



CITY OF SACRAMENTO

CITY PLANNING DEPARTMENT

725 J STREET

SACRAMENTO, CALIF. 95814
TELEPHONE (916) 449-5604

MARTY VAN DUYN
PLANNING DIRECTOR

September 24, 1980

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: An Ordinance Amending the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, Relating to Surface Mining and Reclamation (M-490)

SUMMARY

This item is presented at this time for City Council approval of its publication for legal advertisement purposes.

BACKGROUND

Prior to publication of an item in a local paper to meet legal advertising requirements, the City Council must first pass the item for publication. The City Clerk then transmits the title of the item to the paper for publication and for advertising the meeting date.

RECOMMENDATION

It is recommended that the item be passed for publication.

Respectfully submitted,


Marty Van Duyn
Planning Director

FOR CITY COUNCIL INFORMATION

WALTER J. SLIPE
CITY MANAGER

Jm
Attachment
M-490

APPROVED
BY THE CITY COUNCIL

SEP 30 1980

OFFICE OF THE
CITY CLERK

September 30, 1980
All Districts

PPF &
Cont 40
10-7-80



CITY OF SACRAMENTO

CITY PLANNING DEPARTMENT

725 J STREET

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TELEPHONE (916) 449-5604

MARTY VAN DUYN

PLANNING DIRECTOR

September 30, 1980

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Ordinance Amending the Comprehensive Zoning Ordinance of the City of Sacramento Relating to Surface Mining and Reclamation (M-490)

SUMMARY

The 1975 California Surface Mining and Reclamation Act mandates that all local agencies issuing permits for surface mining operations adopt an ordinance establishing procedures for the issuance of permits and enforcement of reclamation plans. The purpose of the Act is to ensure that all surface mining activities are carried out in a manner that is least injurious to the public and the environment. The requirement of a reclamation plan will assure that mined lands will be returned to a usable condition, making these lands available for productive uses.

The Planning Department has received a request for a permit to conduct a surface mining operation, thereby necessitating the City's adoption of a surface mining ordinance. The Planning Commission and staff recommend that the Council adopt the proposed surface mining and reclamation ordinance. The staff report to the Commission is attached for the Council's information.

VOTE OF COMMISSION

The Planning Commission, on September 18, 1980, recommended the proposed ordinance be approved by a vote of seven ayes, one absent, and one vacant.

RECOMMENDATION

The staff and Planning Commission recommend that the City Council approve and adopt the proposed Surface Mining and Reclamation Ordinance.

Respectfully submitted,

Marty Van Duyn
Marty Van Duyn
Planning Director

APPROVED
BY THE CITY COUNCIL

FOR CITY COUNCIL INFORMATION

WALTER J. SLIPE
CITY MANAGER

OCT - 7 1980

OFFICE OF THE
CITY CLERK

MVD:JH:jm
Attachments
M-490

October 7, 1980
All Districts

ORDINANCE NO. 4428 FOURTH SERIES

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550, FOURTH SERIES, RELATING TO SURFACE MINING AND RECLAMATION

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 2-F-20 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, is hereby amended to read as follows:

20. Sand or gravel pit or plant, borrow pit, stripping of top soil, or other surface mining operation.

SECTION 2.

Section 2-F-24 is hereby added to the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, to read as follows:

24. Reclamation and disposal operations.

SECTION 3.

Section 2-G-9 is hereby added to the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, to read as follows:

9. Any special permit issued under Section 2-F-20 of this Ordinance for a surface mining operation governed by and not exempt from the Surface Mining and Reclamation Act of 1975, Pub. Res. Code Sec. 2710 et seq. shall be subject to the provisions and conditions set forth in this paragraph 9:

(a) Surface mining operations governed by and not exempt from the Surface Mining and Reclamation Act of 1975, Pub. Res. Code Sec. 2710 et seq. shall include all surface mining operations defined in Section 22-61(f) of this Ordinance except:

(1) Excavations or grading conducted for farming or onsite construction or for the purpose of restoring land following a flood or natural disaster.

