

**ORDINANCE NO. 555
(AS AMENDED THROUGH 555.20)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO.
555 IMPLEMENTING THE SURFACE MINING AND RECLAMATION ACT OF 1975**

The Board of Supervisors of the County of Riverside Ordains as Follows:

Section 1. FINDINGS. The Board of Supervisors hereby finds and declares that the extraction of minerals is essential to the continued economic well-being of the County of Riverside.

Section 2. PURPOSE. The purpose of this ordinance is to regulate all surface mining operations in the unincorporated area of the County as authorized by The Surface Mining and Reclamation Act of 1975, to ensure that:

- A.** The reclamation of mined lands will be carried out in such a way that the continued mining of minerals will be permitted;
- B.** The adverse effects of surface mining operations will be prevented or minimized and that mined lands will be reclaimed to a useable condition which is readily adaptable for alternative land use;
- C.** The production and conservation of minerals will be encouraged while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment, and the residual hazards to the public health and safety will be eliminated;
- D.** There is sufficient production and development of local mineral resources because the production and development of local mineral resources:
 - 1.** Help maintain a strong economy;
 - 2.** Are necessary to build infrastructure; and

3. Are vital to reducing transportation emissions in the County, including those that result from the distribution of hundreds of millions of tons of construction aggregates that are used annually in building and maintaining the state; and
- E. The development of the County's finite, important mineral resources, which the Legislature has determined is vital to a sustainable California, is promoted.

Section 3. AUTHORITY. This ordinance is adopted pursuant to Public Resources Code section 2774, which requires the County to adopt an ordinance in accordance with state policy that establishes the procedures for the review and approval of Reclamation Plans and financial assurances and for the issuances of Permits to conduct surface mining operations.

Section 4. DEFINITIONS. As used in this ordinance, all references and citations to statutes, regulations, ordinances, and other bodies of law shall include those statutes, regulations, ordinances, and other bodies of law as they may be amended from time to time. In addition, unless otherwise specified, all references in this ordinance to a number of days shall refer to calendar days. The following terms in this ordinance shall have the following meanings:

- A. Assistant TLMA Director. The County Assistant TLMA Director – Community Development, or his or her designee.
- B. CEQA. The California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).
- C. County. The County of Riverside, which acts the “lead agency” under SMARA for all surface mining operations subject to this ordinance.
- D. Director. The Director of the Department of Conservation.

- E. Operator. The individual or entity that operates a surface mining operation, as surface mining operations are defined in Public Resources Code section 2735.
- F. Permit. Unless otherwise stated, the Surface Mining Permit.
- G. Reclamation Plan. An Operator's plan for reclaiming the lands affected by his or her surface mining operations, as the term is defined in SMARA and the SMARA Regulations.
- H. Revised Permit. A request for a Substantial Deviation from an approved Permit or Reclamation Plan which does not change the basic concept or use allowed by the original approval and that meets the additional requirements set forth in Section 18 of this ordinance.
- I. Significantly Expanded Surface Mining Operation. The physical expansion of a legally existing surface mining operation, operating under a valid Permit that cumulatively increases the size of the area under the Permit by more than ten (10) percent of square footage of the existing surface mining operation or total volume of the mineral reserves, whichever is lower.
- J. SMARA. The California Surface Mining and Reclamation Act of 1975 (Pub. Resources Code, § 2710 et seq.).
- K. SMARA Regulations. The state regulations adopted in accordance with SMARA (Cal. Code Regs., tit. 14, § 3500 et seq.).
- L. Substantial Conformance. A proposed amendment to an approved Permit or Reclamation Plan that meets the additional requirements set forth in Section 18 of this ordinance.

- M. Substantial Deviation. A change or expansion to a surface mining operation as defined in Public Resources Code section 2735 that substantially affects the completion of the previously approved Reclamation Plan, or that changes the end use of the approved Reclamation Plan to the extent that the scope of the reclamation required for the surface mining operation is substantially changed.

- N. Topsoil. The upper part of the soil profile that is relatively rich in humus, which is technically known as the A-horizon of the soil profile.

- O. TLMA. The County Transportation and Land Management Agency.

- P. Vested Right. A right to conduct surface mining operations that existed lawfully before an intervening change in the law that would otherwise preclude those operations, or require a permit to conduct those operations, and that meets the requirements for vested rights set forth in Section 2776 of the Public Resources Code.

Section 5. EXEMPTIONS AND EXCEPTIONS. The provisions of this ordinance do not apply to the exceptions and exemptions set forth in Public Resources Code section 2714.

Section 6. PERMIT REQUIRED. Unless exempted by the provisions of Section 5 or Section 17, no person, firm, corporation or private association shall conduct surface mining operations in the unincorporated area of the County of Riverside without an approved Permit.

Section 7. APPLICATION PROCESS.

- A. Prior to submitting an application for a Permit, the person, firm, corporation or private association seeking to obtain such Permit may comply with the pre-application review procedure described in

Ordinance No. 752 to the extent that such procedure is applicable.

- B.** All applications for a Permit, revised Permit, Substantial Conformance to a Permit, Interim Management Plan, Reclamation Plan, Revised Reclamation Plan, or Reclamation Plan Substantial Conformance shall be made in writing to the Assistant TLMA Director on the forms provided by the Planning Department with the appropriate filing fees and include a Project Description, a mining plan, and a Reclamation Plan. The application shall provide all information and data required by Section 2772 of the Public Resources Code, all information required by the SMARA Regulations, all information indicated in Sections 8 and 9 of this ordinance, all information indicated in the Planning Department's Application for Surface Mining Permit/Reclamation Plan, and such additional information as may be reasonably required by the Assistant TLMA Director. The time limitations for approving or denying a Permit, Interim Management Plan, Reclamation Plan, or Revised Reclamation Plan shall not begin to run until all procedures under CEQA have been completed. All applications for a stand-alone Reclamation Plan, associated vested mining operation, mining operation on federal property, or County-operated mining facility shall include a financial assurance cost estimate, an estimate of reclamation costs, all information and data required by Section 2772 of the Public Resources Code, all information required by the SMARA Regulations, all information indicated in Sections 8 and 9 of this ordinance, and such additional information as may be reasonably required by the Assistant TLMA Director.

