5.46.170 Mineral Resource Protection
- 5.46.180 Severability
- 5.46.190 Effective Date

5.46.010 Purpose and Intent

The City Council recognizes that the extraction of minerals is essential to the continued economic well-being of the City 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 City also recognizes that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and the specifications therefore may vary accordingly.

The purpose and intent of this Chapter is to ensure the continued availability of important

1 mineral resources. while regulating surface mining operations as required by California's Surface  
2 Mining and Reclamation Act of 1975 (Public Resources Code Section 2710 et seq.), as amended,  
3 hereinafter referred to as "SMARA", Public Resources Code (PRC) Section 2207 (relating to annual  
4 reporting requirements), and State Mining and Geology Board regulations (hereinafter referred to as  
5 "state regulations") for surface mining and reclamation practice (California Code of Regulations  
6 [CCR], Title 14, Division 2, Chapter 8, Subchapter 1, Sections 3500 et seq.), to ensure that:

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

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

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

13           5.46.020 Definitions.

14           The definitions set forth in this section shall govern the construction of this chapter.

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

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

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

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1           City. The City of Riverside.

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

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

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

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

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

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

26           Operator. Any person who is engaged in surface mining operations, or who contracts  
27 with others to conduct operations on his/her behalf, except a person who is engaged in surface

1 mining operations as an employee with wages as his/her sole compensation.

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

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

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

18           5.46.030 Incorporation by Reference.

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

24           5.46.040 Scope.

25           Except as provided in this Chapter, no person shall conduct surface mining operations  
26 unless a Conditional Use Permit, Reclamation Plan, and financial assurances for reclamation have  
27 first been approved by the City. Any applicable exemption from this requirement does not



1 automatically exempt a project or activity from the application of other regulations, ordinances or  
2 policies of the City, including but not limited to, the application of CEQA, the requirement of Site  
3 Approvals or other permits, the payment of development impact fees, or the imposition of other  
4 dedications and exactions as may be permitted under the law. The provisions of this Chapter shall  
5 apply to all lands within the City, public and private.

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

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

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

15 1. All required permits for the construction, landscaping, or related land  
16 improvements have been approved by a public agency in accordance with applicable provisions of  
17 state law and locally adopted plans and ordinances, including, but not limited to, the California  
18 Environmental Quality Act ("CEQA", Public Resources Code, Division 13, §21000 et seq.), and the  
19 City's CEQA Resolution (No. 18990).

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

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

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

27 C. Operation of a plant site used for mineral processing, including associated onsite

1 structures, equipment, machines, tools, or other materials, including the onsite stockpiling and  
2 onsite recovery of mined materials, subject to all of the following conditions:

3 1. The plant site is located on lands designed for industrial or commercial uses in  
4 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 activities by the City.

7 3. None of the minerals being processed are being extracted onsite.

8 4. All reclamation work has been completed pursuant to the approved  
9 Reclamation Plan for any mineral extraction activities that occurred onsite after January 1, 1976.

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

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

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

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

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

22 I. Road construction and maintenance for timber or forest operations if the land is owned  
23 by the same person or entity, and if the excavation is conducted adjacent to timber or forest  
24 operation roads. This exemption is only available if slope stability and erosion are controlled in  
25 accordance with Board regulations and, upon closure of the site, the person closing the site  
26 implements, where necessary, revegetation measures and postclosure uses in consultation with the  
27 Department of Forestry and Fire Protection. The exemption does not apply to onsite excavation or



1 grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two  
2 watercourse, or to excavations for materials that are, or have been, sold for commercial purposes.

3 5.46.050 Vested Rights.

4 No person who obtained a vested right to conduct surface mining operations prior to  
5 January 1, 1976, shall be required to secure a permit to mine, so long as the vested right continues  
6 and as long as no substantial changes have been made in the operation except in accordance with  
7 SMARA, State regulations, and this Chapter. Where a person with vested rights has continued  
8 surface mining in the same area subsequent to January 1, 1976, he or she shall obtain City approval  
9 of a Reclamation Plan covering the mined lands disturbed by such subsequent surface mining. In  
10 those cases where an overlap exists (in the horizontal and/or vertical sense) between pre- and post-  
11 Act mining, the Reclamation Plan shall call for reclamation proportional to that disturbance caused  
12 by the mining after the effective date of the Act (January 1, 1976).