APPROVED
BY THE CITY COUNCIL

OCT - 7 1980

OFFICE OF THE
CITY CLERK

(2) Prospecting and exploration for minerals of commercial value where less than 1000 cubic yards of overburden is removed in any one location of one acre or less.

(3) Any surface mining operation that does not involve either the removal of a total of more than 1000 cubic yards of minerals, ores, and overburden, or involve more than one acre in any one location.

(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 determined to be of an infrequent nature and to involve only minor surface disturbances by the Planning Commission and State Mining and Geology Board pursuant to Sections 2714(d) and 2758(c) of the Public Resources Code.

(b) The application for the special permit shall include, in addition to all other information required by this Ordinance, a plan for reclamation. The plan shall be filed on a form approved by the City and shall be submitted by all persons who own, lease or otherwise control or operate all or a portion of the land to be mined and who plan to conduct the surface mining operations. The plan shall comply with the provisions of the Surface Mining and Reclamation Act of 1975, Pub. Res. Code Sec. 2710 et seq. and 14 Cal. Adm. Code Sec. 3500 et seq.

(c) Approval of the special permit shall include conditions providing for a plan for reclamation in a manner approved by City, for periodic inspections of the surface mining operation by City or its designee to insure continuous compliance with conditions of the special permit and the reclamation plan, and for security approved by City to guarantee reclamation in accordance with the approved plan.

(d) The special permit may be conditioned on any other matter the Planning Commission finds necessary to carry out the intent, purposes, and policies of the Surface Mining and Reclamation Act of 1975, Pub. Res. Code Sec. 2710 et seq., and this Ordinance, or to protect the public health, safety or welfare.

(e) Pursuant to Section 2778 of the Public Resources Code, reclamation plans, reports, and other documents submitted in connection with an application for the special permit shall be deemed public records, unless it can be demonstrated to the satisfaction of the Planning Director that the release of such information, or part thereof, would reveal production, reserves, or rate of depletion entitled to protection as proprietary information. The use and disclosure of such information shall be governed by Section 2778 of the Public Resources Code.

SECTION 4.

Section 22-A-61 is hereby added to the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, to read as follows:

61. The following definitions apply to surface mining operations:

(a) "Exploration" or "prospecting" means 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.

(b) "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.

(c) "Minerals" include 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.

(d) "Overburden" shall mean 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.

(e) "Reclamation" means the combined 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, resoling, revegetation, soil compaction, stabilization, or other measures.

(f) "Surface mining operations" means 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:

- (a) In place distillation or retorting or leaching.
- (b) The production and disposal of mining waste.
- (c) Prospecting and exploratory activities.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

SACRAMENTO CITY PLANNING COMMISSION

SPECIAL INTO: _____
 MEETING DATE: 9-18-90
 ITEM NO: 1 FILE NO: P-
M-490

- GENERAL PLAN AMENDMENT TENTATIVE MAP
 COMMUNITY PLAN AMENDMENT SUBDIVISION MODIFICATION
 REZONING EIR DETERMINATION
 SPECIAL PERMIT OTHER: CRD Amending
 VARIANCE conting ord. re surface
mining and reclamation

Recommendation:

- Favorable Unfavorable Petition Correspondence

LOCATION: CITY WIDE

PROPOSERS		
NAME	ADDRESS	

OPPOSERS		
NAME	ADDRESS	

MOTION NO: 1

	YES	NO	MOTION	2ND
Augusta	✓			
Blores				
Goodin	✓			
Hunter	✓			✓
Jarson	✓			
Mitakari	✓			
Simpson	✓			
Silva	✓		✓	
Fong				

MOTION:

- TO APPROVE
 TO DENY
 TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
 INTENT TO APPROVE SUBJ. TO COND. & BASED ON FINDINGS OF FACT DUE _____
 TO RECOMMEND APPROVAL OF ORDINANCE & FORWARD TO CITY COUNCIL
 TO RATIFY NEGATIVE DECLARATION
 TO CONTINUE TO _____ MEETING
 OTHER: _____