- C.** An applicant for any new Permit or Revised Permit that qualifies as a Significantly Expanded Surface Mining Operation under this ordinance shall select and fully comply with one of the following:

1. Submit an application for a development agreement, which would then be processed in accordance with all applicable ordinances, provisions, procedures, and policies relating to development agreements, which shall be approved before or concurrently with the new Permit or Revised Permit that qualifies as a Significantly Expanded Surface Mining Operation.
 2. Agree to a condition of approval requiring compliance with the Road Impact Assessment program, further described in the Board of Supervisors Policy establishing Guidelines for Processing Surface Mining Permits for New and Significantly Expanded Surface Mining Operations, consistent with all applicable ordinances, provisions, procedures, and policies.
- D. Before approving or holding a public hearing concerning the Reclamation Plan, amendment to a Reclamation Plan, or financial assurances for a new Reclamation Plan or amendment to a Reclamation Plan, the County shall submit the financial assurance cost estimate and the Reclamation Plan or amendment to the Director for review pursuant to Public Resources Code sections 2772.1 and 2773.4(a). All documentation for that submission shall be submitted to the Director at one time. In making this submittal, the Assistant TLMA Director shall certify to the Director that the Reclamation Plan or amendment to the Reclamation Plan is in compliance with the applicable requirements of SMARA, the SMARA Regulations, and this ordinance and that the financial assurance cost estimate is adequate, complete, and consistent with SMARA, the SMARA Regulations, and this ordinance.
- E. Following receipt of the Director's comments concerning the

Reclamation Plan, plan amendment, or financial assurance cost estimate in accordance with the applicable schedule set forth in Public Resources Code sections 2772.1(b) or 2773.4(c), the County shall, within a reasonable amount of time, prepare a written response describing the disposition of the major issues raised by the Director's comments, and shall submit the County's proposed response to the Director at least 30 days prior to the public hearing concerning the Reclamation Plan or plan amendment, or 30 days prior to the approval of financial assurance cost estimate. The County's response to the Director's comments shall describe how the County proposes to adopt the Director's comments to the Reclamation Plan, plan amendment, or financial assurance cost estimate. If the County does not propose to adopt the Director's comments, the County shall specify, in detail, why it proposes not to adopt the comments.

1. If the Director submits a written request for consultation on the financial assurance cost estimate in accordance with Public Resources Code section 2774.3(c), the County shall not approve the financial assurance cost estimate until after consulting with the Director. Such consultation shall occur no later than 30 days after the Director's request unless an alternate timeframe is mutually agreed upon by the Director, the County, and the Operator.
2. The County shall give the Director at least 30 days' notice of the time, place, and date of any hearing at which the financial assurance cost estimate is scheduled to be approved by the County. If no hearing is required, then the County shall provide 30 days' notice to the Director that it intends to approve the financial assurance cost estimate. Within 30 days of approving a financial assurance cost estimate, the County shall send to the Director its final response to the Director's comments.

3. The Assistant TLMA Director shall forward to the Operator copies of any written comments received and responses prepared by the County relating to the financial assurance cost estimate.
-
- F. Upon completion of all procedures for review of an application, including but not limited to notification to the Director and response to the comments of the Director as provided in Sections 7.D. and 7.E., above, a public hearing will be held before the Planning Commission or Board of Supervisors, as hereinafter provided.
 - G. Notwithstanding the above, or any other provision herein to the contrary, the Board of Supervisors reserves exclusively to itself the duty to investigate, hear, approve, conditionally approve or disapprove all Permits and Reclamation Plans including any modifications to said Permits and Reclamation Plans included as part of a fast track project as defined by Ordinance No. 348. A Permit or Reclamation Plan, including any modifications to said Permits or Reclamation Plans, may only be awarded fast track processing by a majority vote of the Board of Supervisors.

Section 8. MINING PLAN. In addition to the requirements set forth in the County's Application for Surface Mining Permit, the mining plan shall, at a minimum:

- A. Indicate the progression of all operations of the facility indicating anticipated time frames for each phase and the estimated life of the operation;
- B. Show the location of equipment, offices, stockpiles, settling ponds, interim drainage, machinery and wastedumps, parking, and areas to be mined;

- C. Indicate the progression of stripping and excavating through the use of cross sections, elevations and topographic maps and include a detailed description of how Topsoil will be recovered and protected for use in mine reclamation;
- D. Indicate the time lag between mining and reclamation and equipment siting and removal and/or relocation;
- E. Discuss the method of handling simultaneous excavation and reclamation if applicable;
- F. Show the location of all streams, roads, railroads, sewage disposal systems, water wells, and utility facilities within 500 feet of the site and the location of all proposed access roads to be constructed in conducting the surface mining operation;
- G. Indicate the type of and amount of mineral commodities to be removed, the amount of mining waste to be retained on the site and the amount of mining waste to be disposed offsite including the method and location of disposal of said mining waste; and
- H. Indicate the location and associated details of the required revegetation test plot or plots, specifying all revegetation success criteria, as appropriate.

Section 9. RECLAMATION PLAN. In addition to all other requirements, including those set forth in Public Resources Code section 2772 and California Code of Regulations, title 14, section 3502, the Reclamation Plan, at a minimum, shall:

- A. Indicate the methods to be used to reclaim the land.

- B.** If phasing is proposed, include a detailed schedule of the sequence and timing of all stages of the reclamation.
- C.** Describe the physical condition of the mine site upon the completion of all reclamation including the proposed uses or potential uses of the reclaimed site.
- D.** Contain a map that delineates through the use of cross sections and elevations the physical characteristics of the land that will exist upon the conclusion of reclamation, as well as a topographic map showing the location of the reclaimed land.
- E.** Describe the manner in which derelict machinery, mining waste and scraps will be removed from the mine site and how contaminants will be controlled.
- F.** Describe the methods to be used to ensure that the mine site will contain stable waste piles and slopes.
- G.** Describe how reclamation of the mine site may affect the future use of the site and surrounding area for mining purposes.
- H.** Show that the proposed site in its final form will be, to the extent reasonable and practicable, revegetated for soil stabilization, free of drainage and erosion problems, coordinated with present and anticipated future land use, and compatible with the topography and general environment of surrounding property.
- I.** Include all of the following, to the extent the required information or document is not already included in the mining plan and incorporated by reference in the Reclamation Plan:

1. The name and address of the Operator and the names and addresses of any persons designated by the Operator as an agent for the service of process;
2. The anticipated quantity and type of materials for which the surface mining operation is to be conducted;
3. The proposed dates for the initiation and termination of the surface mining operation;
4. The maximum anticipated depth of the surface mining operation;
5. The size and legal description of the lands that will be affected by the surface mining operation, a map that includes the boundaries and topographic details of the lands, a description of the general geology of the area, a detailed description of the geology of the area in which surface mining is to be conducted, the location of all streams, roads, railroads, and utility facilities within, or adjacent to, the lands, the location of all proposed access roads to be constructed in conducting the surface mining operation, and the names and addresses of the owners of all surface interests and mineral interests in the lands;
6. A description of, and a plan for, the type of surface mining to be employed, and a time schedule that will provide for the completion of surface mining on each segment of the mined lands so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation;

