



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust
DIRECTOR

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City of Oroville PLANNING COMMISSION

CHAIR: Damon Robison
VICE-CHAIR: Carl Durling
MEMBERS: Adonna Brand; Randy Chapman; Tua Vang; Wyatt Jenkins;
Michael Britton

PLANNING COMMISSION MEETING **AGENDA**

Thursday, May 26, 2016 at 7:00 p.m.
MEETING AGENDA

OROVILLE CITY HALL
1735 MONTGOMERY STREET, OROVILLE, CA 95965
ALL MEETINGS ARE RECORDED

*This meeting may be broadcast remotely via audio and/or video conference at the following address:
Cota Cole, LLP, 2261 Lava Ridge Court, Roseville, California 95661.*

ADMINISTRATIVE AGENDA

1. **CALL TO ORDER**

2. **ROLL CALL**

Commissioners Adonna Brand, Michael Britton, Randy Chapman, Tua Vang, Wyatt Jenkins, Vice Chairperson Carl Durling, Chairperson Damon Robison

3. **PLEDGE OF ALLEGIANCE**

4. **INSTRUCTIONS TO INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS**

This is the time the Chairperson will remind persons in the audience who wish to address the Commission on a matter that is on the agenda to fill out one of the cards located in the lobby and hand it to the clerk of the meeting. The

Chairperson will also remind persons in the audience that under Government Code Section 54954.3, the time allotted for each presentation may be limited.

5. **PUBLIC COMMENTS**

This is an opportunity for members of the public to address the Planning Commission on any subject relating to the Planning Commission, but not relative to items on the present agenda. The Planning Commission reserves the right to impose a reasonable limit on time afforded to any individual speaker.

6. **CORRESPONDENCE**

Planning Commissioner's Resignation

7. **APPROVAL OF MINUTES**

Approve the minutes of the March 28, 2016 and April 25, 2016 regular Planning Commission meeting.

REGULAR AGENDA

8. **PUBLIC HEARINGS**

- 8.1 TPM 16-02: Separate Existing Car Wash into Two Parcels** – The City of Oroville Planning Commission will conduct a public hearing to consider approving Tentative Parcel Map No. 16-02, to separate an existing, fully developed, commercial site (car wash) into two parcels. The property is located on the east side of Feather River Boulevard where the current operation of "Somppi's Feather River Car Wash" is located, on the parcel identified as APN: 035-030-094. The property has a zoning designation of Intensive Commercial (C-2) and General Plan land use designation of Retail and Business Services. The proposed land division involves no new land uses, no new development, and the existing land use (car wash with vacuum stations) will continue. Onsite circulation will not be affected as reciprocal driveway and public easements will remain.

Staff Report: Luis A. Topete, Associate Planner

Staff Recommendation:

Adopt Resolution No. P2016-08: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING TENTATIVE PARCEL MAP NO. 16-02 TO SUBDIVIDE A DEVELOPED COMMERCIAL PROPERTY (CAR WASH) IDENTIFIED AS APN: 035-030-094 INTO TWO PARCELS

9. **REGULAR BUSINESS**

- 9.1 UP 96-15 Amendment: Ron Harmon Mine Expiration Date Consistency** – The Planning Commission will review and consider amending the Conditions of

Approval of Use Permit No. 96-15 to tie the expiration date of the use permit for the Ron Harmon Mine (CA Mine ID #91-04-0022) to the expiration date of the Reclamation Plan to ensure consistency between the two documents.

Staff Report: Luis A. Topete, Associate Planner

Staff Recommendation:

Adopt Resolution No. P2016-09: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION AMENDING THE CONDITIONS OF APPROVAL OF USE PERMIT NO. 96-15 TO TIE THE EXPIRATION DATE OF THE USE PERMIT FOR THE RON HARMON MINE (CA MINE ID #91-04-0022) TO THE EXPIRATION DATE OF THE RECLAMATION PLAN

10. DISCUSSION ITEMS

None.

11. DIRECTOR'S REPORT

A verbal report may be given by the Community Development Director.

12. COMMISSION REPORTS

Reports by commission members on information they have received and meetings they have attended which would be of interest to the commission or the public.

13. ADJOURNMENT

Adjourn to Thursday, June 23, 2016 at 7:00 P.M. at the Oroville City Council Chambers.

Respectfully submitted by,



Donald Rust, Director
Community Development Department

***** NOTICE *****

If requested, this agenda can be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 and the Federal Rules and Regulations adopted in implementation thereof. Persons seeking an alternative format should contact Donald Rust, Director for further information. In addition, a person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting should telephone or otherwise contact Donald Rust, Director as soon as possible and preferably at least 24 hours prior to the meeting. Donald Rust, Director may be reached at 530-538-2433, or at e-mail rustdl@cityoforoville.org, or at the following address: City of Oroville Planning and Development Services Department, 1735 Montgomery Street, Oroville, CA 95965.

***** NOTICE *****

Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the City Council by filing with the Zoning Administrator within fifteen days from the date of the action. A written notice of appeal specifying the grounds and an appeal fee immediately payable to the City of Oroville must be submitted at the time of filing. The Oroville City Council may sustain, modify or overrule this decision.

Luis A. Topete

From: Tua Vang <vangtua@yahoo.com>
Sent: Tuesday, May 10, 2016 10:47 AM
To: Jamie Hayes
Cc: Luis A. Topete; Don L. Rust
Subject: Planning Commission Resignation

Hello Jamie,

First and foremost, I would like to apologize for not getting this to you sooner. There had been a lot on my plate and finding a time to think clearly in front of the computer to type has not been easy for me.

I am excited to share that I have purchased a home out in Palermo, and will be moving out there in June, 2016. Unfortunately, it is outside of the city, therefore, with mix emotion, I regret to inform you that I will no longer be able to serve as Planning Commissioner. Please accept this notice as my official resignation from the Planning Commission effective June 1, 2016. I will be attending this month's meeting as my final service to the city.

It has been an honor to serve the city and the citizen of this great city. I would like to thank the Council and the city staff for the opportunity to serve, and to my colleagues for the wonderful we have shared during my time with the city.

If I can be of any other volunteer assistance to the city please never hesitate to reach out to me.

Sincerely yours,

Tua Vang
Planning Commissioner



**CITY OF OROVILLE
PLANNING COMMISSION MEETING MINUTES
MARCH 28, 2016 – 7:00 PM**

These minutes detail the action which was taken related to each particular agenda item and do not reflect any discussion that may have occurred. For information regarding what was discussed related to a particular item, if anything, you can obtain a copy of the audio recording for this meeting by sending an email to cityclerk@cityoforoville.org or by calling the Clerk's office at 530-538-2535.

The agenda for the March 28, 2016 regular meeting of the Oroville Planning Commission was posted on the bulletin board at the front of City Hall and on the City of Oroville's website located at www.cityoforoville.org on Friday, March 25, 2016, at 1:00 p.m.

1. CALL TO ORDER

The March 28, 2016 regular meeting of the Oroville Planning Commission was called to order by Vice Chairperson Durling at 7:05 p.m.

2. ROLL CALL

Present: Commissioners Brand, Britton, Chapman, Jenkins, Vice Chairperson Durling,
Chairperson Robison (arrived at 7:19 p.m.)
Absent: Commissioner Vang

Staff Present:

Donald Rust, Director of Community Development
Dean Hill Jr., Deputy Fire Chief/Fire Marshall

Luis Topete, Associate Planner
Dawn Nevers, Assistant Planner

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Chairperson Durling.

4. RECOGNITION OF INDIVIDUALS WISHING TO SPEAK ON AGENDA ITEMS

Mike Maze, Northstar Engineering – Item 8.1

5. PUBLIC COMMENT - None

6. CORRESPONDENCE – None

7. **APPROVAL OF MINUTES**

A motion was made by Commissioner Britton, seconded by Commissioner Jenkins, to:

Approve the minutes of the January 25, 2015 regular Planning Commission meeting.

The motion was passed by the following vote:

Ayes: Commissioners Britton, Brand, Chapman, Jenkins, Vice Chairperson Durling,
Noes: None
Abstain: None
Absent: Commissioner Vang, Chairperson Robison

7:08 p.m. the Commission convened to a break

7:15 p.m. the Commission reconvened from break

8. **PUBLIC HEARING**

8.1 TPM 16-01: Subdivide existing, fully developed commercial site into three parcels – staff report

The City of Oroville Planning Commission will conducted a public hearing to consider a tentative parcel map (TPM 16-01), to separate one existing, fully developed, commercial site into three parcels. Existing property identified as APN: 012-097-001 is located on the south east corner of Robinson and Myers Street. The property has a zoning land use designation of Downtown Mixed-Use (MXD). The proposed land division is to subdivide the existing 5,199 square foot parcel into three parcels; Parcel 1 – 2,189 square feet (currently 1511 Myers Street); Parcel 2 – 1,906 square feet (currently 1515 Myers Street); Parcel 3 – 1,103 square feet (currently 2027 Robinson Street). **(Staff Report: Dawn Nevers, Assistant Planner)**

Vice Chairperson Durling opened the public hearing.

