

ORDINANCE NO. 2095

AN ORDINANCE OF THE CITY OF REDLANDS AMENDING CHAPTER 18.156, ARTICLE XI, OF THE REDLANDS MUNICIPAL CODE RELATING TO SURFACE MINING AND LAND RECLAMATION

ORDINANCE TEXT AMENDMENT NO. 199

BE IT ORDAINED by the City Council of the City of Redlands as follows:

SECTION ONE: Section 18.156.510 of the Redlands Municipal Code is hereby amended to read as follows:

"18.156.510 Applicability - Exemptions.

- A. The provisions of this Article shall apply to all lands within the incorporated City limits.
- B. The provisions of this Article are not applicable to:
 - 1. Excavations or grading for farming, on-site construction, or restoration of land following a flood or natural disaster;
 - 2. Reclamation of lands mined prior to January 1, 1976;
 - 3. Reclamation of lands mined by continuing surface operations conducted with a vested right prior to January 1, 1976, within the perimeter of mining excavations and/or surface disturbance created prior to that date, provided that any hazardous excavations resulting from this operation are secured;
 - 4. Operations conducted prior to January 1, 1976, on mining claims located under the Mining Laws of 1872, et seq., and not recorded by January 1, 1976, as abandoned;
 - 5. 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;
 - 6. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburdened in total amounts of less than 1,000 cubic yards in any one location of one acre or less; including any surface mining operation that does not involve either the removal of a total of more than 1,000 cubic yards of minerals, ores, and overburdened, or involve more than one acre in any one location;

7. Such operations that the City determines to be of an infrequent nature and that involve only minor surface disturbances."

SECTION TWO: Section 18.156.520 of the Redlands Municipal Code is hereby amended to read as follows:

"18.156.520 Plans for Location, Development and Reclamation Requirements.

A location and development plan and reclamation plan are required, except as provided in Section 2776, Article V, Chapter 9, Division 2, of the California Public Resources Code.

- A.
 1. Any person who proposes to engage in surface mining activities, shall, prior to the commencement of such operations, as defined in this Article, first file and obtain approval from the Planning Commission of a location and development plan and reclamation plan, in accordance with the provisions set forth in this Chapter, and as further provided in Section 2272(f) of the California Public Resources Code. The location and development plan and reclamation plan shall be prepared in accordance with and pursuant to the requirements of Public Resources Code Sections 2772(a) through 2772(k) and California Administrative Code Section 3502(b). A fee as established by the City Council shall be paid to the Department of Planning and Community Development at the time of filing. A reclamation plan shall be filed for existing non-exempted operations within 18 months after adoption of the ordinance codified in this Article, for Planning Commission review and approval for the reclamation of surface mining activity for those portions of the site mined after January 1, 1976.
 2. Application for an application and development plan and/or reclamation plan for surface mining or land reclamation projects shall be made on forms provided by the Planning Commission.
- B.
 1. No person who has obtained a vested right to conduct surface-mining operations prior to January 1, 1976, shall be required to secure a permit pursuant to the provisions of this Article as long as such vested right continues; provided, however, that no substantial changes may be made in any such operation except in accordance with the provisions of this Article.

2. A person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall submit to the Planning Department and receive, within a reasonable period of time, approval of a reclamation plan for operations to be conducted after January 1, 1976, unless a reclamation plan was approved by the City prior to January 1, 1976, and the person submitting the plan has accepted responsibility for reclaiming the mined lands in accordance with the reclamation plan.

C. Nothing in this Article shall be construed as requiring the filing of a reclamation plan for, or the reclamation of, mined lands on which surface mining operations were conducted prior to January 1, 1976."

SECTION THREE: This ordinance shall be in force and take effect as provided by law.

SECTION FOUR: The City Clerk shall certify to the adoption of this ordinance and cause it to be published once in the Redlands Daily Facts, a newspaper of general circulation printed and published in this City.

Carol Beswick

Mayor of the City of Redlands

ATTEST:

Beatrice Sanchez
Deputy City Clerk

I, Beatrice Sanchez, Deputy City Clerk of the City of Redlands, hereby certify that the foregoing Ordinance was duly adopted by the City Council at a regular meeting thereof held on the 17th day of October, 1989, by the following vote:

AYES: Councilmembers Wormser, DeMirjyn, Cunningham, Larson;
Mayor Beswick

NOES: None

ABSENT: None

Beatrice Sanchez
Deputy City Clerk