

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 23<sup>rd</sup> 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 23<sup>rd</sup> day of May, 2017.

\_\_\_\_\_  
Deputy Clerk of the County of Lassen Board of Supervisors

THE BOARD OF SUPERVISORS OF THE  
COUNTY OF LASSEN ORDAINS 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.