- EXHIBITS: A. Site Plan
 B. Floor Plan
 C. Elevation
 D. Landscaping

Planning Commission
Sacramento, California

Members in Session:

Subject: Ordinance amending the Comprehensive Zoning Ordinance of the City of Sacramento relating to surface mining and reclamation (M-490)

SUMMARY:

The State Surface Mining and Reclamation Act requires that every lead agency shall adopt an ordinance establishing procedures for review and approval of reclamation plans and the issuance of permits to conduct surface mining operations. The Planning Department has received a request to conduct a surface mining operation, thereby necessitating the City's adoption of a surface mining ordinance. Staff recommends that the Commission approve the proposed Surface Mining and Reclamation ordinance for transmittal to the City Council for adoption.

BACKGROUND:

The 1975 Surface Mining and Reclamation Act mandates that all local agencies issuing permits for surface mining operations have local ordinances, which regulate such activities. The intent and purpose of the State Act is "to maintain an effective and comprehensive surface mining policy with regulation of surface mining operations so as to assure that:

- a. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition, which is readily adaptable for alternative land uses;
- b. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment;
- c. Residual hazards to the public health and safety are eliminated." (Surface Mining and Reclamation Act of 1975, Article 1, Section 2712.)

The City Attorney's Office has prepared the draft, Surface Mining and Reclamation Ordinance, Exhibit A, which provides definition of terminology, special permit, and reclamation plan requirements. The draft ordinance has been submitted to the State Division of Mines and Geology, which administers the Act, and the City Engineering Department for review and comments. The City Engineering Department indicates that the proposed ordinance is acceptable, Exhibit B. Any comments received from the State will be distributed at the meeting for the Commission's information.

The City Planning Department has received an application from A. Teichert & Son to conduct a surface mining operation on a 27 acre site on Jackson Road, east of Florin-Perkins Road. Prior to processing this application, the City must enact a Surface Mining and Reclamation Ordinance in accordance with the State law. The Special Permit request will be a hearing item before the Commission at a future date.

ENVIRONMENTAL ASSESSMENT:

The City Environmental Coordinator has determined that the proposed ordinance will not have a significant effect on the environment and qualifies for an exemption category under the State EIR Guidelines, Class 8, Section 15108, thereby making the subject ordinance exempt from the provisions of CEQA. This class 8 categorical exemption applies to actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

RECOMMENDATION:

The Planning staff finds the draft ordinance adequately satisfies the purpose and intent of the State Surface Mining and Reclamation Act. Staff recommends that the Commission approve this ordinance for transmittal to the City Council for adoption.

Respectfully submitted,



Cliff Carstens,
Senior Planner

CC: jb

Attachments



CITY OF SACRAMENTO

DEPARTMENT OF ENGINEERING
915 H STREET SACRAMENTO, CALIFORNIA 95814
CITY HALL ROOM 207 TELEPHONE (916) 448-5281

R. M. PARKER
CITY ENGINEER
J. F. VAROZZA
ASSISTANT CITY ENGINEER

September 10, 1980

MEMORANDUM

To: Joyce Horizumi
From: Mel Johnson, Deputy City Engineer
Subject: Proposed Surface Mining and Reclamation Ordinance

I have reviewed the subject proposed ordinance and find it acceptable to this department.

Mel Johnson
Deputy City Engineer

SECTION 4:

Section 22-A-61 is hereby added to the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, to read as follows:

61. The following definitions apply to surface mining operations:

(a) "Exploration" or "prospecting" means 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.

(b) "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.

(c) "Minerals" include 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.

(d) "Overburden" shall mean 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.

(e) "Reclamation" means the combined 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.

(f) "Surface mining operations" means 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:

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- (b) The production and disposal of mining waste.
- (c) Prospecting and exploratory activities.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550, FOURTH SERIES, RELATING TO SURFACE MINING AND RECLAMATION

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20. Sand or gravel pit or plant, borrow pit, stripping of top soil, or other surface mining operation.

SECTION 2.

