

VENTURA COUNTY NON-COASTAL ZONING ORDINANCE (SMARA SECTIONS ONLY)

**DIVISION 8, CHAPTER 1 OF THE VENTURA
COUNTY ORDINANCE CODE**

LAST AMENDED: 12-17-2024

EFFECTIVE: 1-17-2025

VENTURA COUNTY PLANNING DIVISION

ARTICLE 2: DEFINITIONS

Sec. 8102-0 - Application of Definitions

- a. Unless the provision or context otherwise requires as determined by the *Planning Director*, the definitions of words and terms as follows shall govern the construction of this Chapter.
- b. Words and terms defined in Section 8102-0 below are endeavored to be italicized for convenience whenever they appear in this Chapter. If a word or term defined below is not italicized where appearing in this Chapter, it shall nonetheless have the defined meaning unless from the context a different meaning is defined or otherwise clearly intended.
- c. Whenever any words or terms used in this Chapter are not defined herein but are defined in another Chapter of this Division, and the word or term is used in the same context in this Chapter or the *General Plan*, the word or term shall have the same meaning as defined in such other Chapter or the *General Plan*. If a conflict exists between a definition, the definition for a word or term in this Chapter and a definition for the same word or term in another Chapter of this Division or the *General Plan*, the definition herein shall control.
- d. Whenever a definition or other provision in this Chapter references a statute, regulation or provision of federal, state, or local law or regulation, the reference shall be to the current or successor version of the law unless expressly stated otherwise herein.

(AM. ORD. 4639 – 12/17/24)

Definitions – F

Financial Assurance: A monetary assurance that *reclamation* will be completed on mined lands pursuant to the approved *reclamation* plan. In the event that a *mining site* is abandoned or the owner and/or operator are financially incapable of reclaiming the *site*, the funds will be used by the *County* or the State Department of Conservation toward *reclamation* of the mined *site*. (ADD. ORD. 4187 - 5/25/99; AM. ORD. 4377 – 1/29/08 - grammar)

Financial Assurance Mechanism: An instrument acceptable to the State Department of Conservation and the *County*, that serves as the *financial assurance*, such as a surety bond, trust fund, certificate of deposit or an irrevocable letter of credit. (ADD. ORD. 4187 - 5/25/99)

Definitions – I-K

Idle Mine: Surface *mining* operations curtailed for a period of one year or more, by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface *mining* operations at a future date. (ADD. ORD. 4187 - 5/25/99)

Definitions – M

Mineral Resource Development: The exploration for or extraction of surface or subterranean compounds and materials; this includes *oil and gas exploration and production*, and the *mining* of metallic and nonmetallic minerals, sand, gravel and rock. (ADD. ORD. 3723 - 3/12/85)

Mining: A form of *mineral resource development* involving the extraction and removal of more than 1,000 cubic yards of material from the same *site*, or from separate *lots* within one mile of each other that are owned or mined by the same person, through such activities and *uses* as *borrow areas*, sand, gravel and rock quarries, etc. Mining does not include extraction and

removal of material from construction *sites* or following floods, landslides or natural disasters where the land is being restored to its prior condition. (See Section 8107-9.) (ADD. ORD. 3723 - 3/12/85; AM. ORD. 3810 - 5/5/87; AM. ORD. 4639 - 12/17/24)

Mining, Accessory Uses: *Uses* customarily incidental, appropriate and subordinate to *mining* located on the same *site*, such as stockpiling; sorting; screening; washing; crushing; and maintenance facilities. Other *accessory uses* include the following: ready mix concrete batching; asphalt concrete batching; recycling of concrete, asphalt and related construction materials; trucking operations associated with products from the *site*; and *contractors' service and storage yards* and concrete and asphalt concrete products manufacturing which make use of the products produced from the subject *mining site*. These *uses* may require separate permits as *principal uses* if not addressed under the primary *mining* permit. (See Section 8107-9.) (ADD. ORD. 3723 - 3/12/85; AM. ORD. 4092 -6/27/95; AM. ORD. 4123 - 9/17/96 - grammar; AM. ORD. 4187 - 5/25/99; AM. ORD. 4639 - 12/17/24)

Mining, Agricultural Site: An area, or areas within a *site* where the *Planning Director* has determined that the excavation and/or removal of more than 1,000 cubic yards of earthen material is integral and beneficial to the development or enhancement of a bona fide farming operation on that *site*. (See Section 8107-9.) (ADD. ORD. 4187 - 5/25/99; AM. ORD. 4639 - 12/17/24)

