



County of Lassen
Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

May 5, 2017

Maurice L. Anderson, Director
707 Nevada Street, Suite 5
Susanville, CA 96130-3912
Phone: 530 251-8269
Fax: 530 251-8373
email: landuse@co.lassen.ca.us
website: www.co.lassen.ca.us

TO: Board of Supervisors
Agenda Date: May 16, 2017

Zoning & Building
Inspection Requests
Phone: 530 257-5263

FROM: Maurice L. Anderson, Director

SUBJECT: Consider an amendment to Lassen County Code Section 3.18.021 (Planning Department fees for surface mining and related activities) to include in the "Annual Surface Mine Administration and Operations Monitoring Fee" a minimum fee amount of \$1,000 per site and a maximum fee amount of \$3,850 per site, regardless of mine status. As the County fee is currently calculated as a percentage of the State fee (75%), a set County fee maximum per site will prevent continual increases due to ongoing increases to the State fee maximum.

ACTION REQUESTED:

1. Receive report.
2. Introduce Ordinance and read (or waive the reading).

SUMMARY: Staff proposes to amend the "Annual Surface Mine Administration and Operations Fee" to include a minimum fee amount of \$1,000 per site and a maximum fee amount of \$3,850 per site, regardless of mine status. Specifically, the fee will change from "\$1,000.00 or 75% of the annual State reporting fee whichever is greater" to "\$1,000.00 per site or 75% of the annual State reporting fee paid per site (up to \$3,850 per site), whichever sum is greater."

Annual State fee amounts have been climbing steadily, and recent changes to legislation raised the State fee maximum from \$5,194 to \$10,000 (to be introduced incrementally over three years' time). As the County fee is currently calculated as 75% of the State fee, a set County fee maximum per site will prevent continual increases due to ongoing increases to the State fee maximum.

The \$1,000 minimum was introduced in 2010 to ensure funding for a full time mining position at the local level. A maximum fee of \$3,850 per site will restore the County maximum to that which was in place at the time of the last fee ordinance adoption in 2010, with a 12% increase to account for the 12% increase of the cost of maintaining a County mining position. The previous ordinance was supported by the majority of mine owners and operators in the County, as demonstrated at an August 11, 2010, public meeting at which the ordinance was discussed. By continuing to use the 75% formula, mines falling into the "0-100 tons" and "100-1,000 tons" production categories will also see County fee reductions, as the State has lowered fees for these categories.

If only one annual State reporting fee is paid for multiple sites due to an approved Multiple-Site Single Fee Request, 75% of this fee amount or \$1,000 per site, whichever is greater, shall be due to Lassen County.

ORDINANCE NO. _____

ORDINANCE REVISING CHAPTER 3.18, "FEES AND REVENUES," OF THE LASSEN
COUNTY ORDINANCE CODE AMENDING SECTION 3.18.021, "PLANNING
DEPARTMENT FEES FOR SURFACE MINING AND RELATED ACTIVITIES"

The following ordinance, consisting of three sections, was duly and regularly passed and adopted
by the Board of Supervisors of the County of Lassen, State of California, at a regular meeting of
the Board of Supervisors held on the 23rd day of May, 2017 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman of the Lassen County Board of
Supervisors, County of Lassen, State of California

Attest:
Julie Bustamante
Clerk of the Board

BY _____
MICHELE J. YDERRAGA, Deputy Clerk of the Board

I, MICHELE J. YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors, County of
Lassen, do hereby certify that the foregoing ordinance was adopted by the said Board of
Supervisors at a regular meeting thereof held on the 23rd day of May, 2017.

Deputy Clerk of the County of Lassen Board of Supervisors

THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN,
STATE OF CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE: This ordinance shall take effect Thirty (30) days from the date of its passage and before the expiration of Fifteen (15) days after its passage a summary shall be published with the names of the members voting for and against the same once in a local newspaper within the County of Lassen, State of California.

