

Chapter 16.100 General Provisions

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16.100.010 Purpose and Intent

- A. Chapters 16.100 through 16.104 (Surface Mining and Reclamation) are adopted pursuant to the California Surface Mining and Reclamation Act of 1975 (Public Resources Code § 2710 et seq.).
- B. The City Council finds and declares that the extraction of minerals is essential to the continued economic well-being of the state 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 and to protect the public health and safety.
- C. The Council further finds that the reclamation of mined lands as provided in Chapters 16.100 through 16.104 (Surface Mining and Reclamation) will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land.
- D. The 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 for the reclamation may vary accordingly.

16.100.020 Definitions

The following words, terms and phrases, when used in Chapters 16.100 through 16.104 (Surface Mining and Reclamation), will have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

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.

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, 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.

Minerals. Any naturally occurring chemical element or compound or groups of elements and compounds formed from inorganic processes and organic

substances including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.

Mining Waste. 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.

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.

Overburden. Soil, rock, or other materials that lie above a natural mineral deposit or in between deposits, before or after their removal by surface mining operations.

Reclamation. The process of land treatment that minimizes water degradation, air pollution, damage to aquatic or 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.

State Board. The State Mining and Geology Board, in the Department of Conservation.

State Geologist. The individual holding office as structured in Public Resources Code 677.

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 include, but are not limited to:

- A. In-place distillation, retorting or leaching;
- B. The production and disposal of mining waste; and
- C. Prospecting and exploratory activities.

16.100.030 Exempt Activities

The provisions of Chapters 16.100 through 16.104 (Surface Mining and Reclamation) are not applicable to the following:

- A. Excavations or grading conducted for farming or onsite construction or for the purpose of restoring land following a flood or natural disaster,

provided the grading and removal of material do not exceed that required to meet the primary objective.

- B. 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 acre or less.
- C. 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 acre in any one location.
- D. 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.
- E. Such other mining operations that the City determines to be of an infrequent nature and which involve only minor surface disturbances and are categorically identified by the State Board pursuant to Public Resources Code §§ 2714(d) and 2758(c).

Chapter 16.102 Permit and Reclamation Plan

16.102.010	Conditional Use Permit and Reclamation Plan Required
16.102.020	Annual Report Required
16.102.030	Compliance with State Mining and Reclamation Act
16.102.040	Performance Bond
16.102.050	Periodic Inspection
16.102.060	Amendments to Conditional Use Permits and Reclamation Plans

16.102.010 Conditional Use Permit and Reclamation Plan Required

- A. Any person, except as provided in Public Resources Code § 2776, who proposes to engage in surface mining operations must, prior to the commencement of such operations, obtain the following:
1. A Conditional Use Permit to mine in accordance with Chapter 16.218 of this Title 16.
 2. Approval of a reclamation plan in accordance with Chapters 16.100 through 16.104 (Surface Mining and Reclamation) and as further provided in Public Resources Code § 2770 et seq.
- B. No person who has obtained a vested right to conduct a surface mining operation prior to January 1, 1975 will be required to secure a Conditional Use Permit as long as such vested right continues, provided that no substantial change is made in that operation except in accordance with the provisions of Chapters 16.100 through 16.104 (Surface Mining and Reclamation). A person will be deemed to have such vested rights if, prior to January 1, 1976, that person has in good faith and in reliance upon a Conditional Use Permit, if such a permit was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary for the operation.
- C. A person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976 must submit to the Planning Director a reclamation plan for operations to be conducted after January 1, 1976, unless a reclamation plan was approved by the City prior to January 1, 1976, and the person submitting that plan has accepted responsibility for reclaiming the mined lands in accordance with that plan. The reclamation plan will be approved or denied within three months of the date the Director deems the plan complete.
- D. Nothing in Chapters 16.100 through 16.104 (Surface Mining and Reclamation) will be construed as requiring the filing of a reclamation plan or the reclamation of mined lands on which surface mining operations were conducted prior to but not after January 1, 1976.