13 All other requirements of State law and this Chapter shall apply to vested mining  
14 operations.

15 5.46.060 Process.

16 A. Applications for a Site Approval or Reclamation Plan for surface mining or land  
17 reclamation projects shall be made under a Conditional Use Permit. Said application shall be filed  
18 in accord with this Chapter and subject to all applicable rules and regulations as outlined in Chapter  
19 19.64 of Title 19 (Zoning Ordinance). The forms for Reclamation Plan applications shall require, at  
20 a minimum, each of the elements required by SMARA (§2772-2773) and State regulations, and any  
21 other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed  
22 Reclamation Plan, to be established at the discretion of the Planning Director. As many copies of  
23 the Site Approval application as may be required under the Conditional Use Permit shall be  
24 submitted to the Planning Department.

25 B. As many copies of a Reclamation Plan application as may be required shall be  
26 submitted in conjunction with all applicants for Site Approvals for surface mining operations. For  
27 surface mining operations that are exempt from a Site Approval pursuant to this Chapter, the

1 Reclamation Plan application shall include information concerning the mining operation that is  
2 required for processing the Reclamation Plan. All documentation for the Reclamation Plan shall be  
3 submitted to the City at one time.

4 C. Applications shall include all required environmental review forms and information  
5 prescribed by the Planning Department.

6 D. Upon completion of the environmental review procedure and filing of all documents  
7 required under the Conditional Use Permit, consideration of the Site Approval or Reclamation Plan  
8 for the proposed or existing surface mine shall be completed pursuant to the Riverside Municipal  
9 Code and applicable resolutions at a public hearing before the Planning Commission, and pursuant  
10 to Section 2774 of the Public Resources Code.

11 E. Within thirty days of acceptance of an application for a Site Approval for surface  
12 mining operations and/or a Reclamation Plan as complete, the Planning Department shall notify the  
13 State Department of Conservation of the filing of the application(s). Whenever mining operations  
14 are proposed in the one hundred-year flood plain of any stream, as shown in Zone A of the Flood  
15 Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile,  
16 upstream or downstream, of any state highway bridge, the Planning Department shall also notify the  
17 State Department of Transportation that the application has been received.

18 F. The Planning Department shall process the application(s) through environmental  
19 review pursuant to the California Environmental Quality Act (Public Resources Code Sections  
20 21000 et seq.) and the City CEQA Resolution (Resolution No. 18990).

21 G. Subsequent to the appropriate environmental review, the Planning Department shall  
22 prepare a staff report with recommendations for consideration by the Planning Commission.

23 H. The Planning Commission shall hold at least one noticed public hearing on the  
24 Conditional Use Permit filed for the Site Approval and/or Reclamation Plan.

25 I. Prior to final approval of a Reclamation Plan, financial assurances (as provided in this  
26 Chapter), or any amendments to the Reclamation Plan or existing financial assurances, the Planning  
27 Commission shall certify to the State Department of Conservation that the Reclamation Plan and/or



1 financial assurance complies with the applicable requirements of state law, and submit the plan,  
2 assurance, or amendments to the State Department of Conservation for review. The Planning  
3 Commission may conceptually approve the Reclamation Plan and financial assurance before  
4 submittal to the State Department of Conservation. If a Site Approval is being processed  
5 concurrently with the Reclamation Plan, the Planning Commission may simultaneously also  
6 conceptually approve the Site Approval. However, the Planning Commission may defer action on  
7 the Site Approval until taking final action on the Reclamation Plan and financial assurances. If  
8 necessary to comply with permit processing deadlines, the Planning Commission may conditionally  
9 approve the Site Approval with the condition that the Planning Department shall not issue the Site  
10 Approval for the mining operations until cost estimates for financial assurances have been reviewed  
11 by the State Department of Conservation and final action has been taken on the Reclamation Plan  
12 and financial assurances.

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

23 J. The Planning Commission shall then take action to approve, conditionally approve, or  
24 deny the Site Approval and/or Reclamation Plan, and to approve the financial assurances pursuant  
25 to PRC §2770(d).