7. A description of the proposed use or potential uses of the mined lands after reclamation and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses;
 8. A description of the manner in which reclamation, adequate for the proposed use or potential uses, will be accomplished, including both of the following:
 - a. A description of the manner in which contaminants will be controlled, and mining waste will be disposed; and
 - b. A description of the manner in which affected streambed channels and streambanks will be rehabilitated to a condition minimizing erosion and sedimentation will occur;
 9. An assessment of the effect of implementation of the Reclamation Plan on future mining in the area;
 10. A statement that the person submitting the Reclamation Plan accepts responsibility for reclaiming the mined lands in accordance with the Reclamation Plan; and
 11. Any other information required in the County's Application for Surface Mining Permit or by SMARA or the SMARA Regulations.
- J.** Indicate, pursuant to California Code of Regulations, Title 14, section 3705(b), the location and associated details of the required revegetation test plot or plots, specifying revegetation success criteria, as appropriate.

- K. For gold, silver, copper or other metallic mineral operations that are located on or within one mile of any Native American sacred site and that are located in an area of special concern, as those terms are defined in Public Resources Code section 2773.3, the Reclamation Plan must contain commitments to backfill and grade all excavations to achieve the approximate original contours of the mined lands prior to mining and to grade all mined materials that are in excess of the materials that can be placed back into the excavated area, including, but not limited to, all overburden, spoil piles, and heap leach piles, over the project site to achieve the approximate original contours of the mined lands prior to mining.

Section 10. **PUBLIC HEARINGS, NON-FAST TRACK PROJECTS.** For projects other than fast track projects, a public hearing before the Planning Commission shall be held in accordance with the provisions set forth below to consider: the granting, suspension, or revocation of a Permit or Revised Permit; the approval of a Reclamation Plan or Reclamation Plan amendment; an Operator's financial capability of a performing reclamation; or abandonment of a surface mining operation without completing reclamation:

- A. Notice of the time, date and place of the public hearing, including a general description of the area and mining operation being considered, shall be given at least 10 days prior to the hearing by all of the following procedures:
 - 1. Mailing to all owners of real property which is located within 600 feet of the exterior boundaries of the proposed project, as such owners are shown on the last equalized assessment roll.
 - 2. Mailing or delivering to the Operator and the owner of the subject real property or the owner's duly authorized agent.

3. Publication once in a newspaper of general circulation in the County.
 4. The Assistant TLMA Director may require additional notice be given by posting in conspicuous places close to the property affected and may require notification to property owners along proposed local transportation routes.
- B.** In addition to the notice required by the preceding paragraph, when the hearing concerns the approval of a Reclamation Plan or Reclamation Plan amendment, an Operator's financial capability of performing reclamation, or the abandonment of a surface mining operation without completing reclamation, the County shall give the Director at least 30 days' written notice of the time, place, and date of the public hearing. When the hearing concerns an Operator's financial capability of performing reclamation or the abandonment of a surface mining operation without completing reclamation, the County shall also give the Operator at least 30 days' written notice of the time, place, and date of the hearing.
- C.** At the public hearing, the Planning Commission shall hear relevant testimony from interested persons and, within a reasonable time after the close of the hearing, make its decision, provided, however, that an application for a Permit shall not be granted unless that it complies with Section 12 herein and it is expressly subject to such conditions as are necessary to protect the health, safety or general welfare of the community.
- D.** The decision of the Planning Commission and the reasons for the decision shall be reduced to writing and shall be filed by the Assistant TLMA Director with the Clerk of the Board of Supervisors, together

with a report of the proceedings, not more than 30 days after the decision. A copy of the notice of the decision shall be mailed to the applicant and to any person who has made a written request for a copy of the decision. If the Planning Commission is unable to make a decision, that fact shall be filed with the Clerk of the Board in the same manner for reporting decisions and shall be considered as notice of denial of the application. The Clerk of the Board shall place the notice of the decision on the next agenda of the Board of Supervisors held 5 or more days after the Clerk receives the notice of the decision from the Assistant TLMA Director.

- E.** The decision of the Planning Commission is considered final and no action by the Board of Supervisors is required unless: (1) the decision is regarding a Permit that requires approval of a general plan amendment, a specific plan amendment, or a change of zone, in which case it shall be heard in accordance with the provisions of Ordinance No. 348 related to those legislative actions, and all of those procedural requirements and rights of appeal as set forth therein shall govern; (2) a development agreement is also being processed, in which case the proposed development agreement shall be processed and heard concurrently with the Permit or Revised Permit; (3) within 10 days after the notice of decision appears on the Board's agenda, the applicant or an interested person files an appeal, accompanied by the appropriate appeal filing fee in the amount set pursuant to Section 21 of this ordinance; or (4) unless the Board assumes jurisdiction by ordering the matter set for public hearing.
- F.** If a timely appeal is filed or the Board assumes jurisdiction, the Clerk of the Board shall set the matter for public hearing before the Board not less than 13 nor more than 60 days thereafter, and shall give notice of the time and place of the hearing in the same manner as notice was given of the hearing before the Planning Commission.

- G. At the appeal hearing before the Board of Supervisors, the Board shall hear the matter de novo; however, the documents and the minutes of the hearing before the Planning Commission shall be a part of the Board's record at its hearing on the matter. The Board shall hear relevant testimony from interested persons and, within a reasonable time after the close of the hearing, make its decision sustaining, reversing or modifying the decision of the Planning Commission.

Section 11. PUBLIC HEARINGS, FAST TRACK PROJECTS. For Permits and Reclamation Plans that qualify as a fast track project as defined by Ordinance No. 348, a public hearing shall be held in accordance with the provisions of Ordinance No. 348 related to fast track projects. At the public hearing, the Board of Supervisors shall hear relevant testimony from interested persons and, within a reasonable time after the close of the hearing, make its decision, provided, however, that an application for a Permit shall not be granted unless that Permit is expressly subject to such conditions as are necessary to protect the health, safety or general welfare of the community. The decision of the Board of Supervisors and the reasons for the decision shall be reduced to writing and a copy of the notice of the decision shall be mailed to the applicant and to any person who has made a written request for a copy of the decision. The decision of the Board of Supervisors shall be final.

Section 12. APPROVAL REQUIREMENTS. All decisions on Permits and Reclamation Plans shall be supported by findings. No Reclamation Plan shall be approved unless the finding is made that it substantially meets the applicable requirements of SMARA and this ordinance.