Mike Maze, Northstar Engineering, answered questions for the Commission.

Hearing no additional public comments, Vice Chairperson Durling closed the public hearing.

Following discussion, a motion was made by Commissioner Jenkins, seconded by Commissioner Chapman, to:

Adopt Resolution No. P2016-03: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING TENTATIVE PARCEL MAP NO. 16-01 DIVIDING A 5,199 SQUARE FOOT PARCEL (APN: 012-097-001) INTO THREE PARCELS

The motion was passed by the following vote:

Ayes: Commissioners Brand, Britton, Chapman, Jenkins, Vice Chairperson
Durling
Noes: None
Abstain: None
Absent: Commissioner Vang, Chairperson Robison

7:19 p.m. Chairperson Robison arrived and joined the meeting

8.2 UP 16-01: Butte County Wine Company; and Finding of Public Convenience or Necessity (Type 42) – staff report

The Oroville Planning Commission reviewed and considered adopting a Finding of Public Convenience or Necessity for a Type 42 “On Sale Beer and Wine – Public Premises” alcoholic beverage license and use permit for the operation of Butte County Wine Company at 1440 Myers Street, Suite A (APN: 012-092-005). The subject property has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code (OMC) Table 17.32.010-1, a wine bar (alcoholic beverage sales) is defined as a use that requires a use permit in MXD zones. **(Luis A. Topete, Associate Planner)**

Chairperson Robison opened the public hearing.

Hearing no public comments, Chairperson Robison closed the public hearing.

Following discussion, a motion was made by Commissioner Chapman and seconded by Commissioner Brand, to:

Adopt Resolution No. P2016-04: **A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT NO. 16-01 TO ALLOW BUTTE COUNTY WINE COMPANY, A WINE BAR, TO OPERATE AT 1440 MYERS STREET, SUITE A (APN: 012-092-005)**

Adopt Resolution No. P2016-05: **A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION FINDING AND DETERMINING THAT THE PUBLIC CONVENIENCE OR NECESSITY WOULD BE SERVED BY THE ISSUANCE OF AN ON SALE BEER AND WINE – PUBLIC PREMISES (TYPE-42) ALCOHOLIC BEVERAGE LICENSE FOR THE PROPERTY IDENTIFIED AS 1440 MYERS STREET, SUITE A (APN: 012-092-005)**

The motion was passed by the following vote:

Ayes: Commissioners Brand, Britton, Chapman, Jenkins, Vice Chairperson
Durling, Chairperson Robison
Noes: None
Abstain: None
Absent: Commissioner Vang

10. DISCUSSION ITEMS

- Discussion between staff and Commissioners to change the Planning Commission meeting date and time to the fourth Thursday of every month at 7:00 p.m.

11. DIRECTOR'S REPORT

Don Rust, Director of Community Development updated the Planning Commission on the following:

- Planning commissioner trainings available in the near future.
- Starbucks and Panda Express are currently under construction
- Partnership with Jamboree Housing to apply for a affordable housing grant
- Discussed possible options for RDA Bond Proceeds
- Super Walmart has broken ground

12. CHAIRPERSON/COMMISSIONERS REPORTS

- Chairperson Chapman reported on the progress that took place at the first meeting of the Sign Ordinance Committee.

13. ADJOURNMENT

The meeting was adjourned at 7:58 p.m. A regular meeting of the Oroville Planning Commission will be held on Monday, April 25, 2016, at 7:00 p.m.

Donald Rust, Secretary

Damon Robison, Chairperson



**CITY OF OROVILLE
PLANNING COMMISSION MEETING MINUTES
APRIL 25, 2016 – 7:00 PM**

These minutes detail the action which was taken related to each particular agenda item and do not reflect any discussion that may have occurred. For information regarding what was discussed related to a particular item, if anything, you can obtain a copy of the audio recording for this meeting by sending an email to cityclerk@cityoforoville.org or by calling the Clerk's office at 530-538-2535.

The agenda for the April 25, 2016 regular meeting of the Oroville Planning Commission was posted on the bulletin board at the front of City Hall and on the City of Oroville's website located at www.cityoforoville.org on Tuesday, April 19, 2016, at 1:00 p.m.

1. CALL TO ORDER

The April 25, 2016 regular meeting of the Oroville Planning Commission was called to order by Chairperson Robison at 7:00 p.m.

2. ROLL CALL

Present: Commissioners Brand, Britton, Chapman (arrived at 7:10 p.m.), Jenkins, Vang,
Chairperson Robison
Absent: Vice Chairperson Durling (e)

Staff Present:

Donald Rust, Director of Community Development
Rick Walls, Interim City Engineer

Luis Topete, Associate Planner
Dawn Nevers, Assistant Planner

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairperson Robison.

4. RECOGNITION OF INDIVIDUALS WISHING TO SPEAK ON AGENDA ITEMS

Connie Parks, applicant – Item 8.1

5. PUBLIC COMMENT - None

6. CORRESPONDENCE - None

7. **APPROVAL OF MINUTES**

The completed minutes of the March 28, 2015 regular Planning Commission Meeting will be placed on the May 26, 2016 Planning Commission Agenda for approval.

8. **PUBLIC HEARING**

8.1 UP 16-02: “Union Square” Outdoor Dining and Event Venue – Staff Report

The City of Oroville Planning Commission will conducted a public hearing to review and consider approving Use Permit No. 16-02 for the operation of an outdoor dining and event venue at 1305 Myers Street (APN: 012-035-015). This use will be an extension of the adjacent business, Miner’s Alley Brewing Company, located at 2053 Montgomery Street. The subject property has a zoning designation of Downtown Mixed Use (MXD) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code Table 17.32.010-1, alcoholic beverage sales and meeting facilities more than 10,000 square feet of gross floor area, are uses that require a use permit in MXD zones. **(Luis Topete, Associate Planner)**

Chairperson Robison opened the public hearing.

Connie Parks, applicant, answered questions for the Commission.

Hearing no additional public comments, Chairperson Robison closed the public hearing.

Following discussion, a motion was made by Commissioner Britton, seconded by Commissioner Jenkins, to:

Adopt Resolution No. P2016-06: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT NO. 16-02 TO ALLOW THE OPERATION OF AN OUTDOOR DINING AND EVENT VENUE AT 1305 MYERS STREET (APN: 012-035-015)

The motion was passed by the following vote:

Ayes:	Commissioners Brand, Britton, Jenkins, Vang, Chairperson Robison
Noes:	None
Abstain:	None
Absent:	Commissioner Chapman, Vice Chairperson Durling

7:10 p.m. Commissioner Chapman arrived and joined the meeting during the discussion of Item No. 8.2

8.2 TSM 07-04 Map Amendment: Linkside Place Subdivision, Phase II – staff report

The City of Oroville Planning Commission will conduct a public hearing to consider adopting a Mitigated Negative Declaration, Mitigation Monitoring Program for, and conditionally approving an amendment to a previously approved tentative subdivision map identified as Linkside Place Subdivision, Phase II (TSM 07-04). The proposed 56-lot single family development map amendment is a continuation of the approved 65-lot single family

residential development (Linkside Place Subdivision, Phase I) located directly to the north. The general purpose of this requested map amendment is to implement major changes to the stormwater drainage design, changes to the dedicated open space proposed, and changes to the location and number of lots proposed. A conservation easement is proposed for the approximately 5 acre "remainder" parcel at the south end of the project site to maintain it as permanent open space. **(Luis A. Topete, Associate Planner)**

Chairperson Robison opened the public hearing.

Sean O'Neil, applicant, answered questions for the Commission.

Rick Walls, Interim City Engineer, answered questions for the Commission.

Hearing no additional public comments, Chairperson Robison closed the public hearing.

Following discussion, a motion was made by Commissioner Chapman and seconded by Commissioner Brand, to:

Adopt Resolution No. P2016-07: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR, AND CONDITIONALLY APPROVING, AN AMENDMENT TO TENTATIVE SUBDIVISION MAP NO. 07-04, KNOWN AS LINKSIDE PLACE SUBDIVISION, PHASE II, FOR THE DEVELOPMENT OF 56 SINGLE FAMILY LOTS ON PARCELS APN: 030-260-026 AND 030-570-067

The motion was passed by the following vote:

Ayes:	Commissioners Brand, Britton, Chapman, Jenkins, Vang, Chairperson Robison
Noes:	None
Abstain:	None
Absent:	Vice Chairperson Durling

9. REGULAR BUSINESS

9.1 Change in Planning Commission Regular Monthly Meeting Schedule – Staff Report

The Oroville Planning Commission reviewed and considered approving a change in the schedule for the regular monthly meetings of the Planning Commission to the 4th Thursday of every month at 7:00pm. Regular monthly meetings are currently scheduled for the 4th Monday of every month at 7:00pm. **(Luis A. Topete, Associate Planner)**

Following discussion, a motion was made by Commissioner Chapman and seconded by Commissioner Brand, to:

Direct staff to schedule Planning Commission meetings on the 4th Thursdays of every month at 7:00pm as the new regular monthly Planning Commission meeting schedule.