Definitions – R

Reclamation: 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 require the removal of *mining* related *structures*, equipment and improvements, backfilling, *grading*, resoiling, revegetation, soil compaction, slope stabilization, erosion control or other measures which may also extend into adjacent lands surrounding mined lands. (ADD. ORD. 4187 - 5/25/99)

Definitions – S

SMARA: The Surface Mining and Reclamation Act (Public Resources Code § 2710 et seq.) (See Section 8107-9.) (ADD. ORD. 4187 - 5/25/99; AM. ORD. 4639 - 12/17/24)

Sec. 8107-9 - Mining and Reclamation

Sec. 8107-9.1 - Purpose

The purpose of this section is to establish reasonable and uniform limitations, safeguards and controls for *mining* and *accessory uses* which will allow for the reasonable use of an important *County* resource. These regulations shall also ensure that *mining* activities will be conducted in harmony with the environment and other *uses* of land within the *County* and that mineral *sites* will be appropriately reclaimed.

Sec. 8107-9.2 - Application

Unless otherwise indicated herein, the purpose, intent and provisions of Section 8107-9 et seq. shall be and are hereby automatically imposed and made a part of any permit for *mining* development issued by Ventura or any *mining* development operation initiated upon Federally owned lands for which it has been determined that no land use permit is required by Ventura County.

Sec. 8107-9.3 - Definitions

Unless otherwise defined herein, or unless the text clearly indicates otherwise, the definition of mining shall be that defined in this Chapter.

Sec. 8107-9.4 - Required Permits

No *mining* related *use* may commence without the approval of the appropriate land use permit, *reclamation* plan, and the approval and depositing of the applicable *financial assurances* for *reclamation* required pursuant to this Chapter. Furthermore, a Zoning Clearance must be obtained by the *permittee* prior to commencing activities authorized by the land use permit, and as it may be modified. The issuance of a land use permit shall not relieve the operator of the responsibility of securing and complying with any other permit which may be required by other *County* Ordinances, or State or Federal laws. No condition of a land use permit for *uses* allowed by this Chapter shall be interpreted as permitting or requiring any violation of law, or any lawful rules or regulations or orders of an authorized governmental agency. In instances where more than one set of rules applies, the stricter one shall take precedence.

Sec. 8107-9.5 - Mining and Reclamation Guidelines

The general guidelines that follow shall be used in the development of conditions which will help ensure that *mining* projects generate minimal negative impacts on the environment. The guidelines shall be applied whenever physically and economically feasible or practicable, unless the strict application of a particular guideline(s) would otherwise defeat the intent of other guidelines. An *applicant* should use the guidelines in the design of the project and anticipate their use as permit conditions, unless the *applicant* can demonstrate that they are not physically or economically feasible or practicable.

Sec. 8107-9.5.1

All *mining* and *reclamation* shall be consistent with the *County General Plan*, the Ventura County Water Management Plan, and the State Surface Mining and Reclamation Act of 1975 (*SMARA*), as amended, and State policy adopted pursuant to *SMARA*.

Sec. 8107-9.5.2

Mining and *accessory uses* of less than one year in duration may not be renewed nor shall such *uses* be allowed to continue operating beyond one year after the *inauguration* of the land use *entitlement*.

Sec. 8107-9.5.3

No provisions in this Chapter or in the County *General Plan* shall be construed to encourage any *mining* operation or facility which would endanger the public's health, safety or welfare, which would endanger private or public facilities or which would prohibit the alleviation of a hazard by hampering or precluding such activities as the maintenance, restoration or construction of public works facilities.

Sec. 8107-9.5.4

In general, projects shall be located, designed, operated and reclaimed so as to minimize their adverse impact on the physical and social environment, and on natural resources. To this end, dust, noise, vibration, noxious odors, intrusive light, aesthetic impacts, traffic impacts and other factors of nuisance and annoyance, erosion, and flooding shall be minimized or eliminated through the best accepted *mining* and *reclamation* practices, applicable to local conditions, which are consistent with contemporary principles and knowledge of resource management, stormwater quality, groundwater quality and quantity, flood control engineering and flood plain management.