26 K. The Planning Department shall forward a copy of each approved Site Approval for  
27 mining operations and/or approved Reclamation Plan, and a copy of the approved financial

1 assurances to the State Department of Conservation. By July 1 of each year, the Planning  
2 Department shall submit to the State Department of Conservation for each active or idle mining  
3 operation a copy of the Site Approval or Reclamation Plan amendments, as applicable, or a  
4 statement that there have been no changes during the previous year.

5 5.46.070 Standards for Reclamation.

6 A. All Reclamation Plans shall comply with the provisions of SMARA (§2772 and  
7 §2773) and state regulations (CCR §3500-3505). Reclamation Plans approved after January 15,  
8 1993, Reclamation Plans for proposed new mining operations, and any substantial amendments to  
9 previously approved Reclamation Plans, shall also comply with the requirements for reclamation  
10 performance standards (CCR §3700-3713).

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

14 C. Reclamation activities shall be initiated at the earliest possible time on those portions  
15 of the mined lands that will not be subject to further disturbance. Interim reclamation may also be  
16 required for mined lands that have been disturbed and that may be disturbed again in future  
17 operations. Reclamation may be done on an annual basis, in stages compatible with continuing  
18 operations, or on completion of all excavation, removal, or fill, as approved by the City. Each phase  
19 of reclamation shall be specifically described in the Reclamation Plan and shall include

- 20 1. The beginning and expected ending dates for each phase;
- 21 2. All reclamation activities required;
- 22 3. Criteria for measuring completion of specific reclamation activities; and
- 23 4. Estimated costs for completion of each phase of reclamation.

24 5.46.080 Statement of Responsibility.

25 The person submitting the Reclamation Plan shall sign a statement accepting  
26 responsibility for reclaiming the mined lands in accordance with the Reclamation Plan. Said  
27 statement shall be kept by the Planning Department in the mining operation's permanent record.



1 Upon sale or transfer of the operation, the new operator shall submit a signed statement of  
2 responsibility to the Planning Department for placement in the permanent record.

3 5.46.090 Findings for Approval.

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

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

8 1. That the Reclamation Plan complies with SMARA Sections 2772 and 2773,  
9 and any other applicable provisions;

10 2. That the Reclamation Plan complies with applicable requirements of state  
11 regulations (CCR §3500-3505, and §3700-3713).

12 3. That the Reclamation Plan and potential use of reclaimed land pursuant to the  
13 plan are consistent with this Chapter and the City General Plan and any applicable resource plan or  
14 element.

15 4. That the Reclamation Plan has been reviewed pursuant to CEQA and the City's  
16 CEQA Resolution (No. 18990) and all significant adverse impacts from reclamation of the surface  
17 mining operations are mitigated to the maximum extent feasible.

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

22 6. That the Reclamation Plan will restore the mined lands to a usable condition  
23 which is readily adaptable for alternative land uses consistent with the General Plan and applicable  
24 resource plan.

25 7. That a written response to the State Department of Conservation has been  
26 prepared, describing the disposition of major issues raised by that Department. Where the City's  
27 position is at variance with the recommendations and objections raised by the State Department of

1 Conservation, said response shall address, in detail, why specific comments and suggestions were  
2 not accepted.

3 5.46.100 Financial Assurances.

4 A. To ensure that reclamation will proceed in accordance with the approved Reclamation  
5 Plan, the City shall require as a condition of approval security which will be released upon  
6 satisfactory performance. The applicant may post security in the form of a surety bond, trust fund,  
7 irrevocable letter of credit from an accredited financial institution, or other method acceptable to the  
8 City and the State Mining and Geology Board as specified in state regulations, and which the City  
9 reasonably determines are adequate to perform reclamation in accordance with the surface mining  
10 operation's approved Reclamation Plan. Financial assurances shall be made payable to the City of  
11 Riverside and the State Department of 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 requirements,  
14 restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope  
15 stability and erosion and drainage control, disposal of hazardous materials, and other measures, if  
16 necessary.