The motion was passed by the following vote:

Ayes: Commissioners Brand, Chapman, Jenkins, Vang, Chairperson Robison
Noes: Commissioner Britton
Abstain: None
Absent: Vice Chairperson Durling

10. DISCUSSION ITEMS - None

11. DIRECTOR'S REPORT

Don Rust, Director of Community Development updated the Planning Commission on the following:

- Starbucks and Panda Express are currently under construction
- Super Walmart has broken ground
- 15 building permits for single family homes have been issued since January 2016
- Planning, Building and Code Enforcement fees will increase, following City Council approval, based on a CPI adjustment.
- "It's going to be a big year!"

12. CHAIRPERSON/COMMISSIONERS REPORTS

- Chairperson Chapman reported on the progress of the Sign Ordinance Committee.

13. ADJOURNMENT

The meeting was adjourned at 7:25 p.m. A regular meeting of the Oroville Planning Commission will be held on Thursday, May 26, 2016, at 7:00 p.m.

Donald Rust, Secretary

Damon Robison, Chairperson



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2430 FAX (530) 538-2426
www.cityoforoville.org

PLANNING COMMISSION STAFF REPORT

May 26, 2016

TPM 16-02: Separate Existing Car Wash into Two Parcels – The Planning Commission will conduct a public hearing to consider approving Tentative Parcel Map No. 16-02, to separate an existing, fully developed, commercial site (car wash) into two parcels. The property is located on the east side of Feather River Boulevard where the current operation of “Somppi’s Feather River Car Wash” is located, on the parcel identified as APN: 035-030-094. The property has a zoning designation of Intensive Commercial (C-2) and General Plan land use designation of Retail and Business Services. The proposed land division involves no new land uses, no new development, and the existing land use (car wash with vacuum stations) will continue. Onsite circulation will not be affected as reciprocal driveway and public easements will remain.

APPLICANT: Craig Somppi
3415 Oro Dam Boulevard, E #422
Oroville, CA 95966
(530) 592-8268

LOCATION:
East side of Feather River Boulevard where the current operation of “Somppi’s Feather River Car Wash” is located, on the parcel identified as APN: 035-030-094 (**Attachment A**)

GENERAL PLAN: Retail and Business Services
ZONING: Intensive Commercial (C-2)
FLOOD ZONE: ZONE X: Areas determined to be outside the 0.2% annual chance floodplain (500-year floodplain).

ENVIRONMENTAL DETERMINATION:

- General Rule Exemption; Title 14, CCR, §15061(b)(3)
- Minor Land Divisions; Title 14, CCR, §15315

REPORT PREPARED BY:


Luis A. Topete, Associate Planner
Community Development Department

REVIEWED BY:


Donald Rust, Director
Community Development Department

RECOMMENDED ACTIONS:

City staff recommends that the Planning Commission take the following actions:

1. **HOLD** a public hearing and receive testimony on the proposed Tentative Parcel Map (TPM 16-02) for the property identified as APN: 035-030-094; and
2. **ADOPT** the General Rule Exemption – Title 14, CCR, §15061(b)(3) and Class 15 Categorical Exemption – Minor Land Divisions; Title 14, CCR, §15315 (**Attachment B**), as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) Statute and Guidelines; and
3. **ADOPT** the recommended Findings for Tentative Parcel Map No. 16-02 (**Attachment C**);
4. **ADOPT** Resolution No. P2016-08 (**Attachment D**); and
5. **APPROVE** the Conditions of Approval for Tentative Parcel Map No. 16-02 (**Attachment E**).

SUMMARY

The Planning Commission will conduct a public hearing to consider approving Tentative Parcel Map No. 16-02, to separate an existing, fully developed, commercial site (car wash) into two parcels. The property is located on the east side of Feather River Boulevard where the current operation of “Somppi’s Feather River Car Wash” is located, on the parcel identified as APN: 035-030-094. The property has a zoning designation of Intensive Commercial (C-2) and General Plan land use designation of Retail and Business Services. The proposed land division involves no new land uses, no new development, and the existing land use (car wash with vacuum stations) will continue. Onsite circulation will not be affected as reciprocal driveway and public easements will remain.

DISCUSSION

Per the Oroville City Code §16.12.040, parcel maps shall be required for any subdivision of land that does not require a subdivision map, which includes the case of subdivisions creating fewer than five parcels. The proposed land division involves no new land uses, no new development or improvements, and the existing land use (car wash with vacuum stations) will continue. The proposed subdivision has been reviewed for compliance with all applicable provisions of the City Code, including parcel design standards, and has been found to be in compliance. Onsite circulation will not be affected as reciprocal driveway and public easements will remain.

Currently, the property is a fully developed commercial site and there is no proposed development/improvements associated with the land division at this time. Any future development/improvements will require all appropriate permits be obtained and full compliance with all applicable City, State, Federal, and other applicable laws and regulations at the time of development.

ENVIRONMENTAL REVIEW

This project has been determined to be exempt from the California Environmental Quality Act (CEQA) as follows:

General Rule Exemption; Title 14, CCR, Section 15061(b)(3)

A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This parcel map involves no new land uses, no new development, and the existing land use (car wash with vacuum stations) will continue. Onsite circulation will not be affected as reciprocal driveway and public easements will remain. It has therefore been determined that there is no possibility that the parcel map request will have a significant effect on the environment. Thus, this project is exempt from provisions of CEQA.

Minor Land Divisions; Title 14, CCR, Section 15315

Section 21084 of the Public Resources Code requires the CEQA Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. This exemption has been found to apply to this parcel map request. Thus, this project is exempt from the provisions of CEQA. **(Attachment B).**

FISCAL IMPACT

The total fees associated with this project are as follows:

Item	Price	Tech Fee	Total	Paid
Tentative Parcel Map	\$3,418.00 (deposit)	\$205.08	\$3,623.08	Yes
Total	\$3,418.00 (deposit)	\$205.08	\$3,623.08	Yes

Pursuant to Public Resources Code Section 21089, and as defined by the Fish and Wildlife Code Section 711.4, fees (\$50) are payable by the project applicant to file the Notice of Exemption with Butte County by the City of Oroville – Community Development Department within five working days of approval of this project. These fees will be paid for through the funds deposited.

PUBLIC NOTICE

A request for comments was prepared and circulated to the local agencies and surrounding property owners within 300 feet of the property **(Attachment G)**. Additionally, the meeting

date, time, and project description were published in the Oroville Mercury and posted at City Hall (**Attachment H**).

ATTACHMENTS

- A – Assessor Parcel Map
- B – Notice of Exemption
- C – Findings
- D – Resolution No. P2016-08
- E – Conditions of Approval
- F – Tentative Parcel Map
- G – Property Owner Notice
- H – Newspaper Notice



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust
DIRECTOR

1735 Montgomery Street
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www.cityoforoville.org

NOTICE OF EXEMPTION

TO:	Butte County Clerk 25 County Center Drive Oroville CA, 95965	FROM:	City of Oroville 1735 Montgomery Street Oroville, CA, 95965
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Project Title: TPM 16-02: Separate Existing Car Wash into Two Parcels

Project Location – Specific: East side of Feather River Boulevard where the current operation of "Somppi's Feather River Car Wash" is located, on the parcel identified as APN: 035-030-094.

Project Location – City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicant has applied for a Tentative Parcel Map (TPM 16-02), to separate an existing, fully developed, commercial site (car wash) into two parcels. The property is located on the east side of Feather River Boulevard where the current operation of "Somppi's Feather River Car Wash" is located, on the parcel identified as APN: 035-030-094. The property has a zoning designation of Intensive Commercial (C-2) and General Plan land use designation of Retail and Business Services. The proposed land division involves no new land uses, no new development, and the existing land use (car wash with vacuum stations) will continue. Onsite circulation will not be affected as reciprocal driveway and public easements will remain.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying out Project: Craig Somppi

Exempt Status (Check One):

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption: State type & section number:
 - General Rule Exemption; Title 14, CCR, §15061(b)(3)
 - Minor Land Divisions; Title 14, CCR, §15315
- Statutory Exemption: State code number:

Reasons why project is exempt: This project has been determined to be exempt from the California Environmental Quality Act (CEQA) as follows:

General Rule Exemption; Title 14, CCR, Section 15061(b)(3)

A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This parcel map involves no new land uses, no new development, and the existing land use (car wash with vacuum stations) will continue. Onsite circulation will not be affected as reciprocal driveway and public easements will remain. It has therefore been determined that there is no possibility that the parcel map request will have a significant effect on

the environment. Thus, this project is exempt from provisions of CEQA.

Minor Land Divisions; Title 14, CCR, Section 15315

Section 21084 of the Public Resources Code requires the CEQA Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. This exemption has been found to apply to this parcel map request. Thus, this project is exempt from the provisions of CEQA.