Sec. 8107-9.5.5

All surface *mining* activities shall strike a reasonable balance with other resource priorities such as water, farmland, fish and wildlife and their habitat, groundwater recharge, sediment for replenishment of beaches and the protection of public and private *structures* and facilities.

Sec. 8107-9.5.6

The extraction of aggregate resources in rivers and streams shall allow for the ongoing maintenance of viable *riparian* ecology by preserving as many natural stream elements as practical. *Mining* operations may provide for the enhancement of some *riparian* ecosystems as a mitigation to compensate for significant adverse environmental effects on other *riparian* ecosystems, thereby preserving the overall quality of the *riparian* environment. (AM. ORD. 3900 - 6/20/89)

Sec. 8107-9.5.7

Appropriate and reasonable monitoring and enforcement measures shall be imposed on each *mining* operation which will ensure that all permit conditions, guidelines and standards of Sec. 8107-9 et seq. are fulfilled.

Sec. 8107-9.5.8

Reclamation of a *site* shall include the removal of equipment and facilities and the restoration of the *site* so that it is readily adaptable for alternate land *uses(s)* which is consistent with the approved *reclamation* plan as well as the existing and proposed *uses* in the general area. *Reclamation* shall be conducted in phases on an ongoing basis, where feasible.

Sec. 8107-9.5.9

All *mining* and *reclamation* with direct significant effects on resources within the *coastal zone* shall consider the effect on *coastal zone* resources including anadromous fish runs, sand supply, and coastal wetland, stream and marine resources.

Sec. 8107-9.5.10

Reclamation shall be considered complete when the standards, specified in the approved *reclamation* plan, have been successfully completed to the satisfaction of the State Department of Conservation and the County.

Sec. 8107-9.6 - Mining and Reclamation Standards

The following are minimum standards and requirements which shall be applied pursuant to Sec. 8107-9.2.

Sec. 8107-9.6.1 - General Mining Standards

Projects shall be located, designed, operated and reclaimed so as to minimize their adverse impact on the physical and social environment, and on natural resources. To this end, dust, noise, vibration, noxious odors, intrusive light, aesthetic impacts, traffic impacts and other factors of nuisance and annoyance, erosion and flooding shall be minimized or eliminated through the best accepted *mining* and *reclamation* practices which are applicable to local conditions and incident to the exploration for and extraction of aggregate resources. In addition, mitigation measures should be consistent with contemporary principles and knowledge of resource management, stormwater quality, groundwater quality and quantity, flood control engineering and flood plain management. Further, posting of *signs* and notification to neighboring property owners of the project's activities shall be required where necessary.

Sec. 8107-9.6.2 - Setbacks

No processing equipment or facilities shall be permanently located, and no *mining* or *accessory uses* shall occur, within the horizontal *setbacks* specified below: (AM. ORD. 4092 - 6/27/95)

- a. 100 feet of any dedicated *public street* or highway unless the Public Works Agency determines a lesser distance would be acceptable.
- b. 100 feet of any *dwelling* not accessory to the project, unless a waiver is signed pursuant to Sec. 8107-9.6.13 allowing the *setback* to be reduced. In no case shall permanent processing facilities, equipment, or *mining* be located less than 50 feet from said *structures*.
- c. 200 feet of any institution, school or other *building* used as a place of public assemblage, unless a waiver is signed pursuant to Sec. 8107-9.6.13 allowing the *setback* to be reduced. In no case shall permanent processing facilities or equipment or *mining* be located less than 100 feet from said *structures*.

Other facilities and *structures* shall be set back distances which are applicable for *accessory structures* for the zone in which the *use* is located.

Sec. 8107-9.6.3 - Obstruction of Drainage Courses

Mining operations and their *accessory uses*, *access* roads, facilities, stockpiling of mineral resources and related *mining* activities shall be consistent with current engineering and public works standards and in no case shall obstruct, divert, or otherwise affect the flow of natural drainage and flood waters so as to cause significant adverse impacts, except as authorized by the Public Works Agency. (AM. ORD. 4092 - 6/27/95)

Sec. 8107-9.6.4 - Control of Contaminants, Run-Off and Siltation

Contaminants, water run-off and siltation shall be controlled and generally contained on the project *site* so as to minimize adverse off-site impacts.

Sec. 8107-9.6.5 - Dust Prevention

The project *site* and all roads or hauling routes located between the public right-of-way and the subject *site* shall be improved or otherwise treated as required by the *County* and maintained as necessary to prevent the emanation of dust.

