

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

158



FROM: Planning Department and County Counsel

SUBMITTAL DATE:
October 27, 2014

SUBJECT: Initiation of an Amendment to Ordinance No. 555 Implementing the Surface Mining and Reclamation Act. [\$50,000 General Fund]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt an order initiating an amendment to Ordinance No. 555 that would update the County's regulations implementing the Surface Mining and Reclamation Act and consolidate the surface mining entitlement process and mine inspection function within the Planning Department under the County Geologist; and,
2. Direct the Planning Department and County Counsel to prepare and process the amendment.

BACKGROUND:

Summary

The Surface Mining and Reclamation Act (SMARA) sets forth statewide policies related to surface mining operations to minimize adverse environmental impacts and to reclaim the mined lands to a usable condition.

(Continued on page 2)

Initials: JCP/dlj

Departmental Concurrence

Juan C. Perez
TLMA Director/Interim Planning
Director

Gregory P. Priamos
County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 50,000	\$	\$ 50,000	\$	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 50,000	\$	\$ 50,000	\$	

SOURCE OF FUNDS: Planning Department budget	Budget Adjustment:	n/a
	For Fiscal Year:	14/15

C.E.O. RECOMMENDATION:

APPROVE

B. Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Stone and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Stone and Ashley
Nays: None
Absent: Benoit
Date: November 4, 2014
xc: Planning, Co.Co.

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

- Positions Added
- Change Order
- A-30
- 4/5 Vote

Prev. Agn. Ref.:

District: ALL

Agenda Number:

3-35

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Initiation of an Amendment to Ordinance No. 555 Implementing the Surface Mining and
Reclamation Act. [\$50,000 General Fund]**

DATE: October 27, 2014

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

Riverside County has been the lead agency for overseeing all surface mining activities in unincorporated Riverside County since the inception of SMARA. Ordinance No. 555 was adopted to implement SMARA and regulates all surface mining operations in the unincorporated area of the County. The last comprehensive update to this ordinance took place in 1995. Recent legislation amended provisions within SMARA, therefore, it is necessary to review and update Ordinance No. 555 to ensure it is consistent with SMARA.

Currently, all mining entitlement processes fall under the Planning Director while all mine inspection and reporting functions fall under the Building Director. Additionally, if a mine operator fails to comply with the Building Director's notice of violation, the Planning Director issues the Order to Comply and begins proceedings before the Planning Commission.

In order to improve the regulation of surface mines within the County, the Planning Department sought input from the State's Office of Mine Reclamation, the State Mining and Geology Board and the California Construction and Industrial Minerals Association (CalCIMA) regarding ways to improve the County's mining program under SMARA. Input from these groups concluded a need to consolidate the County's mining function under a single entity. Given the history of the County Geologist as being the County's main information source for SMARA related issues and the nature of the industry being rooted in geology, the County Geologist was identified as the best individual to consolidate SMARA related functions.

Additionally, the Planning Department has commissioned a nexus study to examine the County's current fee structure and to consider an appropriate new fee that will enable enhanced oversight of the mining operations within the County. Once the study is completed, staff will work with the appropriate stakeholders to review the study and fee setting procedures.

Staff requests that the Board adopt an order initiating an amendment to Ordinance No. 555 that would update the ordinance with respect to recent changes in SMARA regulations and to consolidate the County's mining program within the Planning Department under the County Geologist.

FISCAL:

Under Board Policy A-67, the Board of Supervisors is to consider the costs associated with the preparing, processing and implementing an ordinance amendment in deciding whether to adopt an order initiating the ordinance amendment. The estimated cost for preparing and processing this ordinance amendment is approximately \$50,000.

Impact on Citizens and Businesses

Amending ordinance No. 555 will ensure the County's ordinance complies with SMARA and consolidating the County's mining program within the Planning Departments will improve the processing, inspecting and reporting of mining operations within the County

SUPPLEMENTAL:

N/A

Contract History and Price Reasonableness

N/A