- A. No Permit shall be approved unless the following findings are made:
 - 1. The Permit substantially meets the applicable requirements of SMARA and this ordinance.

2. The Permit is consistent with the General Plan and any applicable specific plan.
3. The Permit will not be detrimental to the public health, safety or general welfare.
4. The Permit complies with all requirements of law including all applicable County ordinances, policies and standards.

In addition to the conditions set forth in Sections 13 and 14 of this ordinance, a Permit shall be subject to all conditions necessary or convenient to assure that the use will satisfy the foregoing findings. As a condition of each Permit, an expiration date of the Permit may also be specified.

- B.** Following the approval of a Reclamation Plan or an amendment to a Reclamation Plan, the County shall cause a “Notice of Reclamation Plan Approval” to be recorded with the County Recorder in accordance with Public Resources Code section 2772.7. The notice shall include the language set forth in Public Resources Code section 2772.7 and state the name of the owner of record of the mining operation, identify the County as lead agency under SMARA for the operation, contain the acknowledged signature of the Assistant TLMA Director, and include any other information required under Public Resources Code section 2772.7.
- C.** Within 30 days following the approval of a Reclamation Plan or amendment to a Reclamation Plan, the Assistant TLMA Director shall provide the Director notice of the approval.
- D.** No later than 60 days after the approval of a Reclamation Plan or amendment to a Reclamation Plan, the Assistant TLMA Director shall

provide to the Director certified copies of all maps, diagrams, or calculations, signed and sealed, and provide an official copy of the approved Reclamation Plan or amendment to a Reclamation Plan. The official copy shall incorporate all approved modifications to the Reclamation Plan or amendment to a Reclamation Plan and shall include an index showing any Permit conditions of approval or binding mitigation measures adopted pursuant to CEQA as required under Public Resources Code section 2772.1. Those conditions of approval and mitigation measures shall be included in an appendix to the Reclamation Plan or amendment to a Reclamation Plan and shall be considered part of the reclamation compliance requirements and subject to the annual inspection requirements.

Section 13. INSPECTIONS. As a condition of each Permit, annual inspections and reports of mining and reclamation activities shall be required of the Operator. Such inspections and reports shall comply with the following provisions:

- A.** The Assistant TLMA Director shall cause an inspection to be conducted in intervals of no more than 12 months to determine whether the surface mining operation is in compliance with SMARA and the surface mining operation's approved Permit; its approved Reclamation Plan; or, in the case of an idle mine, with its approved interim management plan; and to determine whether the approved financial assurances are adequate to achieve reclamation in accordance with the approved Reclamation Plan. Said inspection shall be conducted under the supervision of a qualified individual with experience in land reclamation who meets the qualifications of Section 2774 of the Public Resources Code and California Code of Regulations, title 14, section 3504.5. The Operator shall be solely responsible for the reasonable cost of the inspection. All inspections shall be conducted using a form approved by the State Mining and Geology Board. The Assistant TLMA Director shall provide a notice of

completion of inspection to the Director within 90 days of conducting the inspection. The notice shall contain a statement regarding the surface mining operation's compliance with SMARA and a copy of the completed inspection form, and shall specify, as applicable, all of the following:

1. Aspects of the surface mining operation, if any, that were found to be inconsistent with SMARA but were corrected before the submission of the inspection form to the Director;
 2. Aspects of the surface mining operation, if any, that were found to be inconsistent with SMARA but were not corrected before the submission of the inspection form to the Director;
 3. A statement describing the County's intended response to any aspects of the surface mining operation found to be inconsistent with SMARA but that were not corrected before the submission of the inspection form to the Director; and
 4. If the surface mining operation has a review of its Reclamation Plan, financial assurances, or interim management plan pending or an appeal pending before the State Mining and Geology Board or the County.
- B.** Annually by July 1st, Operators shall submit to the Planning Department the documentation requested by the Planning Department to support its conducting the required annual mine inspection pursuant to Public Resources Code section 2774(b).
- C.** Annually by July 1st, Operators shall submit an Operator's report pursuant to Public Resources Code section 2207(b). The Operator may request an inspection date on its annual Operator's report. If the

Operator does not, or if the County is unable to cause the inspection of the surface mining operation on the date requested by the Operator, the County shall provide the Operator with a minimum of five days' written notice of a pending inspection, or within any lesser period agreed to by the Operator. New surface mining operations shall submit an initial report prior to commencement of operations.

- D.** Annually by July 1st, Operators shall pay to the Planning Department a mine inspection fee in the amount set pursuant to Section 21 of this ordinance. In the case of late payment of the mine inspection fee, a penalty of not less than one hundred dollars (\$100) or 10 percent of the amount due, whichever is greater, plus interest at a rate of 1½ percent per month, computed from the delinquent date of the assessment until and including the date of payment, shall be assessed. Annual inspections shall occur regardless of the receipt of a mine inspection fee or late payment penalty.
- E.** In addition to the Mine Inspection Fee, annually by July 1st, Operators shall also pay to the Planning Department a mine administrative fee in the amount set pursuant to Section 21 of this ordinance.
- F.** Annually by July 1st, the County shall submit to the Director for each active or idle surface mining operation within the County's jurisdiction the following information:

 - 1.** A copy of any Permit or Reclamation Plan amendment, as applicable;
 - 2.** A statement that there have been no changes made during the previous year, as applicable;
 - 3.** The date of each surface mining operation's last inspection;

and

4. The date of each surface mining operation's last financial assurance review.

Section 14. FINANCIAL ASSURANCES. As a condition of each Permit, financial assurances to ensure reclamation is performed in accordance with the approved Reclamation Plan shall be required of the Operator as follows:

- A. Prior to the commencement of the surface mining operation, the Operator shall post with the Assistant TLMA Director a financial assurance. The financial assurance shall be one of the following:
 1. A bond or bonds executed by an admitted surety insurer as defined in Code of Civil Procedure section 995.120(a);
 2. An irrevocable letter of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the approved Reclamation Plan are on deposit and guaranteed for payment;
 3. A cash deposit to be deposited into a trust fund; or
 4. Any other financial assurance specified by the State Mining and Geology Board pursuant to Section 2773.1(e) or Section 2773.1.5 of the Public Resources Code.
- B. The amount of the financial assurances shall be adequate to perform reclamation in accordance with the surface mining operation's approved Reclamation Plan. The amount of financial assurances required for any one year shall be reviewed and, if necessary,

adjusted once each calendar year to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan. Said adjustment shall be based upon an independent estimate prepared by a person experienced in estimating financial assurances or other qualified professional and shall be paid for by the Operator. An Operator shall be required to replace an approved financial assurance mechanism to bond for the reclamation of the surface mining operation only if the financial assurance cost estimate identifies a need to increase the amount of the financial assurance mechanism.

