



CITY OF SACRAMENTO

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CITY PLANNING DEPARTMENT

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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 *PPD*
OF THE CITY COUNCIL
SEP 30 1980
OFFICE OF THE CITY CLERK
Cont 40
10-7-80

September 30, 1980
All Districts

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.

(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, 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:

(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