17 C. Cost estimates for the financial assurance shall be submitted to the Planning  
18 Department for review and approval prior to the operator securing financial assurances. The  
19 Planning Director shall forward a copy of the cost estimates, together with any documentation  
20 received supporting the amount of the cost estimates, to the State Department of Conservation for  
21 review. If the State Department of Conservation does not comment within forty-five days of receipt  
22 of these estimates, it shall be assumed that the cost estimates are adequate, unless the City has  
23 reason to determine that additional costs may be incurred. The Planning Director shall have the  
24 discretion to approve the financial assurance if it meets the requirements of this Chapter, SMARA,  
25 and State regulations.

26 D. The amount of the financial assurance shall be based upon the estimated costs of  
27 reclamation for the years or phases stipulated in the approved Reclamation Plan, including any



1 maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount  
2 required to reclaim lands disturbed by surface mining activities since January 1, 1976, and new  
3 lands to be disturbed by surface mining activities in the upcoming year. Cost estimates should be  
4 prepared by a California registered professional engineer and/or other similarly licensed and  
5 qualified professionals retained by the operator and approved by the Planning Director. The  
6 estimated amount of the financial assurance shall be based on an analysis of physical activities  
7 necessary to implement the approved Reclamation Plan, the unit costs for each of these activities,  
8 the number of units of each of these activities, and the actual administrative costs. Financial  
9 assurances to ensure compliance with revegetation, restoration of water bodies, restoration of  
10 aquatic or wildlife habitat, and any other applicable element of the approved Reclamation Plan shall  
11 be based upon cost estimates that include but may not be limited to labor, equipment, materials,  
12 mobilization of equipment, administration, and reasonable profit by a commercial operator other  
13 than the permittee. A contingency factor of ten percent (10%) shall be added to the cost of financial  
14 assurances.

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

19 F. The financial assurances shall remain in effect for the duration of the surface mining  
20 operation and any additional period until reclamation is completed (including any maintenance  
21 required).

22 G. The amount of financial assurances required of a surface mining operation for any one  
23 year shall be adjusted annually to account for new lands disturbed by surface mining operations,  
24 inflation, and reclamation of lands accomplished in accordance with the approved Reclamation  
25 Plan. The financial assurances shall include estimates to cover reclamation for existing conditions  
26 and anticipated activities during the upcoming year, excepting that the permittee may not claim  
27 credit for reclamation scheduled for completion during the coming year.

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

6 5.46.110 Interim Management Plans

7 A. Within ninety days of a surface mining operation becoming idle, the operator shall  
8 submit to the Planning Department a proposed Interim Management Plan (IMP). The proposed  
9 IMP shall fully comply with the requirements of SMARA, including but not limited to all Site  
10 Approval conditions, and shall provide measures the operator will implement to maintain the site in  
11 a stable condition, taking into consideration public health and safety. The proposed IMP shall be  
12 submitted on forms provided by the Planning Department, and shall be processed as an amendment  
13 to the Reclamation Plan. IMPs shall not be considered a project for the purposes of environmental  
14 review.

15 B. Financial assurances for idle operations shall be maintained as though the operation  
16 were active, or as otherwise approved through the idle mine's IMP.

17 C. Upon receipt of a complete proposed IMP, the Planning Department shall forward the  
18 IMP to the State Department of Conservation for review. The IMP shall be submitted to the State  
19 Department of Conservation at least thirty days prior to approval by the Planning Commission.

20 D. Within sixty days of receipt of the proposed IMP, or a longer period mutually agreed  
21 upon by the Planning Director and the operator, the Planning Commission shall review and approve  
22 or deny the IMP in accordance with this Chapter. The operator shall have thirty days, or a longer  
23 period mutually agreed upon by the operator and the Planning Director, to submit a revised IMP.  
24 The Planning Commission shall approve or deny the revised IMP within sixty days of receipt. If the  
25 Planning Commission denies the revised IMP, the operator may appeal that action to the City  
26 Council.

27 E. The IMP may remain in effect for a period not to exceed five years, at which time the



1 Planning Commission may renew the IMP for another period not to exceed five years, or require the  
2 surface mining operator to commence reclamation in accordance with its approved Reclamation  
3 Plan.

4 5.46.120 Annual Report Requirements.

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

13 5.46.130 Inspections.