- C.** Each financial assurance mechanism shall be made payable to the County and the Department of Conservation and shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed.
- D.** Within 30 days of completion of an annual inspection under Section 13 herein, the Operator shall provide an annual financial assurance cost estimate to the Assistant TLMA Director. If the annual inspection does not take place on the date requested by the Operator or on the date set by the County, the Operator shall provide the annual financial assurance cost estimate to the Assistant TLMA Director for review within 30 days of the applicable inspection date, unless the inspection occurs within that 30-day period, in which case the Operator shall provide the annual financial assurance cost estimate to the Assistant TLMA Director within 30 days of the date of the actual inspection.
- E.** Within 60 days of receiving an annual financial assurance cost estimate, the Assistant TLMA Director shall deny the financial assurance cost estimate or shall submit the financial assurance cost estimate to the Director for review.

1. The Assistant TLMA Director may deny the financial assurance cost estimate on the basis that the financial assurance cost estimate is inadequate. The Assistant TLMA Director must specify the reasons for that determination.
2. An Operator whose financial assurance cost estimate is denied shall have 30 days to appeal that denial to the State Mining and Geology Board pursuant to Public Resources Code section 2770(e) or to provide the Assistant TLMA Director with a revised financial assurance cost estimate incorporating the suggested changes for approval by the Assistant TLMA Director.
3. When the financial assurance cost estimate is submitted to the Director for review, the Assistant TLMA Director shall also provide the Director with a determination that the annual financial assurance cost estimate submitted is adequate, complete, and consistent with SMARA and the SMARA Regulations. The Assistant TLMA Director shall submit all required documentation to the Director at one time. Within 30 days of receiving any written comments on the annual financial assurance cost estimate from the Director, the Assistant TLMA Director shall evaluate those comments and provide the Director and the Operator with a proposed response. This proposed response must be submitted to the Director at least 30 days prior to the County's approval of the annual financial cost estimate and shall include either of the following:
 - a. A description of how the County proposes to adopt the Director's comments on the annual financial assurance cost estimate, or

8. The Assistant TLMA Director shall send to the Operator copies of any written comments received and all responses prepared by the County relating to the annual financial assurance cost estimate.
- F.** Within 30 days of the County's approval of the financial assurance cost estimate, the Operator shall provide the Planning Department and the Director an appropriate financial assurance mechanism.
1. Within 15 days of receiving a financial assurance mechanism, the Assistant TLMA Director and the Director shall review the financial assurance mechanism to determine if the type of mechanism, including the release instructions, meets the requirements of SMARA and this ordinance.
 2. The Assistant TLMA Director shall return to the Operator any financial assurance mechanism determined to be noncompliant with SMARA or this ordinance, with instructions on how to correct the type of financial assurance mechanism or the financial assurance mechanism's release instructions.
- G.** If the Planning Commission, following a public hearing in accordance with the procedures set forth in Section 10 of this ordinance, determines that the Operator is financially incapable of completing reclamation in accordance with its approved Reclamation Plan or has abandoned its surface mining operation without completing reclamation, the Assistant TLMA Director shall:
1. Notify the Operator by personal service or certified mail that the County intends to take appropriate action to forfeit the financial assurance and specify the reasons for so doing.

2. Proceed to take appropriate action to require forfeiture of the financial assurance.
 3. Use the proceeds from the forfeited financial assurance to conduct and complete reclamation in accordance with the approved Reclamation Plan. If the surface mining operation cannot be reclaimed in accordance with its approved Reclamation Plan, or the financial assurances are inadequate to reclaim it in accordance with its approved Reclamation Plan, the County may use forfeited financial assurances to reclaim or remediate mining disturbances as appropriate for the site conditions as determined by the County and the Director. The Operator shall be responsible for the costs of conducting and completing reclamation in accordance with the approved Reclamation Plan, or an approved remediation plan developed pursuant to this subsection, that are in excess of the proceeds from the forfeited financial assurance.
- H. Upon completion of reclamation in accordance with the approved Reclamation Plan, and with written concurrence of the County and the Director, the financial assurance shall be released. Such written concurrence shall be forwarded to the Operator and the institutions providing or holding the financial assurance mechanism and shall state that reclamation has been completed in accordance with the approved Reclamation Plan.
- I. If a surface mining operation is sold or ownership is transferred to another person, the Operator shall comply with the requirements of Section 20 of this ordinance.

Section 15. VIOLATIONS AND PENALTIES.

- A.** If, after conducting the annual inspection required by Section 13 or otherwise confirmed by an inspection of the mining operation, the Assistant TLMA Director finds that the surface mining operation is not in compliance with the approved mining plan, the approved Reclamation Plan, any Permit conditions imposed by the County, the provisions of this ordinance, or SMARA, the Assistant TLMA Director may issue to the Operator a notice of violation, for a SMARA violation; a notice of permit violation, for a violation of permit conditions; or both. Any such notice shall be sent to the Operator by personal service or certified mail. A copy of such notice shall also be sent to the Director.
1. A notice of violation or a notice of permit violation shall include both of the following:
 - a. A description of the violation; and
 - b. Actions the Operator must take to correct the violation.
 2. If the Assistant TLMA Director or the Director determines that the time to correct the noticed violation will exceed 30 days, the County and the Operator may enter into a stipulated order to comply, which the Assistant TLMA Director is authorized to sign on behalf of the County, with a notice sent to the Director. Such stipulated order shall include a schedule and time for compliance that the Assistant TLMA Director has determined is reasonable after taking into account the actions and legal processes required to correct the violation.
- B.** If, within 30 days of being served with a notice of violation or notice of permit violation, the Operator does not comply with it or commit to enter into a stipulated order, the Assistant TLMA Director may issue

an order to comply. Any such order shall be sent by personal service or certified mail.

1. The order to comply shall specify all of the following:
 - a. Which aspects of the surface mine's activities or operations are inconsistent with the Permit, approved Reclamation Plan, Permit conditions, the provisions of this ordinance, or SMARA;
 - b. The actions and legal processes required to correct the alleged violation; and
 - c. A time for compliance that the Assistant TLMA Director determines is reasonable, given the seriousness of the alleged violation and any good faith efforts to comply with applicable requirements. If the Operator does not have an approved Reclamation Plan, the order to comply may order the Operator to immediately cease all further mining activities.
2. An order to comply shall take effect 30 days following the service of the order to comply unless within those 30 days the Operator appeals the order to comply and requests a hearing before the Planning Commission.
 - a. Such appeal shall be noticed and heard at a public hearing within 45 days of the filing of the appeal or a longer period as may be mutually agreed upon by the Operator and the Assistant TLMA Director. At such hearing, the Planning Commission shall hear all relevant testimony from interested persons and, after

closing the public hearing, shall affirm, modify or set aside the order to comply issued by the Assistant TLMA Director.