16.102.020 Annual Report Required

The owner, lessor, lessee, agent, manager, or other person in charge of any mining operation of whatever kind or character within the State must forward

to the Director of the State Department of Mines and Geology and the City of Santa Paula not later than July 1, 1991, and every year thereafter not later than an anniversary date established by the Director, upon forms which are supplied by the State, a report which contains all the required information specified in Section 2207 et. seq.

16.102.030 Compliance with State Surface Mining and Reclamation Act

- A. The State geologist will be notified of the filing of all applications.
- B. Required reclamation plans must consist of at least those items as outlined in Public Resources Code § 2770 et seq.

16.102.040 Performance Bond

Upon a finding by the Planning Commission that a supplemental guarantee for the reclamation of the mined land is necessary, and upon the determination by the Planning Director of the cost of the reclamation of the mined land according to the reclamation plan, a surety bond, lien, or other security guarantee conditioned upon the faithful performance of the reclamation plan must be filed with the City Clerk. The surety must be executed in favor of the City and will be reviewed and revised, as necessary, bi-annually. The surety must be maintained in an amount equal to the cost of completing the remaining reclamation of the site, as prescribed in the approved or amended reclamation plan, during the succeeding two-year period or other reasonable term.

16.102.050 Periodic Inspection

As a condition of approval for the Conditional Use Permit or the reclamation plan or both, a schedule for periodic inspections of the site will be established to evaluate continuing compliance with the permit and the reclamation plan.

16.102.060 Amendment to Conditional Use Permit or Reclamation Plan

Amendments to an approved Conditional Use Permit for surface mining activity or to an approved reclamation plan must be processed in the same manner as the original permit application.

Chapter 16.104 - Regulations for Operation of Surface Mine

- 19.104.010 Access and Circulation
- 19.104.020 Performance Standards
- 19.104.030 Fencing and Signage
- 19.104.040 Removal of Buildings and Equipment

19.104.010 Access and Circulation

- A. All access points from a mining operation directly to a public roadway must have adequate sight distance provided to ensure traffic safety.
- B. The City Engineer may require the mine operator to post access points to the mine to provide traffic direction to mining vehicles and to ensure traffic safety.

19.104.020 Performance Standards

A. Dust Control

Roads, driveways, and parking areas on the site must be maintained to control dust and to comply with applicable regulations established by the Ventura County Air Pollution Control District.

B. Drainage and Erosion Control

1. Surface drainage must be controlled to prevent the addition of silt or loose material above beyond that normally occurring in any existing drainage course.
2. Silt, sand, and dirt must be controlled in a manner that prevents such materials from being deposited on adjacent properties and public rights-of-way.
3. All provisions to control watercourses must be designed to prevent overflow or diversion of water away from the natural point of discharge.
4. Adequate provisions for conveyance of water across and from the site and for long-term retention of water must be accomplished in a manner so as to minimize potential damages from erosion and landslide.

19.104.030 Fencing and Signage

A. Fencing

1. Fencing must be provided to enclose excavation areas, settling basins, and other areas that pose potential public health and safety hazards. Fencing must consist, at a minimum of a 6-foot-high steel,

chain link, or similar fence. Such fencing must be maintained in good condition and repair.

2. Gates of the same material and height as the fence must be installed at all points of vehicular or pedestrian access. Said gates must be equipped with keyed locks and must be kept locked at all times when not in regular use.

B. Signage

1. Within 90 days after a permit has been issued pursuant to the provisions of Chapters 16.100 through 16.104 (Surface Mining and Reclamation), the outer boundaries of the site must be continuously posted with signs not less than 500 apart and along each property line. Said sign must contain letters at least 4 inches high stating the following or similar language:

“THIS PROPERTY MAY BE USED FOR THE MINING, QUARRYING, OR COMMERCIAL EXTRACTION OF SAND, GRAVEL, ROCK, AGGREGATE, CLAY, AND SIMILAR MATERIALS. PLEASE OBSERVE APPROPRIATE SAFETY PRECAUTIONS.”

2. Required signs must be of a durable, weather-resistant material and must be maintained in legible condition.

16.104.040 Removal of Buildings and Equipment

Buildings and equipment used in surface mining and quarrying operations must be removed within 6 months of the termination of surface mining and quarrying operations.