14 The Planning Department shall arrange for inspection of a surface mining operation  
15 within six months of receipt of the Annual Report required in Section 5.46.120, to determine  
16 whether the surface mining operation is in compliance with the approved Site Approval and/or  
17 Reclamation Plan, approved financial assurances, and State regulations. In no event shall less than  
18 one inspection be conducted in any calendar year. Said inspections may be made by a state-  
19 registered geologist, state-registered civil engineer, state-licensed landscape architect, or state-  
20 registered forester, who is experienced in land reclamation and who has not been employed by the  
21 mining operation in any capacity during the previous twelve months, or other qualified specialists,  
22 as selected by the Planning Director. All inspections shall be conducted using a form approved and  
23 provided by the State Mining and Geology Board.

24 The Planning Department shall notify the State Department of Conservation within thirty  
25 days of completion of the inspection that said inspection has been conducted, and shall forward a  
26 copy of said inspection notice and any supporting documentation to the mining operator. The  
27 operator shall be solely responsible for the reasonable cost of such inspection.

1                   5.46.140 Violations and Penalties.

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

8                   5.46.150 Appeals.

9                   Any person aggrieved by an act or determination of the Planning Commission in the  
10 exercise of the authority granted herein, shall have the right to appeal to the City Council, per the  
11 standards established in Chapter 19.64, Section 19.64.160 of the Zoning Code. An appeal shall be  
12 filed on forms provided, within ten calendar days after the rendition, in writing, of the appealed  
13 decision.

14                   5.46.160 Fees.

15                   The City shall establish such fees as it deems necessary to cover the reasonable costs  
16 incurred in implementing this Chapter and the state regulations, including but not limited to,  
17 processing of applications, annual reports, inspections, monitoring, enforcement and compliance.  
18 Such fees shall be paid by the operator, as required by the City, at the time of filing of the  
19 Conditional Use Permit, Reclamation Plan application, and at such other times as are determined by  
20 the City to be appropriate in order to ensure that all reasonable costs of implementing this Chapter  
21 are borne by the mining operator.

22                   5.46.170 Mineral Resource Protection.

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



1 extraction or processing, to the extent possible for consistency with the City's General Plan.

2 In accordance with PRC §2762, the City's General Plan and resource maps will be  
3 updated to reflect mineral information (classification and/or designation reports) within twelve  
4 months of receipt from the State Mining and Geology Board of such information. Land use  
5 decisions within the City will be guided by information provided on the location of identified  
6 mineral resources of regional significance. Conservation and potential development of identified  
7 mineral resource areas will be considered and encouraged. Recordation on property titles of the  
8 presence of important mineral resources within the identified mineral resource areas may be  
9 encouraged as a condition of approval of any development project in the impacted area. Prior to  
10 approving a use that would otherwise be incompatible with mineral resource protection, conditions  
11 of approval may be applied to encroaching development projects to minimize potential conflicts.

12 5.46.180 Severability.

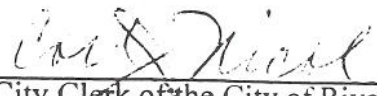
13 If any section, subsection, sentence, clause or phrase of this Chapter is for any reason  
14 held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not  
15 affect the remaining portions of this Chapter.

16 Section 2: The City Clerk shall certify to the adoption of this ordinance and cause  
17 publication once in a newspaper of general circulation in accordance with Section 414 of the  
18 Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the  
19 date of its adoption."

20 ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk  
21 this 15th day of June, 1999.

22  
23   
24 Mayor of the City of Riverside

25 Attest:

26  
27   
City Clerk of the City of Riverside


1 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the  
2 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the 8th  
3 day of June, 1999 and that thereafter the said ordinance was duly and regularly adopted at a  
4 meeting of the City Council on the 15th day of June, 1999, by the following vote, to  
5 wit:

6 Ayes: Councilmembers Moore, Defenbaugh, Kane, Clifford,  
7 Thompson and Pearson.

8 Noes: None.

9 Absent: Councilmember Beaty.

10 IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the  
11 City of Riverside, California, this 15th day of June, 1999.

12  
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14 \_\_\_\_\_  
15 City Clerk of the City of Riverside  
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