- b.** If the surface mining operation fails to comply with the order affirmed or modified by the Planning Commission, the Planning Commission may revoke or suspend the Operator's Permit in accordance with the procedures set forth in Section 10 of this ordinance, and all of the procedural requirements and rights of appeal as set forth therein shall govern the hearing.
- C.** For an Operator who violates or fails to comply with the order to comply, who fails to submit an annual report, or who fails to pay annual fees, the Assistant TLMA Director shall impose an administrative penalty of not more than five thousand dollars (\$5,000) per day, assessed from the original date of noncompliance or from the date of the inspection when the violation was identified, at the discretion of the Assistant TLMA Director.

 - 1.** In determining the amount of the administrative penalty, the Assistant TLMA Director shall take into consideration the nature, circumstances, extent, and gravity of the violation or violations, any prior history of violations, the degree of culpability, economic savings, if any, resulting from the violation, and any other matters justice may require.
 - 2.** The Assistant TLMA Director's order setting administrative penalties shall become effective upon issuance of the order, and payment shall be made to the County within 30 days, unless the Operator petitions the Board of Supervisors as provided in paragraph 15.D. below. An order shall be served

by personal service or by certified mail upon the Operator.

- D.** An Operator may file a petition with the Board of Supervisors for review of the Assistant TLMA Director's order imposing an administrative penalty. If no such petition is filed within 30 days of the order, the order is final and is not subject to review by any court or agency.
- 1.** A petition for review can only be accepted for filing if it is timely, utilizes a County-approved form, and is accompanied by the required petition fee in the amount set pursuant to Section 21 of this ordinance.
 - 2.** If the petition for review meets the standards set forth in this subsection, the Clerk of the Board shall set the matter for a public hearing before the Board of Supervisors to review the Assistant TLMA Director's order imposing an administrative penalty. The Operator shall be notified by either personal service or certified mail of the time, date, and place for the public hearing at which the Board of Supervisors shall review the Assistant TLMA Director's order imposing an administrative penalty. In reviewing said order, the record shall consist of the record before the Assistant TLMA Director and any other relevant evidence which, in the judgment of the Board of Supervisors, should be considered to effectuate and implement the policies of SMARA and this ordinance.
 - 3.** The Board of Supervisors may affirm, modify, or set aside, in whole or in part, by its own order, any order of the Assistant TLMA Director imposing an administrative penalty. Any order of the Board of Supervisors shall be served by personal service or certified mail upon the Operator.

4. The Board of Supervisor's order shall become effective upon its issuance unless the Operator files a timely petition for writ of mandate in the superior court. Such petition shall be timely only if filed within 30 days of the Board's issuance of the order. Payment of any administrative penalty that is specified in the Board of Supervisor's order shall be made to the County within 30 days of service of the order whether or not a petition has been filed; however, the payment shall be held in an interest-bearing impound account pending resolution of a petition for writ of mandate if one has been filed. If no timely petition is filed, the Board of Supervisor's order shall not be subject to review by any court or agency.
- E. The procedures, remedies and additional penalties for violation of this ordinance and for recovery of costs related to enforcement are also provided for in Ordinance No. 725, which is incorporated herein by this reference. Penalties collected pursuant to this section shall not be used for purposes other than to cover the reasonable costs incurred by the County in implementing this ordinance, SMARA, or the SMARA Regulations.
- F. Whether or not administrative penalties have been imposed, the Planning Commission may revoke or suspend the Operator's Permit in accordance with the procedures set forth in Section 10 of this ordinance, and all of the procedural requirements and rights of appeal as set forth therein shall govern the hearing.
- G. If the Assistant TLMA Director determines that a surface mining operation is not in compliance with SMARA such that the surface mining operation presents an imminent and substantial endangerment to the public health or the environment, the Assistant TLMA Director

may seek an order from the Superior Court of the County of Riverside or other court of competent jurisdiction enjoining that operation.

Section 16. **USE.** Any Permit that is granted shall be used within eight (8) years from the effective date thereof, or within the time limit set forth in the conditions of approval, and pursued diligently to completion; otherwise, such Permit shall be null and void. The term "used" shall mean the beginning of site disturbance and development as part of a surface mining operation that is authorized under this ordinance and applicable provisions of SMARA.

Section 17. **VESTED RIGHTS.**

- A.** No person who has obtained a Vested Right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a Permit pursuant to the provisions of this ordinance as long as such Vested Right continues and no substantial change is made in that operation. A person shall be deemed to have such Vested Rights if, prior to January 1, 1976, he has, in good faith and in reliance upon a Permit or other authorization, if such Permit or other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary therefor. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation or the issuance of a Permit shall not be deemed liabilities for work or materials. Any substantial changes made in a surface mining operation subsequent to January 1, 1976, except in accordance with SMARA and California Code of Regulations, title 14, section 3951, shall require an approved Permit pursuant to this ordinance.
- B.** If requested, a Vested Rights determination shall be made in accordance with the following:

1. The Operator shall submit a written request with the Assistant TLMA Director for a Vested Rights determination. The request for determination shall include information pertinent to establishing the existence and scope of the Vested Right. Within 30 calendar days of deeming the request for determination complete, the Assistant TLMA Director shall set a public hearing before the Board of Supervisors and provide notice in accordance with the procedures set forth in Section 10 of this ordinance.

2. A public hearing shall be held by the Board of Supervisors to consider the request for determination of a Vested Right, and, utilizing a preponderance of the evidence standard, the Board of Supervisors shall determine whether the Operator has demonstrated its claim for a Vested Right. The record before the Board of Supervisors shall consist of the written materials received by the Assistant TLMA Director, as well as any relevant written comments on the request for determination and any relevant testimony received at the hearing. Written comments and oral testimony other than that related to demonstrating or delimiting the existence, nature, and scope of the claimed vested rights shall not be considered by the Board of Supervisors in making the Vested Rights determination.