SECTION TWO: Amend Section 3.18.021 Planning department fees for surface mining and related activities to read as follows:

3.18.021 Planning and Building Services Department fees for surface mining and related activities.

Fees shall be as follows:

Action/Reference to County Code or State Law	Fee
Surface Mining Use Permits:	
Surface Mining Use Permit and SMARA Reclamation Plan (submitted together)	\$1,200.00+ 200.00/ac over 5 ac total disturbed area* to \$2,400.00 max.
SMARA Reclamation Plan Only (for operations possessing, or not required to possess, approved and valid use permits)	\$900.00+ \$150.00/ac over 5 ac total disturbed area* to \$1,800.00 max.
Minor Amendment to approved Reclamation Plan or Surface Mining Use Permit; Consideration of Financial Assurance associated with valid SMARA reclamation plan	\$397.00
Idle Operation Interim Management Plan (Pub. Res. Sections 2727.1 and 2770(h))	\$397.00
Annual Surface Mine Administration and Operations Monitoring Fee** (Pub. Res. Section 2207(e))	\$1,000.00 per site or 75% of the annual State reporting fee paid per site (up to \$3,850 per site), whichever sum is greater.
<p>* Total disturbed area includes new haul roads, materials excavation sites, materials stockpiles, overburden and topsoil stockpiles, waste dumps, sediment ponds, processing sites, equipment and vehicle storage sites, and any other surface disturbance related to or resulting from the mining operation.</p> <p>** Surface Mine Permit Administration and Operations Monitoring Fees: All mining operations subject to the Surface Mining And Reclamation Act are subject to county administration and operations monitoring fees. The county shall establish such fees as it deems necessary to cover the reasonable costs incurred in administering and monitoring</p>	

surface mining operations. The fees shall be paid to the county on an annual basis, and shall be payable no later than July 31st of each year that the operation is subject to SMARA. The administration monitoring fee shall be seventy-five percent of the annual reporting fee paid per site (up to a \$3,850.00 maximum per site) by each operator to the state pursuant to Public Resources Code Section 2207(d), or \$1,000.00 per site, whichever sum is greater and regardless of mine status. Administration and monitoring shall include the following:

- Annual site inspections and reports as required by the State Department of Conservation (Public Resources Code Section 2774[b]);
- Annual review of Reclamation Financial Assurance as required by Public Resources Code Section 2773.1 (a) (3);
- Periodic site inspections and reports as may be required pursuant to individual permit/reclamation plan conditions;
- Mitigation monitoring pursuant to the California Environmental Quality Act;
- In some cases it may be necessary for the county to contract with independent consultants/specialists for inspections or special services such as reclamation plan assessment, hydrologic and/or geologic analysis, biological studies, on-site reclamation evaluation, etc. In such cases the lead agency shall first consult with the department of conservation to confirm the need for specialized study. Upon a determination that consultant services are necessary, the operator shall be responsible for the costs of contracted services and shall enter into a funding agreement with the county. The consultant shall be responsible to Lassen County and shall be paid through the county by the operator;
- Other project specific administration.

SECTION THREE: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.



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«Contact_Person»
«Mine_Operator»
«Street_Address»
«City_State_Zip»

Mail merged
& went out to
all operators.

Re: Lassen County Board of Supervisors to Consider Amendment to Lassen County
Mining Fee Ordinance to Prevent Unnecessary Future Fee Increases

Dear Lassen County Mining Operator/Owner:

This letter is to notify you that on Tuesday, May 16, 2017, the Lassen County Board of Supervisors will consider adopting an ordinance to amend the County's "Annual Surface Mine Administration and Operations Fee." If recommended for approval, the ordinance is proposed to be adopted on Tuesday May 23, 2017.

The Lassen County Department of Planning and Building Services is proposing to amend the "Annual Surface Mine Administration and Operations Fee" to include a minimum annual fee of \$1,000 per site and a maximum annual fee of \$3,850 per site, regardless of mine status. Specifically, the proposed ordinance will change the fee from "\$1,000.00 or 75% of the annual State reporting fee whichever is greater" to "\$1,000.00 per site or 75% of the annual State reporting fee paid per site (up to \$3,850 per site), whichever sum is greater."

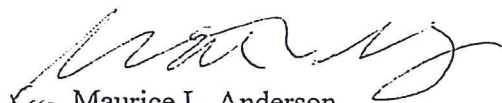
Annual State fee amounts have been climbing steadily, and recent changes to legislation will raise the State's fee maximum from \$5,194 to \$10,000 (to be introduced incrementally over three years' time). As the County fee is currently calculated as 75% of the State fee, a set County fee maximum per site will prevent continual increases due to ongoing increases to the State fee maximum.