Sec. 8107-9.6.6 - Light Emanation

Light emanation shall be controlled so as not to produce excessive levels of *glare* or abnormal light levels directed at any neighboring *uses*. (AM. ORD. 4123 - 9/17/96 - grammar)

Sec. 8107-9.6.7 - Painting

All permanent facilities and *structures* on the *site* shall be colored so as to mask facilities visible from surrounding *uses* and roadways in the area. Said colors shall also take into account such additional factors as heat buildup and designation of danger areas. Said colors shall be approved by the *Planning Director* prior to painting of facilities.

Sec. 8107-9.6.8 - Site Maintenance

The permit area shall be maintained in a neat and orderly manner so as not to create unsightly conditions visible from outside the permitted area or any hazardous conditions. Equipment and materials may be stored on the *site* which are appurtenant to the operation and maintenance of *mining* operations.

Sec. 8107-9.6.9 - Reclamation Plan

No *mining* permit shall be approved without an approved *reclamation* plan, unless it is exempted from said *reclamation* plan by the State Department of Conservation. Where *reclamation* plans are not processed concurrently with a *discretionary* land use *entitlement*, at least one noticed public hearing on the *reclamation* plan must be held prior to its approval. Such *reclamation* plans are subject to all rights of appeal associated with permit approval. All *reclamation* plans must be found to be consistent with and approved in accordance with: the Ventura County Zoning Ordinance, as amended; the provisions of SMARA (Public Resource Code (PRC) § 2710 et seq.), PRC Section 2207, and State regulation Title 14 California Code of Regulations (CCR) § 3500 et seq., as amended; the regulations, guidelines and other measures adopted by the State Mining and Geology Board; Ventura County Public Works Agency standards; any and all locally adopted resource management goals and policies; and compatible with the existing geological and topographical features of the area. Additional considerations, such as the following, shall also be addressed in the *reclamation* plan and permit: (AM. ORD. 4092 - 6/27/95)

- a. The creation of safe, stable slopes and the prevention of subsidence;
- b. Control of water run-off and erosion;
- c. Views of the *site* from surrounding areas;
- d. Availability of backfill material;
- e. Proposed subsequent *use* of the land which will be consistent with the *General Plan* and existing and proposed *uses* in the general area;
- f. Removal or reuse of all *structures* and equipment;
- g. The time frame for completing the *reclamation*;
- h. The costs of *reclamation* if the *County* will need to contract to have it performed;
- i. Revegetation of the *site*;

- j. Phased *reclamation* of the project area;
- k. Provisions of an appropriate *financial assurance mechanism* to ensure complete implementation of the approved *reclamation* plan. (ADD. ORD. 4092 - 6/27/95)

Upon receipt of a complete *reclamation* plan, the *Planning Director* shall forward the plan to the State Department of Conservation for review. Following review by the State, the *reclamation* plan may be approved by the *County* in accordance with the requirements of *SMARA*, as amended. Termination of the *use* or revocation of the use permit does not absolve the responsible parties for the *reclamation* of the *site* pursuant to the adopted *reclamation* plan and/or *SMARA* requirements. Failure to reclaim mined lands constitutes a violation of this Chapter and the property owner is ultimately responsible for such *reclamation*. (ADD. ORD. 4092 - 6/27/95)

Sec. 8107-9.6.10 - Removal of Equipment, Facilities and Structures

All equipment, except that which is required to complete the *reclamation* plan, and all facilities and *structures* on the project *site*, except those approved for retention in support of the authorized "end use", shall be removed from the *site* in accordance with the *reclamation* plan, within 180 days after the termination of the *use*, unless a time extension is approved by the *Planning Director*. (AM. ORD. 4092 - 6/27/95)

Sec. 8107-9.6.11 - Application of Sensitive Use Related Standards

The imposition of regulations on *mining* operations, which are based on distances from occupied sensitive *uses* (i.e., residences, schools, health care facilities, or places of public assembly), shall only apply to those occupied sensitive *uses* which were in existence at the time the permit for the subject *mining* operations was approved. The provisions of this section shall continue for the life of the permitted *mining* operations at the subject *site*.

Sec. 8107-9.6.12 - Exceptions to Standards

Upon the written request of the *permittee*, the *Planning Director* may grant temporary exceptions to the noise standards, hours of operation and the conditions of a given permit provided it is deemed necessary because of a declared public *emergency* or the off-hours scheduling of a public works project where a formal contract to conduct the work in question has been issued.