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? Yes No

Lead Agency Contact Person: Luis A. Topete

Telephone: (530) 538-2408

Signature: _____

Date: _____

- Signed by Lead Agency
- Signed by Applicant

FINDINGS

Tentative Parcel Map No. 16-02

A. INTRODUCTION

The project applicant, Craig Somppi, has applied for a Tentative Parcel Map (TPM 16-02), to separate one existing, fully developed, commercial site (car wash) into two parcels. The property is located on the east side of Feather River Boulevard where the current operation of "Somppi's Feather River Car Wash" is located, on the parcel identified as APN: 035-030-094. The property has a zoning designation of Intensive Commercial (C-2) and General Plan land use designation of Retail and Business Services. The proposed land division involves no new land uses, no new development, and the existing land use (car wash with vacuum stations) will continue. Onsite circulation will not be affected as reciprocal driveway and public easements will remain.

B. TENTATIVE PARCEL MAP

Per the Oroville Municipal Code (OMC) Section 16.12.050(E), the planning commission shall disapprove a tentative parcel map if it determines that any of the following conditions apply:

- a) The proposed subdivision is inconsistent with the general plan or applicable specific plans.

The property has the current General Plan land use designation of Retail and Business Services. This designation is intended to provide for business activities that offer goods and services to the community. This designation allows for a maximum FAR of 0.40, except in the Historic Downtown where an FAR of 2.0 will be allowed. The proposed land division will not exceed maximum FAR ratios for new parcels created and the existing car services will continue to be offered to the community. The site is fully development and no new land uses or development are proposed as part of this land division. After review of the City of Oroville 2030 General Plan goals, policies, and actions, no inconsistency has been found between the proposed land division and the City's General Plan. The parcel does not lie within any specific plan.

- b) The site is not physically suitable for the proposed density or type of development.

The proposed land division involves no new land uses, no new development, and the existing land use (car wash with vacuum stations) will continue. The existing business is already being adequately serviced by existing infrastructure. Onsite circulation will not be affected as reciprocal driveway and public easements will remain.

- c) The design of the land division or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

This project is will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat as this parcel map request involves no new land uses, no new development, and the existing car wash will continue its operations. Additionally, this project has been determined to be exempt from the California Environmental Quality Act (CEQA) as follows:

General Rule Exemption; Title 14, CCR, Section 15061(b)(3)

A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This parcel map involves no new land uses, no new development, and the existing land use (car wash with vacuum stations) will continue. Onsite circulation will not be affected as reciprocal driveway and public easements will remain. It has therefore been determined that there is no possibility that the parcel map request will have a significant effect on the environment.

Minor Land Divisions; Title 14, CCR, Section 15315

Section 21084 of the Public Resources Code requires the CEQA Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. This exemption has been found to apply to this parcel map request.

- d) The design of the subdivision or the type of improvement is likely to cause serious public health problems.

The subject property is fully developed and there is no proposed design or improvements associated with this land division request because no additional development is proposed.

- e) A preliminary soils report or geological hazard report indicates adverse soil or geological conditions, and the subdivider has failed to demonstrate to the satisfaction of the city engineer and planning commission that the conditions can be corrected.

The subject property is a currently fully developed with no proposed improvements. Thus, a preliminary soils report or geological hazard report is not warranted.

- f) The design of the land division or the type of improvement will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. However, the planning commission may approve an application if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.

Onsite circulation will not be affected as reciprocal driveway and public easements will remain.

- g) The proposed subdivision violates the provisions of this chapter and no exception has been granted.

There are no Conditional Exceptions being requested. The proposed subdivision has been reviewed for compliance with all applicable provisions of this section, including parcel design standards, and has been found to be in compliance.

- h) The proposed subdivision violates any provision of the zoning code and no variance has been granted.

There are no minimum lot area or dimension requirements for newly created parcels in Intensive Commercial (C-2) districts. The existing car wash business is a permitted land use on all C-2 zoned properties, and the current business has an active business license issued by the City. Thus, the proposed land division does not violate any known provisions of the Zoning Code; therefore, no variance has been requested or granted for this land division request.

- i) The proposed subdivision would violate any other city ordinance or any city code provision.

The proposed land division as conditioned will not violate any City ordinance or other City Code provision. The applicant will be required to comply with and meet all of the conditions of approval prior to the approval of a Final Map and its recordation.

- j) The discharge of waste from the proposed subdivision into a community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7

(commencing with Section 13000 of the Water Code).

The project site is a fully developed with no proposed improvements. Therefore, existing discharge will remain the same. There are no known or reasonably foreseeable violations of requirements prescribed by the California Regional Water Quality Control Board. However, the proposed project is required to be in full compliance with the provisions of the Water Board.

RESOLUTION NO. P2016-08

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING TENTATIVE PARCEL MAP NO. 16-02 TO SUBDIVIDE A DEVELOPED COMMERCIAL PROPERTY (CAR WASH) IDENTIFIED AS APN: 035-030-094 INTO TWO PARCELS

WHEREAS, the project applicant has applied for a Tentative Parcel Map (TPM 16-02), to separate an existing, fully developed, commercial site (car wash) into two parcels; and

WHEREAS, the property is located on the east side of Feather River Boulevard where the current operation of "Somppi's Feather River Car Wash" is located, on the parcel identified as APN: 035-030-094; and

WHEREAS, the property has a zoning designation of Intensive Commercial (C-2) and General Plan land use designation of Retail and Business Services; and

WHEREAS, the proposed land division involves no new land uses, no new development, and the existing land use (car wash with vacuum stations) will continue; and

WHEREAS, onsite circulation will not be affected as reciprocal driveway and public easements will remain; and

WHEREAS, at a duly noticed public hearing the Planning Commission considered the comments and concerns of the public agencies, property owners, and member of the public, and also considered City staff's report regarding the map.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION as follows:

1. The Planning Commission finds that this project has been determined to be exempt from the California Environmental Quality Act (CEQA) as follows:

General Rule Exemption; Title 14, CCR, Section 15061(b)(3)

A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This parcel map involves no new land uses, no new development, and the existing land use (car wash with vacuum stations) will continue. Onsite circulation will not be affected as reciprocal driveway and public easements will remain. It has therefore been determined that there is no possibility that the parcel map request will have a

significant effect on the environment. Thus, this project is exempt from provisions of CEQA.

Minor Land Divisions; Title 14, CCR, Section 15315

Section 21084 of the Public Resources Code requires the CEQA Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. This exemption has been found to apply to this parcel map request. Thus, this project is exempt from the provisions of CEQA.

2. Per the Oroville Municipal Code (OMC) Section 16.12.050(E), the planning commission shall disapprove a tentative parcel map if it determines that any of the following conditions apply:

- a) The proposed subdivision is inconsistent with the general plan or applicable specific plans.

The property has the current General Plan land use designation of Retail and Business Services. This designation is intended to provide for business activities that offer goods and services to the community. This designation allows for a maximum FAR of 0.40, except in the Historic Downtown where an FAR of 2.0 will be allowed. The proposed land division will not exceed maximum FAR ratios for new parcels created and the existing car services will continue to be offered to the community. The site is fully development and no new land uses or development are proposed as part of this land division. After review of the City of Oroville 2030 General Plan goals, policies, and actions, no inconsistency has been found between the proposed land division and the City's General Plan. The parcel does not lie within any specific plan.

- b) The site is not physically suitable for the proposed density or type of development.

The proposed land division involves no new land uses, no new development, and the existing land use (car wash with vacuum stations) will continue. The existing business is already being adequately serviced by existing infrastructure. Onsite circulation will not be affected as reciprocal driveway and public easements will remain.

- c) The design of the land division or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

This project is will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat as this parcel map request involves no new land uses, no new development, and the existing car wash will continue its operations. Additionally, this project has been determined to be exempt from the California Environmental Quality Act (CEQA) as follows:

General Rule Exemption; Title 14, CCR, Section 15061(b)(3)

A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This parcel map involves no new land uses, no new development, and the existing land use (car wash with vacuum stations) will continue. Onsite circulation will not be affected as reciprocal driveway and public easements will remain. It has therefore been determined that there is no possibility that the parcel map request will have a significant effect on the environment.

Minor Land Divisions; Title 14, CCR, Section 15315

Section 21084 of the Public Resources Code requires the CEQA Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. This exemption has been found to apply to this parcel map request.

- d) The design of the subdivision or the type of improvement is likely to cause serious public health problems.

The subject property is fully developed and there is no proposed design or improvements associated with this land division request because no additional development is proposed.

- e) A preliminary soils report or geological hazard report indicates adverse

soil or geological conditions, and the subdivider has failed to demonstrate to the satisfaction of the city engineer and planning commission that the conditions can be corrected.

The subject property is a currently fully developed with no proposed improvements. Thus, a preliminary soils report or geological hazard report is not warranted.

- f) The design of the land division or the type of improvement will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. However, the planning commission may approve an application if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.

Onsite circulation will not be affected as reciprocal driveway and public easements will remain.

- g) The proposed subdivision violates the provisions of this chapter and no exception has been granted.

There are no Conditional Exceptions being requested. The proposed subdivision has been reviewed for compliance with all applicable provisions of this section, including parcel design standards, and has been found to be in compliance.

- h) The proposed subdivision violates any provision of the zoning code and no variance has been granted.