3. Within 60 calendar days following the public hearing, the Board of Supervisors shall issue a written vested rights determination. The determination shall identify upon which specific property the Vested Right is established and the scope and nature of surface mining operations included within the established Vested Right. Not more than 30 days after the issuance of the determination, a copy of the Vested Rights determination shall be mailed to the applicant and to any person who has made a

written request for a copy of the decision. The decision of the Board of Supervisors shall be final.

- C. A person who has obtained a Vested Right to conduct surface mining operations prior to January 1, 1976, shall submit to the Planning Department for approval by the Planning Commission a Reclamation Plan. This Reclamation Plan may cover some or all areas to which that Vested Right applies, but, at a minimum, it must cover: all of the areas to which a Vested Right has been found to apply on which active mining operations have been conducted after January 1, 1976, as well as the entirety of any area to which a Vested Right has been found to apply that is planned or reasonably anticipated to contain surface mining operations in the near future. A person who has obtained a Vested Right shall also submit the required documentation for a mine inspection to the Planning Department in the same manner and with the same frequency as those Operators required to obtain a Permit pursuant to this ordinance before commencing or expanding their operation. Absent an approved Reclamation Plan for any area to which a Vested Right applies that has been mined since January 1, 1976, including any area that is currently being mined, the continuation of the surface mining operation shall be prohibited until a Reclamation Plan is submitted and approved. Nothing in this ordinance 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. All Reclamation Plans submitted to the Planning Department for operations pursuant to a Vested Right that are conducted after January 1, 1976, shall be accompanied by the fee set pursuant to Section 21 of this ordinance for a Reclamation Plan for a vested surface mining operation conducted after January 1, 1976.

Section 18. APPLICATIONS FOR AMENDMENTS. A request for approval of an

amendment to an approved Permit or Reclamation Plan shall be made in accordance with the provisions of this section. Under no circumstances shall any deviation from the approved Permit or Reclamation Plan be undertaken until the required amendment is approved by the County pursuant to all applicable sections of this ordinance. An amendment under this section means a request for a Revised Permit, Revised Reclamation Plan, or a determination of Substantial Conformance as further defined herein.

- A.** Applications for a determination of Substantial Conformance, Revised Permit, or Revised Reclamation Plan shall be made in writing to the Assistant TLMA Director on forms provided by the Planning Department.

- B.** Substantial Conformance means an amendment to an approved Permit or Reclamation Plan that:
 - 1.** Is not a Substantial Deviation from the original approval;
 - 2.** Does not change the effects on surrounding property; and
 - 3.** Does not substantially impact the ability to perform the reclamation activities contemplated in the approved Reclamation Plan.
 - 4.** A Substantial Conformance may include, but is not limited to, amendments related to upgrading existing facilities, amendments relating to compliance with the requirements of other public agencies, amendments necessary to comply with final conditions of approval, or amendments to lighting, parking, fencing or landscaping requirements, provided said amendments as determined by the Assistant TLMA Director will have no adverse effect upon public health, safety or welfare and will not have a significant effect on the

environment.

- C.** Revised Permit means a request for a Substantial Deviation from an approved Permit or Reclamation Plan which does not change the basic concept or use allowed by the original approval. A Substantial Deviation includes, but is not limited to: any expansion in the permitted mining area, in an area of an approved Reclamation Plan, or in the maximum depth of mining or slope angle; changes to the original conditions of approval, including extensions to the overall life of the permitted use as set out in the approved Reclamation Plan; changes that would substantially affect the approved end use of the site as established in the Reclamation Plan; changes to the operation inconsistent with previously adopted environmental determinations; a significant increase in plant capacity; changes to or expansion of a surface mining operation that would result in significant adverse effects; and changes in the intensity of use as determined by the Assistant TLMA Director.

- D.** Actions on applications for Substantial Conformance or Revised Permits shall be in accordance with the following procedures:

 - 1.** Substantial Conformance. The Assistant TLMA Director shall approve, conditionally approve or disapprove an application for Substantial Conformance within 30 days after accepting a completed application and give notice by mail of the decision, including any additional conditions of approval, to the applicant and any other person who has filed a written request for notice. The Assistant TLMA Director's determination shall be based upon the standards of this section, the standards set forth in this ordinance governing approval of the original Permit, and the conditions of approval applicable to the approved Permit. An application for Substantial Conformance shall not require a

public hearing.

2. Revised Permit. An application for a Revised Permit shall be approved, conditionally approved or disapproved in accordance with all the procedures, requirements, and development standards applicable to an original Permit, including any requirements for public hearing, notice of hearing, and all rights of appeal.
- E. The approval of an application for Substantial Conformance or Revised Permit shall be valid until the expiration of the original Permit, unless an extension of time has been granted by an approved Revised Permit.
- F. Notwithstanding any provision herein to the contrary, an application for Substantial Conformance may be approved only if the proposed modification is exempt from the provisions of CEQA.

Section 19. IDLE MINES.

- A. Within 90 days of a surface mining operation becoming idle, as defined in Section 2727.1 of the Public Resources Code, the Operator shall file with the Assistant TLMA Director the following:
1. All information required under this ordinance for the filing of a new application for a Permit, unless this requirement is waived by the Assistant TLMA Director.
 2. A statement explaining that the surface mining operation is idle as defined in Section 2727.1 of the Public Resources Code.
 3. An interim management plan that includes the measures the

Operator will implement to maintain the site in accordance with the approved Permit and the approved Reclamation Plan.

4. A filing fee for review of the interim management plan as set pursuant to Section 21 of this ordinance.
5. Such additional information as shall be required by the Assistant TLMA Director.

B. Within 60 days of the receipt of the information required in Subsection A., above, the Assistant TLMA Director shall review and approve the interim management plan, provided the interim management plan complies with the requirements specified in Subsection A, above, and SMARA, and shall give notice by mail of the approval to the Operator and any other person who has filed a written request for notice. Otherwise, the Assistant TLMA Director shall notify the Operator in writing of any deficiencies in the plan. The Operator shall have 30 days, or a longer period mutually agreed upon by the Operator and the Assistant TLMA Director, to submit a revised plan. The Assistant TLMA Director shall approve or deny the revised interim management plan within 60 days of receipt. If the Assistant TLMA Director denies the revised interim management plan, the Operator may appeal that action to the Board of Supervisors, which shall schedule a public hearing within 45 days of the filing of the appeal, or any longer period mutually agreed upon by the Operator and the Board of Supervisors. Review and approval of an interim management plan shall not be considered a “project” pursuant to CEQA, nor shall it require a public hearing.