Sec. 8107-9.6.13 - Waivers of Standards

Where provisions exist for the waiver of ordinance requirements, the waiver must be signed by the owner and all adult occupants of a *dwelling*, or in the case of other sensitive *uses*, by the owner of the use in question. Once a waiver is granted, the *permittee* is exempt from affected ordinance requirements relative to the sensitive *use* in question for the life of the permitted operations.

Sec. 8107-9.6.14 - Reporting of Accidents

The *permittee* shall immediately notify the *Planning Director* of any incidents such as fires, explosions, spills, land or slope failures or other conditions at the permit *site* which could pose a hazard to life or property outside the permit area. Upon request of any *County* agency, the *permittee* shall provide a written report of any incident within seven calendar days which shall include, but not be limited to, a description of the facts of the incident, the corrective measures used and the steps taken to prevent recurrence of the incident.

Sec. 8107-9.6.15 - Contact Person

The *permittee* shall provide the *Planning Director* with the current name(s) and/or position title, address and phone number of the person who shall receive all orders, notices and communications regarding matters of condition and code compliance. The

person(s) in question shall be available by phone during the hours that activities occur on the permit *site*, even if this means 24 hours a day.

Sec. 8107-9.6.16 - Current Mining Plans

For *mining* projects located in sensitive areas which operate under regularly changing environmental conditions (e.g., in-river *mining*), a *mining* plan shall be prepared by the *permittee* on a regular basis in accordance with the applicable conditions of a project's permit. Said plan shall describe how *mining* over the next interval will be conducted in accordance with the intent and provisions of the project's use permit. The plan shall be reviewed and approved by the *County* at the *permittee's* expense. The review and approval of current *mining* plans shall not be used in lieu of the formal modification process to change the text and drawings of the permit conditions.

Sec. 8107-9.6.17 - Permit Review

Monitoring of the permit or aspects of it may be required as often as necessary to ensure compliance with the permit conditions. In any case, the permit and *site* shall be reviewed and inspected by the Planning Division or its contractors at least once a year. The purpose of said review is to ascertain whether the *permittee* is in compliance with all conditions of the permit and current *SMARA* requirements and whether there have been significant changes in environmental conditions, land *use* or *mining* technology, or if there is other good cause which would warrant the *Planning Director's* filing of an application for modification of the conditions of the permit. If such an application is filed, it shall be at the *County's* expense and modification of conditions would not occur without a duly noticed public hearing. More frequent inspections may be mandated at the discretion of the *Planning Director* after violations have been discovered on the *site*. The *permittee* shall pay the *County* the annual inspection fee established by resolution of the Board of Supervisors. (AM. ORD. 4092 - 6/27/95)

Sec. 8107-9.6.18 - Enforcement Costs

Permit conditions shall be imposed which will enable the *County* to recover the reasonable and appropriate costs necessary for the reviewing and monitoring of permit operations and the enforcing of the applicable requirements of the Zoning Ordinance and the conditions of this permit.

Sec. 8107-9.6.19 - Civil Penalties

In case of any failure by the *permittee* to perform or comply with any term or provision of this conditional use permit, the final *decision-making authority* that would act on the permit may, after notice to the *permittee* and a public hearing, determine by resolution the amount of the civil penalty to be levied against the *permittee*. Said penalty shall be paid within 30 days unless the penalty is under appeal. Failure to pay the penalty within the allotted time period shall be considered grounds for suspension of the subject *use*, pursuant to Sec. 8111-7.2, until such time as the penalty is paid. The payment of a civil penalty shall not insulate the *permittee* from liability in excess of the sum of the penalty for damages or injury or expense or liability suffered by the *County of Ventura* from any breach by the *permittee* of any term or condition of said permit or of any applicable ordinance or of this security. Said penalty is separate from the "administrative penalty" that the *County* may impose pursuant to *SMARA*.

The maximum penalty that can be levied against a *permittee* at any given time shall be in accordance with the amounts set forth below. The amounts for a given permit

may be increased to adjust for inflation pursuant to the conditions of the subject permit.