There are no minimum lot area or dimension requirements for newly created parcels in Intensive Commercial (C-2) districts. The existing car wash business is a permitted land use on all C-2 zoned properties, and the current business has an active business license issued by the City. Thus, the proposed land division does not violate any known provisions of the Zoning Code; therefore, no variance has been requested or granted for this land division request.

- i) The proposed subdivision would violate any other city ordinance or any city code provision.

The proposed land division as conditioned will not violate any City ordinance or other City Code provision. The applicant will be required to comply with and meet all of the conditions of approval prior to the approval of a Final Map and its recordation.

- j) The discharge of waste from the proposed subdivision into a community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).

The project site is a fully developed with no proposed improvements. Therefore, existing discharge will remain the same. There are no known or reasonably foreseeable violations of requirements prescribed by the California Regional Water Quality Control Board. However, the proposed project is required to be in full compliance with the provisions of the Water Board.

3. The following conditions of approval have been deemed necessary to achieve the purpose of the Zoning Code, promote the general health, safety and public welfare of the City.

CONDITIONS OF APPROVAL

Approved Project: The project applicant, Craig Somppi, has applied for a Tentative Parcel Map (TPM 16-02), to separate one existing, fully developed, commercial site (car wash) into two parcels. The property is located on the east side of Feather River Boulevard where the current operation of "Somppi's Feather River Car Wash" is located, on the parcel identified as APN: 035-030-094. The property has a zoning designation of Intensive Commercial (C-2) and General Plan land use designation of Retail and Business Services. The proposed land division involves no new land uses, no new development, and the existing land use (car wash with vacuum stations) will continue. Onsite circulation will not be affected as reciprocal driveway and public easements will remain. The Planning Commission hereby approves TPM 16-02, subject to the following:

1. These conditions of approval are to permit the land division of Tentative Parcel Map No. 16-02 (TPM 16-02) as generally described above.
2. This Tentative Parcel Map conditional approval shall become null and void unless all conditions have been complied with for recordation of the Final Parcel Map within thirty six (36) months after the approval of said Tentative Parcel Map. Where circumstances beyond the control of the applicant cause delays which do not permit compliance with the time limitation referenced herein, the Planning Commission may grant an extension of time for a period not to exceed an additional twenty-four (24) months. Applications for such extension of time must set forth in writing the reasons for the extension and shall be filed together with a fee, as established by the City Council, with the Planning Division thirty (30) calendar days before the expiration of the Tentative Parcel Map. The applicant will be responsible for initiating any extension request.

3. Upon application of the subdivider filed prior to the expiration of the conditionally approved tentative map, the time at which the map expires may be extended for a period or periods no exceeding a total of six (6) years. This does not account for automatic extensions as specified in the Subdivision Map Act.
4. The Planning Commission approval date of this Tentative Parcel Map No. 16-01 occurred on April 25, 2016. All determinations of whether the land division is eligible for an extension of time shall be based on this original approval date.
5. The applicant shall ascertain and comply with the requirements of all federal, state, county and local agencies as are applicable to the project.
6. The land division shall comply with the State of California Subdivision Map Act and with all requirements of the City's Code, unless modified by the conditions listed herein, and with all other applicable State and Federal requirements.
7. The applicant shall defend, indemnify, and hold harmless the city, and each of its officers, employees and agents, from and against any and all claims, actions and proceedings, within the time period set forth in Government Code Section 66499.37, to attack, set aside, void or annul any of the decisions or determinations which the city makes in connection with the approval of the tentative parcel map or with the adoption of any environmental document relating thereto under the California Environmental Quality Act (CEQA). The applicant shall reimburse the city and each of its officers, employees and agents for any costs, including, but not limited to, court costs, awards to plaintiff/petitioner for costs and attorneys' fees and any other litigation expenses that the city may be required to pay to plaintiff/petitioner because of such approval or adoption.
8. The project shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.
9. Pursuant to Public Resources Code Section 21089, and as defined by the Fish and Wildlife Code Section 711.4, fees (\$50) are payable by the project applicant to file the Notice of Exemption with Butte County by the City of Oroville – Community Development Department within five working days of approval of this project by the Planning Commission.
10. This map shall run with the land and be binding upon all successors in interest to the maximum extent permitted by law.

11. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the code of the City of Oroville to minimize any negative impacts that the use may have on the surrounding properties.
12. All private facilities, improvements, infrastructure, systems, equipment, common areas, landscaping, irrigations systems, etc. shall be operated and maintained by the applicant in such a manner, and with such frequency, to ensure the public health, safety, and general welfare.
13. The Planning Commission's action shall be final unless the subdivider or any other interested person appeals the action to the City Council as provided in Section 16.04.060.

***PRIOR TO RECORDATION OF THE FINAL MAP
THE FOLLOWING CONDITIONS MUST BE MET***

14. The applicant shall be required to record reciprocal driveway and public utility easements, as identified on the map, for the newly created parcels in which the owners of the parcels agree to share the cost of maintenance for the ingress and egress areas being shared under the easement.
15. New landscape installation and maintenance agreement shall be required. The agreement shall be in a form approved by the City Attorney and Zoning Administrator and suitable for recordation with the Butte County recorder. The agreement shall be binding upon the property owner and any successors in interest.
16. A parcel map is required with all appropriate easements to be dedicated (or offered for dedication in the case of drainage easements) in accordance with provisions of the Subdivision Map Act and the Butte County.
17. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easement of record, which cannot be relinquished or relocated, shall be redesigned.

--- End of Conditions ---

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a regular meeting of the Planning Commission of the City of Oroville held on the 26th day of May, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

DONALD L. RUST, SECRETARY

DAMON ROBISON, CHAIRPERSON

CONDITIONS OF APPROVAL

Tentative Parcel Map No. 16-02

Approved Project: The project applicant, Craig Somppi, has applied for a Tentative Parcel Map (TPM 16-02), to separate one existing, fully developed, commercial site (car wash) into two parcels. The property is located on the east side of Feather River Boulevard where the current operation of "Somppi's Feather River Car Wash" is located, on the parcel identified as APN: 035-030-094. The property has a zoning designation of Intensive Commercial (C-2) and General Plan land use designation of Retail and Business Services. The proposed land division involves no new land uses, no new development, and the existing land use (car wash with vacuum stations) will continue. Onsite circulation will not be affected as reciprocal driveway and public easements will remain. The Planning Commission hereby approves TPM 16-02, subject to the following:

1. These conditions of approval are to permit the land division of Tentative Parcel Map No. 16-02 (TPM 16-02) as generally described above.
2. This Tentative Parcel Map conditional approval shall become null and void unless all conditions have been complied with for recordation of the Final Parcel Map within thirty six (36) months after the approval of said Tentative Parcel Map. Where circumstances beyond the control of the applicant cause delays which do not permit compliance with the time limitation referenced herein, the Planning Commission may grant an extension of time for a period not to exceed an additional twenty-four (24) months. Applications for such extension of time must set forth in writing the reasons for the extension and shall be filed together with a fee, as established by the City Council, with the Planning Division thirty (30) calendar days before the expiration of the Tentative Parcel Map. The applicant will be responsible for initiating any extension request.
3. Upon application of the subdivider filed prior to the expiration of the conditionally approved tentative map, the time at which the map expires may be extended for a period or periods no exceeding a total of six (6) years. This does not account for automatic extensions as specified in the Subdivision Map Act.
4. The Planning Commission approval date of this Tentative Parcel Map No. 16-01 occurred on April 25, 2016. All determinations of whether the land division is eligible for an extension of time shall be based on this original approval date.
5. The applicant shall ascertain and comply with the requirements of all federal, state, county and local agencies as are applicable to the project.
6. The land division shall comply with the State of California Subdivision Map Act and with all requirements of the City's Code, unless modified by the conditions listed herein, and with all other applicable State and Federal requirements.

7. The applicant shall defend, indemnify, and hold harmless the city, and each of its officers, employees and agents, from and against any and all claims, actions and proceedings, within the time period set forth in Government Code Section 66499.37, to attack, set aside, void or annul any of the decisions or determinations which the city makes in connection with the approval of the tentative parcel map or with the adoption of any environmental document relating thereto under the California Environmental Quality Act (CEQA). The applicant shall reimburse the city and each of its officers, employees and agents for any costs, including, but not limited to, court costs, awards to plaintiff/petitioner for costs and attorneys' fees and any other litigation expenses that the city may be required to pay to plaintiff/petitioner because of such approval or adoption.
8. The project shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.
9. Pursuant to Public Resources Code Section 21089, and as defined by the Fish and Wildlife Code Section 711.4, fees (\$50) are payable by the project applicant to file the Notice of Exemption with Butte County by the City of Oroville – Community Development Department within five working days of approval of this project by the Planning Commission.
10. This map shall run with the land and be binding upon all successors in interest to the maximum extent permitted by law.
11. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the code of the City of Oroville to minimize any negative impacts that the use may have on the surrounding properties.
12. All private facilities, improvements, infrastructure, systems, equipment, common areas, landscaping, irrigations systems, etc. shall be operated and maintained by the applicant in such a manner, and with such frequency, to ensure the public health, safety, and general welfare.
13. The Planning Commission's action shall be final unless the subdivider or any other interested person appeals the action to the City Council as provided in Section 16.04.060.