C. The interim management plan may remain in effect for a period not to exceed 5 years, at which time the Assistant TLMA Director shall do one of the following:

1. Renew approval of the interim management plan for another period not to exceed 5 years, which may be renewed for one additional five-year renewal period at the expiration of the first five-year renewal period, if the Assistant TLMA Director finds that the Operator has fully complied with the provisions of the interim management plan.
2. Require the Operator to commence reclamation in accordance with its approved Reclamation Plan.

The determination by the Assistant TLMA Director to extend the term of the interim management plan or to require reclamation shall not require a public hearing. If the surface mining operation is still idle after expiration of its interim management plan and the interim management plan has not been renewed, the surface mining operation shall immediately commence reclamation in accordance with its approved Reclamation Plan.

- D. Any financial assurances required in conjunction with approval of the Permit shall remain in effect during the period the surface mining operation is idle and until such time as reclamation is completed.
- E. Unless review of an interim management plan is pending before the Assistant TLMA Director or the Board of Supervisors, or an appeal is pending before the Board of Supervisors, a surface mining operation which remains idle for over 1 year after becoming idle as defined in Section 2727.1 of the Public Resources Code, without obtaining approval of an interim management plan, shall be considered abandoned and the Operator shall commence and complete reclamation in accordance with the approved Reclamation Plan.

Section 20. TRANSFERS OF OWNERSHIP. Whenever any surface mining operation or portion of a surface mining operation subject to this ordinance is sold, assigned, conveyed, exchanged, or otherwise transferred, the successor in interest shall be bound by the provisions of this ordinance and shall notify the Assistant TLMA Director in writing of such transfer of ownership within 30 days of the transfer. Within 90 days of the sale or transfer of a surface mining operation, the new Operator shall submit, in accordance with Section 14 of this ordinance and SMARA, an appropriate financial assurance mechanism, which may be the existing mechanism if the existing mechanism is payable in the event of the new Operator's financial incapability or abandonment of the surface mining operation. Within 15 days of the sale or transfer of a surface mining operation, the new Operator shall sign a new statement of reclamation responsibility in accordance with Section 9 of this ordinance.

Section 21. FEES.

- A.** The application fee for a Permit, revised Permit, revised Reclamation Plan, or stand-alone Reclamation Plan (including a Reclamation Plan for mining operations on BLM land, for mining operations owned or operated by the County Transportation Department, or for vested surface mining operations conducted after January 1, 1976) shall initially be in the amount of twenty-one thousand dollars (\$21,000). This application fee is a deposit-based fee to be used to cover the actual costs for the County to undertake the review of a proposed Permit, revised Permit, proposed Reclamation Plan, or Revised Reclamation Plan. This application fee supersedes the fees set forth in Ordinance No. 671 for a Surface Mining Permit fee, for a Revised Permit fee, and for Reclamation Plans Submitted for Vested Operations Conducted After January 1, 1976.
- B.** The application fee for a Substantial Conformance to a Permit or Reclamation Plan shall initially be in the amount of five thousand dollars (\$5,000). This application fee is a deposit-based fee to be

used to cover the actual costs for the County to undertake the review of the proposed Substantial Conformance. This application fee hereby supersedes any fee for a Substantial Conformance set forth in Ordinance No. 671.

- C.** The application fee for review of an interim management plan shall be the same amount as the application fee for a Substantial Conformance to a Permit or Reclamation Plan, as set pursuant to this section.
- D.** The appeal filing fee required under Section 10 of this ordinance and petition fee required under Section 15 of this ordinance shall each initially be in the amount of one thousand dollars (\$1,000). This appeal filing fee hereby supersedes the Appeal of Planning Commission Decision fee set forth in Ordinance No. 671.
- E.** The mine inspection fee required under Section 13 of this ordinance shall initially be in the amount of three thousand five hundred dollars (\$3,500). The mine inspection fee is a deposit-based fee to be used to cover the actual costs for the County to undertake the annual inspection of a surface mining operation. This fee hereby supersedes the Special Inspection Permit fee set forth in Ordinance No. 671.
- F.** The mine administrative fee required under Section 13 of this ordinance shall initially be in the amount of two thousand dollars (\$2,000). The mine administrative fee shall be used for the administration and implementation of SMARA and this ordinance, including staff training, interaction with State agencies, updating applicable County regulations, and general management of the SMARA program.
- G.** The Board of Supervisors may adjust the amount of any of the fees

set forth in this section by resolution. Any adjustment to such fees shall be considered at a regularly scheduled Board of Supervisors meeting. Notice of the time, place, general description of the fee adjustment, and where related information and data is available for review shall be mailed at least fourteen (14) days prior to the meeting to any interested party who files a written request with the County for mailed notice related to fees. At least ten (10) days before the meeting, information related to the fee adjustment shall be made available to the public for review. Any resolution adopted by the Board of Supervisors making adjustments to any of the fees set forth in this section shall be posted at the Planning Department.

Section 22. SEVERABILITY. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance, it being expressly declared that this ordinance and each section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted, irrespective of the fact that one or more other section, subsection, paragraph, sentence, clause or phrase be declared invalid or unconstitutional.

Section 23. This ordinance shall take effect sixty (60) days after its adoption.

Adopted: 555 08/09/1977 (Eff: 09/08/1977)

Amended: 555.1 05/02/1978 (Eff: 05/31/1978)

555.2 07/05/1978 (Eff: 08/03/1978)

555.3 08/26/1980 (Eff: 09/24/1980)

555.4 12/16/1980 (Eff: 01/14/1980)

555.5 12/23/1980 (Eff: 01/21/1980)

555.6 06/02/1981 (Eff: 007/01/1981)

555.7 06/22/1982 (Eff: 07/21/1982)

555.8 Item 3.4 of 05/31/1983 (Eff: 06/29/1983)

555.9 Item 3.3 of 08/23/1983 (Eff: 09/21/1983)

555.10 Item 9.1 of 06/04/1985 (Eff: 07/04/1985)

555.11 Item 3.7 of 04/22/1986 (Eff: 06/01/1986)

555.12 Item 3.15c of 02/10/87 (Eff: 03/12/1987)

555.13 Item 9.3 of 05/05/1987 (Eff: 07/04/1987)

555.14 Item 3.6 of 06/30/1987 (Eff: 07/30/1987)

555.15 Item 3.1g of 05/03/1988 (Eff: 07/01/1988)
555.16 Item 3.11g of 03/28/1989 (Eff: 04/27/1989)
555.17 Item 3.5 of 06/29/1993 (Eff: 07/29/1993)
555.18 Item 3.4d of 06/06/1995 (Eff: 08/12/1995)
555.19 Item 3.27 of 10/02/2012 (Eff: 11/01/2012)
555.20 Item 3.20 of 02/25/2020 (Eff.: 04/25/2020)