<u>Total Permitted Extraction (Life of the Project)</u>	<u>Applicable Civil Penalty Ceiling</u>
Less than 10,000 cu. yards	\$ 5,000.00
10,000 to 99,999 cu. Yards	\$10,000.00
100,000 to 999,999 cu. yards	\$15,000.00
1,000,000+ cu. Yards	\$25,000.00

(AM. ORD. 4092 - 6/27/95)

Sec. 8107-9.6.20 - Performance Securities

Performance bonds or other securities may be imposed on any permit to ensure compliance with certain specific tasks or aspects of the permit. The amount of the security shall be based upon the actual anticipated costs for completing the subject task if the *County* were forced to complete it rather than the *permittee*. The performance security may be posted in phases as tasks are undertaken or required to be completed.

Sec. 8107-9.6.21 - Insurance

The *permittee* shall maintain, for the life of the permit, liability insurance of not less than \$500,000 for one person and \$1,000,000 for all persons, and \$2,000,000 for property damage, unless the Ventura County Risk Management Agency deems higher limits are necessary. This requirement does not preclude the *permittee* from being self-insured. (AM. ORD. 3723 - 3/12/85)

Sec. 8107-9.6.22 - Noise Standards

Unless herein exempted, operations associated with an approved *mining* permit shall not produce noise, measured at a point outside of occupied sensitive *uses* such as residences, schools, health care facilities, or places of public assembly, that exceeds the following standard or any other more restrictive standard that may be established as a condition of a specific permit. Noise from the subject property shall be considered in excess of the standard when the average sound level, measured over one hour at the sensitive *use*, is greater than the standard that follows. The determination of whether a violation has occurred shall be made by the *Planning Director* in accordance with the provisions of the permit in question, where such provisions exist. If the permit has no such violation determination provisions, then best common practice shall be used.

Nomenclature and noise level descriptor definitions are described in the Ventura County *General Plan* Goals, Policies and Programs and the Ventura County *General Plan* Hazards Appendix. Measurement procedures shall be guided by the Ventura County *General Plan* Hazards Appendix and other contemporary procedures in effect. The maximum allowable average sound level is as follows:

One Hour Average Noise Levels (LEQ)

- Leq1H of 55 dB(A) or ambient noise level plus 3 dB(A), whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.
- Leq1H of 50 dB(A) or ambient noise level plus 3 dB(A), whichever is greater, during any hour from 7:00 p.m. to 10:00 p.m.
- Leq1H of 45 dB(A) or ambient noise level plus 3 dB(A), whichever is greater, during any hour from 10:00 p.m. to 6:00 a.m.

Sec. 8107-9.6.23 - Exceptions to Noise Standard

The noise standard established pursuant to Sec. 8107-9.6.22 shall not be exceeded except for the following conditions:

- a. Where the ambient noise levels (excluding the permitted *mining* operation) exceed the applicable noise standards. In such cases, the maximum allowable noise levels shall not exceed the ambient noise levels plus 3 dB(A).
- b. Where a waiver has been signed pursuant to Sec. 8107-9.6.13, wherein those granting the waiver acknowledge that noise from *mining* related operations and traffic could exceed the allowable noise standard and that they are willing to experience such noise levels. The noise standards described under Sec. 8107-9.6.22 shall continue to apply at all locations where a waiver has not been signed pursuant to Sec. 8107-9.6.13.

Sec. 8107-9.7 - Interim Management Plan Standards

The following are minimum standards and requirements which shall be applied pursuant to Sec. 8107-9.2.

Sec. 8107-9.7.1 - General Standards for Interim Management Plan (IMP)

Within 90 days of a surface *mining* operation becoming idle, the operator shall submit to the *Planning Director* a proposed IMP. The proposed IMP shall fully comply with the requirements of *SMARA*, all land use permit conditions, and shall provide measures the operator will implement to maintain the *site* in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the Planning Department, and shall be processed as an amendment to the *reclamation* plan. IMPs shall not be considered a project for the purposes of environmental review.

Sec. 8107-9.7.2 - Financial Assurance for Interim Management Plan (IMP)

Financial assurances for idle operations shall be maintained as though the operation were active.

Sec. 8107-9.7.3 - Approval Procedure for Interim Management Plan (IMP)

Upon receipt of a complete proposed IMP, the *Planning Director* shall forward the IMP to the State Department of Conservation for review. Following review by the State, the IMP may then be approved by the *County* in accordance with the requirements of *SMARA*, as amended.

Sec. 8107-9.7.4 - Expiration of Interim Management Plan (IMP)

The IMP may remain in effect for a period not to exceed five years, at which time the *Planning Director* may renew the IMP for one additional period not to exceed five years, or require the surface *mining* operator and/or property owner to commence *reclamation* in accordance with its approved *reclamation* plan.