**PRIOR TO RECORDATION OF THE FINAL MAP
THE FOLLOWING CONDITIONS MUST BE MET**

14. The applicant shall be required to record reciprocal driveway and public utility easements, as identified on the map, for the newly created parcels in which the owners of the parcels agree to share the cost of maintenance for the ingress and egress areas being shared under the easement.
15. New landscape installation and maintenance agreement shall be required. The agreement shall be in a form approved by the City Attorney and Zoning Administrator and suitable for recordation with the Butte County recorder. The agreement shall be binding upon the property owner and any successors in interest.
16. A parcel map is required with all appropriate easements to be dedicated (or offered for dedication in the case of drainage easements) in accordance with provisions of the Subdivision Map Act and the Butte County.
17. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easement of record, which cannot be relinquished or relocated, shall be redesigned.

--- End of Conditions ---



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2430 FAX (530) 538-2426
www.cityoforoville.org

ATTENTION: PROPERTY OWNERS AND INTERESTED PARTIES

The project listed below has been filed with the Community Development Department. You are invited to comment because your property is located near the proposed project. Please comment in the space below. You may attach additional pages as necessary.

Please submit your comments to this department no later than **Thursday, May 26, 2016** to be sure that they are included in the final project action. However, comments will be taken up to the time of the project decision. If you have no comment, a reply is not necessary.

ASSESSOR
PARCEL NUMBER: 035-030-094

FILE NUMBER: TPM 16-02

APPLICANT: Craig Somppi

ZONING: Intensive Commercial (C-2)

LOCATION: East side of Feather River Boulevard where the current operation of Somppi's Feather River Car Wash is located

CONTACT PERSON: Luis A. Topete,
Associate Planner
530 538-2408
topetela@cityoforoville.org

VICINITY MAP



PROJECT DESCRIPTION

TPM 16-02: Separate Existing Car Wash into Two Parcels – The City of Oroville Planning Commission will conduct a public hearing to consider approving Tentative Parcel Map No. 16-02, to separate an existing, fully developed, commercial site (car wash) into two parcels. The property is located on the east side of Feather River Boulevard where the current operation of “Somppi’s Feather River Car Wash” is located, on the parcel identified as APN: 035-030-094. The property has a zoning designation of Intensive Commercial (C-2) and General Plan land use designation of Retail and Business Services. The proposed land division involves no new land uses, no new development, and the existing land use (car wash with vacuum stations) will continue. Onsite circulation will not be affected as reciprocal driveway and public easements will remain.

NOTICE IS HEREBY GIVEN that the City of Oroville Planning Commission will hold a public hearing on the project described above. Said hearing will be held on **Thursday, May 26, 2016 at 7:00 p.m.** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2430 FAX (530) 538-2426
www.cityoforoville.org

NOTICE OF PUBLIC HEARING BEFORE THE CITY OF OROVILLE PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Oroville will hold a public hearing on the projects described below. Said hearing will be held at **7:00 p.m. on Thursday, May 26, 2016** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

1. **TPM 16-02: Separate Existing Car Wash into Two Parcels** – The City of Oroville Planning Commission will conduct a public hearing to consider approving Tentative Parcel Map No. 16-02, to separate an existing, fully developed, commercial site (car wash) into two parcels. The property is located on the east side of Feather River Boulevard where the current operation of “Somppi’s Feather River Car Wash” is located, on the parcel identified as APN: 035-030-094. The property has a zoning designation of Intensive Commercial (C-2) and General Plan land use designation of Retail and Business Services. The proposed land division involves no new land uses, no new development, and the existing land use (car wash with vacuum stations) will continue. Onsite circulation will not be affected as reciprocal driveway and public easements will remain.

Additional information regarding the projects described in this notice can be obtained from the Oroville Community Development Department at 1735 Montgomery Street, Oroville, CA. Anyone desiring to submit information, opinions or objections is requested to submit them in writing to the Community Development Department prior to the hearing. In accordance with Government Code Section 65009, if you challenge an action on these projects in court, you may be limited to raising only those issues you or someone else raised at the public meeting described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public meetings.

Posted/Published: **Monday, May 16, 2016**



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2430 FAX (530) 538-2426
www.cityoforoville.org

PLANNING COMMISSION STAFF REPORT

May 26, 2016

UP 96-15 Amendment: Ron Harmon Mine Expiration Date Consistency – The Planning Commission will review and consider amending the Conditions of Approval of Use Permit No. 96-15 to tie the expiration date of the use permit for the Ron Harmon Mine (CA Mine ID #91-04-0022) to the expiration date of the Reclamation Plan to ensure consistency between the two documents.

APPLICANT: Ronald A. Harmon
1982 Hillcrest Drive
Newcastle, CA 95658
(916) 663-3111

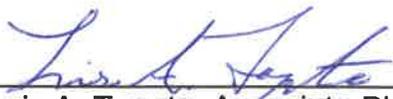
LOCATION:
APNs: 035-470-015, 016, 017, 026 and 027, bounded by Baggett-Marysville Road, Baggett-Palermo Road, and Ophir Road

GENERAL PLAN: Industrial
ZONING: Intensive Industrial (M-2)
FLOOD ZONE: ZONE X: Areas determined to be outside the 0.2% annual chance floodplain (500-year floodplain).

ENVIRONMENTAL DETERMINATION:

Existing Facilities; Title 14, CCR, §15301

REPORT PREPARED BY:


Luis A. Topete, Associate Planner
Community Development Department

REVIEWED BY:


Donald Rust, Director
Community Development Department

RECOMMENDED ACTIONS:

City staff recommends that the Planning Commission take the following actions:

1. **ADOPT** the Existing Facilities Categorical Exemption – Title 14, CCR, §15301 (**Attachment A**), as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) Statute and Guidelines; and
2. **ADOPT** Resolution No. P2016-09 (**Attachment B**); and

SUMMARY

The Planning Commission will review and consider amending the Conditions of Approval of Use Permit No. 96-15 to tie the expiration date of the use permit for the Ron Harmon Mine (CA Mine ID #91-04-0022) to the expiration date of the Reclamation Plan to ensure consistency between the two documents. The current Reclamation Plan is due to expire on November 16, 2021 and the use permit was approved with no expiration date.

BACKGROUND

On November 12, 1996, the Planning Commission reviewed and conditionally approved UP 96-15, approving the mining and reclamation plan for the property identified as APNs: 035-470-015, 016, 017, 026 and 027, bounded by Baggett-Marysville Road, of Baggett-Palermo Road, and Ophir Road, to allow the removal of approximately 570,000 cubic yards of soil (**Attachments C & D**). The use permit includes 27 conditions that guide operations at the site while the reclamation plan provides an overview of mining operations and plans on how to reclaim the site to an industrial use consistent with current zoning once mining is complete.

On December 1, 2016, the City of Oroville, as lead agency for the Ron Harmon Mine (CA Mine ID#: 91-04-0022) sent a letter (**Attachment E**) to the Office of Mine Reclamation (OMR) forwarding a request from the mine operator's consultant (EnviroMINE, Inc.) to extend the Reclamation Plan for an additional five (5) years beyond its initial 20 year approval date which was due to expire on November 12, 2016. OMR found that the extension request was not considered a substantial deviation and approved the requested additional five (5) year extension modifying the expiration date of the Reclamation Plan to November 12, 2021 (**Attachment F**).

A summary of the changes to the Reclamation plan to allow for an additional five (5) years of mining are as follows:

- Page 1 - Updated mailing address
- Page 2 - Changed Estimated total production from a 20 year timeline to 25 years
- Page 3 - Updated Lead Agency contact information and changed the permit expiration date
- Page 5 - Increased the number of years for Phase 4 to 10 years and increased the total number of years to 25
- Mining Plans Sheet 1 - Increased the total number of years from 20 to 25

DISCUSSION

UP 96-15 was approved with no expiration date; however, the Reclamation Plan had a 20 year life of the mine, ending on November 16, 2016, now November 12, 2021 with the herein described five (5) year approval. With the economic downturn experienced in the mid 2000's and the slow recovery, the mine site has not extracted as much material as estimated at the time of the initial approval in 1997. Because of lower demand for mined material from the site for construction projects than initially anticipated, the mine operator requires additional time to fully deplete the permitted reserves.

For approval of the Reclamation Plan extension, the following explanation was forwarded to OMR in response to SMARA §3502 requirements, which stipulates, amongst other things, that the lead agency (i.e., City of Oroville) must determine whether extending the life of the operation for an additional five years triggers the need for an amended reclamation plan that complies with, current reclamation standards as described in Chapter 9 SMARA §3502(d), which states: "*in determining whether change or expansion constitutes a substantial deviation, the lead agency shall take into consideration the following five criteria*": (with discussion following each criteria)

- 1) *A substantial increase in the disturbance of a surface area or in the maximum depth of mining;*

The site operator does not propose any increase to the disturbance area or mining depths described in the approved Reclamation Plan. All past mining activity has been conducted within the approved boundary and future operations are proposed to be within the limits of the approved Reclamation Plan.