The \$1,000 minimum was introduced in 2010 to ensure funding for a full time mining position at the local level. A maximum fee of \$3,850 per site will restore the County maximum to that which was in place at the time of the last fee ordinance adoption in 2010, with a 12% increase to account for the 12% increase of the cost of maintaining a County mining position. The previous ordinance was supported by the majority of mine owners and operators in the County, as demonstrated at an August 11, 2010, public meeting at which the ordinance was discussed. Additionally, by continuing to use the 75% formula, mines falling into the "0-100 tons" and "100-1,000 tons" production categories will also see County fee reductions, as the State has lowered fees for these categories.

Over the last two decades, this Department has demonstrated a commitment to a fair and reasonable nexus between mine operators and our service as Lead Agency. While we have little control over State fees, we believe that the formula we have outlined herein best serves both the County and operator.

All interested persons are invited to attend the Board of Supervisors meetings on the aforementioned dates, or to submit comments to this Department, prior to adoption of the ordinance, at 707 Nevada Street, Suite 5, Susanville, California 96130. Please feel free to contact Nancy McAllister, Natural Resources Technician, at (530) 251-8265 if you have any questions regarding this matter.

Sincerely,


Maurice L. Anderson,
Director

MLA:njm

S:\PLA\Admin\FILES\300 Legal-Legislative\35 CH 3.18 Fee Ordinance\08 Mining Fee Revision 2017\Notice to Operators



Distribution List

Contact Person	Mine Operator	Street Address	City State Zip
Dan Sezzi	Sezzi Concrete	477-050 Highway 139	Susanville, CA 96130
Marc Ingvaldsen	Knife River Construction	1764 Skyway	Chico, CA 95928-8333
Karen Kramer	Kramer Ranch	PO Box 217	Bieber, CA 96009
James Miller	Millers Custom Works	440 Prospect Avenue	Susanville, CA 96130
Perry Thompson	Hat Creek Construction	24339 Highway 89 North	Burney, CA 96013
Norman Shepherd	PeeWee Enterprises	701-315 Richmond Road	Susanville, CA 96130
Tim Ochotorena	TNS Trucking	PO Box 270502	Susanville, CA 96127
Kevin Roach	Lassen Gold Mining	5075 South Syracuse Street, Suite 800	Denver, CO 80237
Lynne M. Turner	Turner Excavating, Inc.	3586 Woodlake Drive	Lake Almanor, CA 96137
Robert Ybright	California Department of Transportation	1657 Riverside Drive	Redding, CA 96001
Edwin and Madelaine Durand		PO Box 34719	Reno, NV 89533
Jerry Middleton	Ford Construction Company, Inc.	300 West Pine Street	Lodi, CA 95240
Edward Kranz	Kranz Farming	PO Box 14	Ravendale, CA 96123
Frank and Naomi Turner		714-405 Lake Leavitt Road	Susanville, CA 96130
Richard Hoppe	Aggregate Resources	1522 Seacrest Drive	Corona del Mar, CA 92625
Bob McGarva	Lassen County	707 Nevada Street, Suite 4	Susanville, CA 96130
Juan Bernardino	JF Shea Construction, Inc.	PO Box 494519	Redding, CA 96001
Randall and Glenda Azevedo	Azevedo Ranch Pit	473-921 Richmond Road	Susanville, CA 96130
James P. Lepage	Lassen Rock Products	218 Washington Street	Red Bluff, CA 96080
Chris Tellis	Interest Income Partners	10D Yellow Ferry Harbor	Sausalito, CA 94965
David McMurtry	Geofortis Minerals, LLC	1024 Country Club Drive	Moraga, CA 94556
Judie Carpenter	Volcano Rock, Inc.	PO Box 71	McArthur, CA 96056
Shirley Surian	Larimer-Surian Construction, Inc.	707-010 Wingfield Road East	Janesville, CA 96114
John Eaker	Fruit Growers Supply Company	37073 A Highway 299 East	Burney, CA 96013
Jack Newby	Nor Cal Land and Cattle Company	7413 Topam Glen Court	San Jose, CA 95120
Craig and Anna Joiner	Joiner Construction	PO Box 55	Lookout, CA 96054
Lynette Hansen Caleb Holland	Sierra Cascade Aggregate & Asphalt	PO Box 1193	Chester, CA 96020