Sec. 8107-9.8 - Agricultural Mining Site

No permit for an *Agricultural Mining Site* shall be approved unless all of the following applicable standards have been met.

Sec. 8107-9.8.1

It has been determined by the *County*, in conjunction with the State Mining and Geology Board, that the *Agricultural Mining Site* is exempt from the requirements of the Surface Mining and Reclamation Act pursuant to PRC § 2714(f), or a *reclamation* plan and *financial assurances* must be approved pursuant to Sec. 8107-9 et seq.

Sec. 8107-9.8.2

Signed waivers, on forms provided by the County, from the applicable property owners/residents, as determined by the *Planning Director*, pursuant to Sec. 8111-1.1.2 have been provided.

Sec. 8107-9.8.3

There is an approved Grading permit or Hillside Erosion Control plan for the project, if required.

Sec. 8107-9.8.4

The area, or areas in question, have an average existing slope of less than 20 percent.

Sec. 8107-9.8.5

The amount of material exported from the *site* is in keeping with good engineering practices as determined by the County Public Works Agency.

Sec. 8107-9.8.6

The *permittee* shall provide the *Planning Director* with the current name(s) and/or position title, address and phone number of the person who shall receive all orders, notices and communications regarding matters of code compliance. The person(s) in question shall be available by phone during the hours that activities occur on the permit *site*, even if this means 24 hours a day.

Sec. 8107-9.8.7

The amount of material to be removed does not exceed 40,000 cubic yards of earthen material.

Sec. 8107-9.8.8

The proposed project is the only such *agricultural mining site* that may be approved on the subject *legal lot*.

Sec. 8107-9.8.9

There shall be no more than 50 one-way truck trips per operating day. Any haul truck arriving at the *site* shall count as one (1) one-way vehicle trip and any haul truck departing the *site* shall count as one (1) one-way vehicle trip (i.e., one (1) round-trip equals two (2) one-way trips).

Sec. 8107-9.8.10

The project shall cease after one year from the date the permit is issued.

Sec. 8107-9.8.11

Truck hauling shall be limited to six days per week, excluding Sundays, and shall occur only between the hours of 9:00 am to 3:00 pm.

Sec. 8107-9.8.12

All trucks leaving the *site* must be constructed, covered, or loaded to prevent any of its contents from dropping, sifting, leaking, blowing, spilling, or otherwise escaping from the vehicle onto a private or public roadway.

Sec. 8107-9.8.13

Material shall not be stockpiled on or hauled through or within 100 feet of areas such as wetlands, *riparian habitat* or other environmentally sensitive areas.

Sec. 8107-9.8.14

The *permittee* has a program that demonstrates to the satisfaction of the *Planning Director* that the following factors have been adequately addressed:

- a. Excavated material shall be relocated to a lawful *site*.

- b. The haul routes do not conflict with school bus routes/schedules.
- c. Traffic controls exist to promote the safe ingress and egress of vehicles to and from the *site* through such means as *signs*, flagmen, notices to property owners, etc.
- d. Dust shall be controlled to a degree comparable with agricultural operations in the area through such means as watering the work site.
- e. Erosion of the *site* shall not occur.
- f. Siltation of streams and adjacent property shall not occur.

Sec. 8107-9.8.15

Removal of material is integral to conduct agricultural operations, and is beneficial for the development or enhancement of a bone fide farming operation on the *site*, as determined by the *Planning Director*, in consultation with County agricultural authorities (i.e., Agricultural Commissioner's Office, Farm Advisor, etc.). In making this determination the *Planning Director* shall use the following guidelines among others, where applicable:

- a. An agronomic report by a qualified soil expert certifies that the proposed removal of material will enhance the agricultural productivity of the *site* and may be required if determined necessary by the *Planning Director*.
- b. The topsoil at the *site* is being preserved.
- c. The depth of material excavated does not exceed the minimum depth required to create a suitable soil zone for the intended crops/trees.
- d. A farm plan that includes such details as: the crops/trees to be grown at the *site*, irrigation plans, long term water availability for the intended crops/trees, and an implementation schedule.

(AM./SUBSECTIONS ADDED-ORD. 3723 - 3/12/85; REP./REEN. ORD. 4187 - 5/25/99)