- 2) *A substantial extension of the termination date of the mining operation as set out in the approved reclamation plan;*

A five year extension of mining operations is proposed. The approved plan assumed the entire permitted reserves would be depleted after a 20 year period. Due to a depressed economy in California and the rest of the United States over the past eight years, mining has progressed at a pace slower than anticipated. Several construction projects are planned in the immediate area for the coming years and could deplete the remaining reserves within the five year period.

- 3) *Changes that would substantially affect the approved end use of the site as established in the reclamation plan;*

Extending the duration that mining may occur at the site by five years will not affect the approved end use. The approved 1997 Reclamation Plan identifies industrial development as the proposed end use for the site after mining and reclamation is complete. Allowing the operation additional time to extract material from the site will allow for further site leveling to occur which will allow for industrial pad development as specified in the 1997 plan.

- 4) *The consistency of any proposed change to the operation with the previously*

adopted environmental determinations.

Operations at the site are consistent with the project description contained within the Mitigated Negative Declaration (MND) adopted in conjunction with the approval of UP 96-15 and Reclamation Plan. Allowing mining to continue for an additional five years would not change operations as described in the approved environmental document.

According to CEQA statute, continuing mining beyond what was described in the 1997 Reclamation Plan falls under a CEQA Class I exemption. CEQA Guidelines §15301 allow for the following activities to be exempt from additional CEQA analysis: "*maintenance and permitting of existing private facilities, mechanical equipment and topographical features with no expansion of the use, as originally permitted*".

- 5) *Any other changes that the lead agency deems substantial deviations as defined in the subsection.*

There are no "other changes" associated with allowing the mine to continue operations for an additional five years that is as a substantial deviation.

To ensure consistency between UP 96-15 and the associated Reclamation Plan, staff recommends modifying the conditions of approval for UP 96-15 to tie the expiration date of the Reclamation Plan to the expiration date of the use permit.

ENVIRONMENTAL REVIEW

This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities." A Class 1 categorical exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use. As the request is simply an extension in time on the existing entitlements and there will be no change in the surface area or depth of disturbance, no change in the approved end use of the site as initially approved, is consistent with the operation of the previously adopted environmental determinations, and there is no other proposed change from the project as originally approved, this action has been determined to be exempt from further CEQA review.

FISCAL IMPACT

The total fees associated with this item are as follows:

Item	Price	Tech Fee	Total	Paid
Use Permit Amendment	\$1,000.00 (deposit)	\$60.00	\$1,600.00	Yes
Total	\$1,000.00 (deposit)	\$60.00	\$1,600.00	Yes

Pursuant to Public Resources Code Section 21089, and as defined by the Fish and Wildlife Code Section 711.4, fees (\$50) are payable by the project applicant to file the Notice of Exemption with Butte County by the City of Oroville – Community Development Department within five working days of approval of this project. These fees will be paid for through the funds deposited.

ATTACHMENTS

- A – Notice of Exemption
- B – Resolution No. P2016-09
- C – Staff Report for the November 12, 1996 Planning Commission Meeting
- D – Findings of Fact and Mitigation Monitoring Program
- E – OMR Reclamation Plan Extension Request
- F – OMR Correspondence
- G – Assessor’s Parcel Map



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust
DIRECTOR

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2430 FAX (530) 538-2426
www.cityoforoville.org

NOTICE OF EXEMPTION

TO: Butte County Clerk
25 County Center Drive
Oroville CA, 95965

FROM: City of Oroville
1735 Montgomery Street
Oroville, CA, 95965

Project Title: UP 96-15 Amendment: Ron Harmon Mine Expiration Date Consistency

Project Location – Specific: The mine is bounded by Baggett-Marysville Road to the north and west, Baggett-Palermo Road to the east, and Ophir Road to the south at the southern portion of the City limits and identified as APNs: 035-470-015, 016, 017, 026 and 027.

Project Location – City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The Planning Commission will review and consider amending the Conditions of Approval of Use Permit No. 96-15 to tie the expiration date of the use permit for the Ron Harmon Mine (CA Mine ID #91-04-0022) to the expiration date of the Reclamation Plan to ensure consistency between the two documents. The current Reclamation Plan is due to expire on November 16, 2021 and the use permit was approved with no expiration date.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying out Project: Ronald A. Harmon

Exempt Status (Check One):

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption: State type & section number:
- Existing Facilities; Title 14, CCR, §15301
- Statutory Exemption: State code number:

Reasons why project is exempt: This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities." A Class 1 categorical exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use. As the request is simply an extension in time on the existing entitlements and there will be no change in the surface area or depth of disturbance, no change in the approved end use of the site as initially approved, is consistent with the operation of the previously adopted environmental determinations, and there is no other proposed change from the project as originally approved, this action has been determined to be exempt from further CEQA review.

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? Yes No

Lead Agency Contact Person: Luis A. Topete

Telephone: (530) 538-2408

Signature: _____

Date: _____

- Signed by Lead Agency
- Signed by Applicant

RESOLUTION NO. P2016-09

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION AMENDING THE CONDITIONS OF APPROVAL OF USE PERMIT NO. 96-15 TO TIE THE EXPIRATION DATE OF THE USE PERMIT FOR THE RON HARMON MINE (CA MINE ID #91-04-0022) TO THE EXPIRATION DATE OF THE RECLAMATION PLAN

WHEREAS, in 1991, following significant revisions to the Surface Mining and Reclamation Act of 1975 (SMARA), the Office of Mine Reclamation (OMR) was created to provide a measure of oversight for local governments as they administer SMARA within their respective jurisdictions; and

WHEREAS, under SMARA Section 2774(c), local lead agencies are required to submit reclamation plans and plan amendments to the Director of the Department of Conservation (i.e., OMR) for review prior to approving such documents; and

WHEREAS, mining activities can commence once the lead agency (City) approves of a mining permit (UP 96-15), a plan for returning the land to a usable condition (known as a "reclamation plan"), and financial assurances to guarantee costs for reclamation; and

WHEREAS, the current Reclamation Plan is due to expire on November 16, 2021; and

WHEREAS, Use Permit No. 96-15 was initially approved on November 12, 1996 with no expiration date; and

WHEREAS, the Oroville Municipal Code (OMC) Section 17.48.010(D) specifies that conditions imposed by the Planning Commission may include, but are not limited to, regulating the term during which a use permit is valid.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION as follows:

1. This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities." A Class 1 categorical exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use. As the request is simply an extension in time on the existing entitlements and there will be no change in the surface area or depth of disturbance, no change in the approved end use of the site as initially approved, is consistent with the operation of the previously adopted

environmental determinations, and there is no other proposed change from the project as originally approved, this action has been determined to be exempt from further CEQA review.

2. The Planning Commission hereby deems the addition of the following Condition of Approval (COA) to UP 96-15 necessary to achieve the purposes of the City's Zoning Ordinance, and also to promote the general health, safety and public welfare of the City.

- COA #28: This use permit shall share the same expiration date as the Reclamation Plan for the mine.

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a regular meeting of the Planning Commission of the City of Oroville held on the 26th day of May, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

DONALD L. RUST, SECRETARY

DAMON ROBISON, CHAIRPERSON

AGENDA REPORT

TO: Planning Commission
FROM: Lisa Purvis Wilson, Planning Manager
DATE: October 30, 1996

REQUEST: Mining and Reclamation Plan for Ron Harmon, on Assessor Parcel numbers 036-490-016, 017, 018, 019 and 020 to allow removal of approximately 570,000 cubic yards of soil on property located between Ophir Road, Palermo-Baggett Road and Marysville-Baggett Road. Property is zoned M-2, with a General Plan designation of Industrial.

FOR: Planning Commission Meeting, November 12, 1996

BACKGROUND: The proposed site, located in an industrial area, is currently an undeveloped grassy hill bound by three City streets. The applicant wishes to remove soil from the top of the hill (281 foot elevation) down to an elevation of 229 feet above sea level, a total of 52 vertical feet. The total quantity of soil to be removed is approximately 570,000 cubic yards. The applicant wishes to phase the soil removal over a maximum 20 year period.

ANALYSIS: The proposed project can actually be a benefit to the community in that a sloping, bare hill will be "flattened" out and become more readily developable for future uses. This site tends to be a dumping ground for excess furniture and home products. The mining activity will discourage the dumping and provide aesthetic improvements through landscaping the site.

There are a number of requirements placed upon this project, most of which are State requirements under the Surface Mining and Reclamation Act (SMARA). Other requirements arise from concerns over potential for disruption of the environment and wear and tear on City streets. A fee based upon the annual quantity of soil removed will be imposed upon the applicant for repair and maintenance of streets. All of the concerns are able to be mitigated through conditions attached to project approval.

Mining and excavation are permitted in industrial zones, subject to approval of a mining permit and reclamation plan. The proposed site contains no agricultural value due to poor quality soils. The closest residence to the project site is approximately 1,300 feet to the west.

The State's Surface Mining and Reclamation Act requires the Division of Mines and Geology to review and approve Reclamation Plans. The application has been reviewed by the State and comments/concerns were provided to the applicant. A revised reclamation plan must be submitted to the City and the State prior to beginning any operations, as well

as providing annual reports during the mining operations.