Section 2-F-24 is hereby added to the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, to read as follows:

24. Reclamation and disposal operations:

SECTION 3.

Section 2-G-9 is hereby added to the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, to read as follows:

9. Any special permit issued under Section 2-F-20 of this Ordinance for a surface mining operation governed by and not exempt from the Surface Mining and Reclamation Act of 1975, Pub. Res. Code Sec. 2710 et seq. shall be subject to the provisions and conditions set forth in this paragraph 9.

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(1) Excavations or grading conducted for farming or onsite construction 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 1000 cubic yards of overburden is removed in any one location of one acre or less.

(3) Any surface mining operation that does not involve either the removal of a total of more than 1000 cubic yards of minerals, ores, and overburden, or involve more than one acre in any one location.

(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 determined to be of an infrequent nature and to involve only minor surface disturbances by the Planning Commission and State Mining and Geology Board pursuant to Sections 2714(d) and 2758(c) of the Public Resources Code.

(b) The application for the special permit shall include, in addition to all other information required by this Ordinance, a plan for reclamation. The plan shall be filed on a form approved by the City and shall be submitted by all persons who own, lease or otherwise control or operate all or a portion of the land to be mined and who plan to conduct the surface mining operations. The plan shall comply with the provisions of the Surface Mining and Reclamation Act of 1975, Pub. Res. Code Sec. 2710 et seq. and 14 Cal. Adm. Code Sec. 3500 et seq.

(c) Approval of the special permit shall include conditions providing for a plan for reclamation in a manner approved by City, for periodic inspections of the surface mining operation by City or its designee to insure continuous compliance with conditions of the special permit and the reclamation plan, and for security approved by City to guarantee reclamation in accordance with the approved plan.

(d) The special permit may be conditioned on any other matter the Planning Commission finds necessary to carry out the intent, purposes, and policies of the Surface Mining and Reclamation Act of 1975, Pub. Res. Code Sec. 2710 et seq., and this Ordinance, or to protect the public health, safety or welfare.

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CITY OF SACRAMENTO

M-490

RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO

SEP 19 2 41 PM '80

CITY PLANNING DEPARTMENT

725 J STREET

SACRAMENTO CALIF 95814

TELEPHONE (916) 449-6604

MARTY VAN DUYN
PLANNING DIRECTOR

*PPF = 9-30-80
HOG = 10-7-80
FCA = 10-14-80*

September 19, 1980

MEMORANDUM

TO: Lorraine Magana
FROM: Jan Mirrione
SUBJECT: Request to set Public Hearing

*cc: Van Duyn
Carsten
Miller
Yee*

The following item was considered and recommended for approval by the Planning Commission at their meeting of September 18, 1980. Please schedule this item for public hearing on October 7, 1980. This item is an ordinance and therefore must be advertised at least 14 days prior to the hearing date. The ad should be published no later than September 23, 1980. All necessary support material is attached.

Ordinance amending the Comprehensive Zoning Ordinance of the City of Sacramento relating to Surface Mining and Reclamation. (M-490)

*AL No. 4516
Run 9-23-80*

ORDINANCE NO.

FOURTH SERIES

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550, FOURTH SERIES, RELATING TO SURFACE MINING AND RECLAMATION

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- (b) The production and disposal of mining waste.
- (c) Prospecting and exploratory activities..

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

CITY OF SACRAMENTO

NOTICE OF HEARINGS

PUBLIC NOTICE is hereby given that the following hearing will be held date of **OCTOBER 7, 1980** at the hour of **7:30 p.m.** in the Council Chamber of the City Hall, **915 "I" Street**, by the **Sacramento City Council**:

ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550, FOURTH SERIES, RELATING TO SURFACE MINING AND RECLAMATION (M-490).

Further information may be obtained from the Office of the City Clerk Room 308, City Hall, **915 "I" Street**, Sacramento, CA, phone **449-5426**.

SACRAMENTO CITY COUNCIL

**BY: LORRAINE MAGANA
CITY CLERK**

AD NO: 4516

RUN 1 TI: 9-23-80

3 PUBLISHED PROOFS