COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

ENGINEERING &SURVEYING

Wes Zicker, PE
Director

HEARING DATE: July 22, 2010
ITEM NO.: 5
TIME: 12:30 pm

TO: Placer County Planning Commission

FROM: Rick Eiri, Engineering and Surveying

DATE: June 30, 2010

SUBJECT: **Zoning Text Amendment (PZTA 20100224)**
Surface Mining and Reclamation

STAFF ENGINEER: Rick Eiri, Engineering Manager

LOCATION: Countywide

PROPOSAL: The Engineering and Surveying Department proposes to amend the Placer County Zoning Ordinance, Section 17.56.270, "Surface Mining and Reclamation" to revise the threshold of mining material to be consistent with state standards and to include a fee for administering the requirements of this section.

CEQA COMPLIANCE: The adoption and implementation of this ordinance amendment is Categorically Exempt from environmental review pursuant to the provisions of Section 15307 of the California Environmental Quality Act Guidelines and Section 18.36.090 of the Placer County Environmental Review Ordinance (Class 7-Actions by regulatory agencies for protection of natural resources).

PUBLIC NOTICES AND REFERRAL FOR COMMENTS: Staff notified all mine operators and presented the proposed code revisions to Placer Architects, Geologists, Engineers and Surveyors (P.A.G.E.S.) and the Municipal Advisory Committees (MAC) that currently have mining activities within their district. The Meadow Vista MAC, Foresthill Forum and Newcastle MAC heard the proposed amendment as an informational item. The Sheridan MAC heard the proposal as an action item, but voted unanimously to change it to an informational item. The Rural Lincoln MAC voted unanimously to take no action.

A legal notice for this item was published in the Sacramento Bee newspaper. Other appropriate public interest groups and citizens were sent copies of the public hearing notice.

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BACKGROUND:
With oversight by the State of California Department of Conservation, Office of Mine Reclamation (OMR) and in conformance with the requirements of the Surface Mine and Reclamation Act (SMARA), Placer County acts as lead agency and administers and inspects surface mining activity on nine mines within the unincorporated areas of the County.

DISCUSSION OF ISSUES:
The Placer County Zoning Ordinance Section 17.56.270.E.2 exempts activities from the SMARA requirements if the operation for prospecting, extracting, and removal of overburden material is less than 250 cubic yards per year. Similarly, SMARA allows an exemption if these operations are less than 1000 cubic yards per year. If the Zoning Ordinance is changed to be consistent with the state requirements, any operations equal to or greater than 250 cubic yards, but less than 1000 cubic yards, will be exempted from Section 17.56.270 "Surface Mining and Reclamation", but regulated by Section 15.48, "Grading, Erosion and Sediment Control". Staff's position is that by making our ordinance consistent with the State's requirements, will make it easier to understand by mine operators and easier to implement by County staff.

Currently, Placer County staff spends about 130 hours per year overseeing mining operations on nine mines. The majority of the hours are from tasks performed by a Junior Engineer, with the remaining hours from an Associate Civil Engineer, Senior Engineer and Engineering Manager, resulting in an average dollar per hour rate of $117.89 (see Exhibit A). Typical tasks include field inspections, reporting, reviewing financial assurance cost estimates, reviewing interim management plans and reclamation plans/amendments, and general correspondence. Although the County does not currently charge a fee for this service, staff has analyzed the typical costs associated with these tasks and determined that a fee of $2,028 per year per mine will be sufficient to cover staff time. Mines that have an approved application, but have not commenced mining activities will be considered inactive and will be subject to a reduced annual fee equal to twenty five percent (25%) of the full fee, or $507. Also note that due to OMR's recent increase in staffing, more stringent regulations and additional paperwork are anticipated to be required in the future to satisfy their audits.

Placer County, along with 55 other counties in California, has chosen to act as lead agency under the SMARA regulations. Placer County could decline its responsibility by rescinding section 17.56.270 "Surface Mining and Reclamation" of the Placer County Zoning Ordinance. If this were to occur, lead agency status would then be assumed by the State of California State Mining and Geology Board (SMGB) and would in turn create a significant financial impact on the mine operations the County currently oversees. Under SMBG administration, each mine subject to SMARA in the County could incur administration and inspection fees ranging from $7000.00 to over $10,000.00 annually by the State, in addition to the $3,400 to $4,600 annual mine reporting fee that all mine operators currently pay to OMR.

In order to incorporate the recommended changes described above, the following ordinance amendments are proposed. (Deletions are shown in ~~strikeout~~ and additions are shown in **bold underline**).

Section 17.56.270.E.2

Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than ~~two hundred fifty (250)~~ **one thousand (1000)** cubic yards in any one location of one acre or less, with the written consent of the surface right owner and consistent with applicable laws;

Section 17.56.270.K.7

Administrative and Inspection Fee. The fee to prepare reports, review cost estimates, review financial assurances, review Interim Management Plans, and to conduct inspections shall be the fee approved by the Board and adjusted annually on July 1st of each year. The adjustment shall be based on the Consumer Price Index, California "For All Urban Consumers" for the preceding year. The fee is an annual fee and shall be paid prior to the County releasing a copy of the annual inspection report to the mine operator. Mines that have an approved application, but have not commenced mining activities will be considered inactive and will be subject to a reduced annual fee equal to twenty five percent (25%) of the full fee described above. In the event these operations have been identified, conditioned and funded for under other entitlements such as a use permit, the Director may consider the fee required herein, in full or in part, satisfied.

RECOMMENDATION:

Staff recommends that the Planning Commission forward a recommendation to the Board of Supervisors for approval of the proposed Zoning Text Amendment as set forth above subject to the following findings:

FINDINGS:

CEQA:

The adoption and implementation of this Zoning Text Amendment is Categorically Exempt from environmental review pursuant to the provisions of Section 15307 the California Environmental Quality Act Guidelines and Section 18.36.090 of the Placer County Environmental Review Ordinance (Class 7-Actions by regulatory agencies for protection of natural resources).

Zoning Text Amendment:

The Zoning Text Amendment is consistent with the Placer County General Plan.

Respectfully submitted,

Rick Eiri
Engineering Manager

Attachments:

Attachment A - Fee Study

cc: Michael Johnson– CDRA Director
Wes Zicker – Engineering and Surveying Director
Paul Thompson- Deputy Planning Director
Scott Finley - County Counsel's Office
Karin Schwab - County Counsel's Office
Jill Pahl - Environmental Health Services
Board of Supervisors
All MAC's
Subject/chrono files

FEE STUDY: TOTAL HOURS 5/1/2009 - MAY 31/2010

TITLE	HOURS	$/HOUR	TOTAL
JUNIOR ENGINEER (3/4)	102	$107	$10,914.00
CIVIL ENGINEER ASSOCIATE (1/2)	13	$134	$1,742.00
CIVIL ENGINEER ASSOCIATE	4.5	$150	$675.00
SENIOR CIVIL ENGINEER	1	$154	$154.00
ENGINEERING MANAGER (1/2)	9	$198	$1,782.00
	129.5		**$15,267.00**

AVERAGE DOLLAR/HOUR/MINE IS $15,267/129.5 = $117.89

2 IDLE MINES AT 4.5 HOURS/YEAR EACH	**$531**	**INSP/REP**
7 ACTIVE MINES AT 17.2 HOURS/YEAR EACH	**$2,028**	**INSP/REP, FAM, FACE**

INSP/REP = INSPECTIONS AND REPORTING
FAM = FINANCIAL ASSURANCE MECHANISMS
FACE = FINANCIAL ASSURANCE COST ESTIMATES

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ATTACHMENT A