ENVIRONMENTAL DOCUMENTATION: This application has been defined as a project under the California Environmental Quality Act (CEQA) and as such, is subject to the requirements of CEQA. An Initial Study has been prepared by Staff. Based upon the Initial Study, Staff has determined the project impacts can be fully mitigated with the addition of mitigation measures added as conditions of approval for the project.

RECOMMENDATION: Staff recommends that the Planning Commission approve the Mining and Reclamation Permit for Ron Harmon, on AP#'s 036-490-016, 017, 018, 019 and 020, subject to the following findings and conditions.

Section 1: Adopt the following findings.

- A. An Initial Study was completed in compliance with CEQA;
- B. Said Study and comments received thereon identified potentially significant environmental effects that the project may have had, but:
 - 1. Revisions in the project plans or proposals made by or agreed to by the applicant would avoid such effects or mitigate such effects to a point where clearly no significant environmental effects would occur, and
 - 2. There is no substantial evidence before the City that the project as revised may have a significant effect on the environment.
- C. A proposed Negative Declaration with mitigation measures has been completed in compliance with CEQA and is approved and adopted;
- D. Said Negative Declaration with mitigation measures together with any comments received during the public review process have been reviewed and considered;
- E. The project will not impair the integrity and character of the zone in which the land lies and that the use would not be unreasonably incompatible with, or injurious to surrounding properties, or detrimental to the health, safety or welfare of the people of the City of Oroville;
- F. The project complies with the Surface Mining and Reclamation Act (SMARA) of 1975 and California Surface Mining and reclamation Policies and Procedures.

Section 2: Approval of the project with conditions.

Approve the request for a Mining and Reclamation Permit for Ron Harmon subject to the following mitigation measures (MM) and conditions:

1. Prior to any operations onsite, a reclamation and monitoring plan containing site specific sediment/erosion control and dust control plans must be submitted to and approved by the City of Oroville and the Regional Water Quality Control Board. (MM)
2. The operator shall apply an Air Quality Management District approved non-toxic soil stabilizer to all inactive construction areas (previously graded areas which remain inactive for 96 hours). Acceptable materials that may be used for chemical stabilization of soils include petroleum resins, asphaltic emulsions, acrylics, and adhesives which do not violate Regional Water Quality Control Board standards. (MM)
3. All materials excavated, stockpiled, or graded shall be sufficiently watered to prevent fugitive dust from leaving property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering shall occur at least twice daily with complete site coverage, preferably at mid-morning and after work is completed each day. (MM)
4. All areas, including unpaved roads, with vehicle traffic shall be watered periodically or have dust palliatives applied for stabilization of dust emissions. (MM)
5. All clearing, grading, earth moving or excavation activities on the project site shall be suspended when winds exceed 20 miles per hour. (MM)
6. Assessment of \$0.10 per yard shall be collected for public street repair and maintenance. Assessment shall be collected annually on a mutually agreed upon date, and shall be based upon sales invoice amounts for the year. (MM)
7. The top six inches of topsoil shall be removed and stockpiled for use in the reclamation of the mined areas. Seeds, microbial organisms and organic matter found in the upper 6" of growth media constitute a significant resource when used in reclamation. (MM)
8. A project site reclamation and monitoring plan shall be submitted to, and approved by, the City of Oroville. The reclamation and monitoring plan shall contain site specific sediment and erosion control criteria and a revegetation plan. Prior to operations onsite, the applicant shall post a bond, or provide other financial assurances, to ensure the reclamation is successfully implemented. The amount of the financial assurance shall be determined by Public Works and is based upon the reclamation and monitoring plan requirements. The financial mechanism must include both the City of Oroville and Department of Conservation as payees. (i.e. City of Oroville or the Dept. of Conservation) (MM)
9. Applicant shall obtain an encroachment permit for driveway approach and install a culvert in the ditch under the driveway approach. Structural section for driveway

approach is to be 10" Class II AB and 3", ¾" max AC. (PW)

10. Provide legal and physical access to AP# 036-490-020, or combine with adjacent parcels via merger or boundary line modification. (PW)
11. Access road must be all-weather construction and support fire apparatus year-round. (Fire)
12. Access road must end in a City-approved turn-a-round. (Fire)
13. Fire extinguishers must be located onsite, or on equipment, in sufficient number. (Fire)
14. If processing equipment (screening, crushing...) is used during mining or reclamation, a District Authority to Construct Permit and Permit to Operate is required. (AQMD)
15. All trucks hauling dirt, sand, soil or other loose material shall be covered or shall maintain at least 2 feet of freeboard (i.e. minimum vertical distance between top of the load and the trailer) in accordance with the requirements of CVC Section 23114. (AQMD)
16. All material transported off-site shall be either sufficiently watered, or securely covered to prevent a public nuisance. (AQMD)
17. At a minimum, a chemical toilet must be onsite for employee use. (BCEH)
18. Operator shall observe the City's noise ordinance for hours of operation and level of noise at property boundaries. (Planning)
19. All mining and reclamation activities must comply with District Rule 207, Fugitive Dust Emissions. (AQMD)
20. All onsite vehicles shall be limited to a speed of 15 mph on unpaved roads. (AQMD)
21. Applicant shall submit a plan for approval by City Parks for the planting of street trees along Ophir Road, to be planted no later than completion of the project, as a wind break and for beautification. (P&T)
22. All inactive portions of the site shall be seeded and watered until a suitable grass cover is established. (AQMD)
23. Reclamation plans shall indicate utility locations, equipment storage locations, drainages and their direction of flow and all erosion control facilities. (OMR)

24. As part of the reclamation plan, applicant shall supply a revegetation plan containing a list of the species, application rates of propagules and the source of plant materials that are to be installed. Native plants are required. A description of the planting methods and schedule shall also be included. (OMR)
25. A revegetation monitoring plan shall be submitted as part of the reclamation plan for all areas that will need revegetation or erosion control. The monitoring plan shall contain quantitative performance standards for plant cover, plant density, erosion control and weed abatement. The plan shall also state the frequency of monitoring and the time of year monitoring takes place. The plan shall contain a description of remedial measures to be implemented if revegetation is not successful, according to the performance criteria. (OMR)
26. Financial assurances shall be provided for the cost of reclamation, based upon the reclamation plan approved. The State Mining and Geology Board and the City of Oroville shall review and approve the estimated reclamation cost prior to approval of the financial assurances. (OMR, PW)
27. The operator of the mine shall file an initial report and subsequent annual reports with the State and the City and shall pay any required reporting fees. The initial report and fee shall be sent to the State within 30 days of approval of the mining permit. Department of Conservation, Office of Mine Reclamation, Reclamation Unit, 801 K Street, MS 09-06, Sacramento CA 95814-3529 (OMR)

Attachments: Initial Study
 Location Map
 Letter from Regional Water Quality Control
 Letter from Office of Mine Reclamation

HARMON - PROJECT CONDITIONS

1. Prior to any operations onsite, a reclamation and monitoring plan containing site specific sediment/erosion control and dust control plans must be submitted to and approved by the City of Oroville and the Regional Water Quality Control Board. (MM)
2. The operator shall apply an Air Quality Management District approved non-toxic soil stabilizer to all inactive construction areas (previously graded areas which remain inactive for 96 hours). Acceptable materials that may be used for chemical stabilization of soils include petroleum resins, asphaltic emulsions, acrylics, and adhesives which do not violate Regional Water Quality Control Board standards. (MM)
3. All materials excavated, stockpiled, or graded shall be sufficiently watered to prevent fugitive dust from leaving property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering shall occur at least twice daily with complete site coverage, preferably at mid-morning and after work is completed each day. (MM)
4. All areas, including unpaved roads, with vehicle traffic shall be watered periodically or have dust palliatives applied for stabilization of dust emissions. (MM)
5. All clearing, grading, earth moving or excavation activities on the project site shall be suspended when winds exceed 20 miles per hour. (MM)
6. Assessment of \$0.10 per yard shall be collected for public street repair and maintenance. Assessment shall be collected annually on a mutually agreed upon date, and shall be based upon sales invoice amounts for the year. (MM)
7. The top six inches of topsoil shall be removed and stockpiled for use in the reclamation of the mined areas. Seeds, microbial organisms and organic matter found in the upper 6" of growth media constitute a significant resource when used in reclamation. (MM)
8. A project site reclamation and monitoring plan shall be submitted to, and approved by, the City of Oroville. The reclamation and monitoring plan shall contain site specific sediment and erosion control criteria and a revegetation plan. Prior to operations onsite, the applicant shall post a bond, or provide other financial assurances, to ensure the reclamation is successfully implemented. The amount of the financial assurance shall be determined by Public Works and is based upon the reclamation and monitoring plan requirements. The financial mechanism must include both the City of Oroville and Department of Conservation as payees. (i.e. City of Oroville or the Dept. of Conservation) (MM)

9. Applicant shall obtain an encroachment permit for driveway approach and install a culvert in the ditch under the driveway approach. Structural section for driveway approach is to be 10" Class II AB and 3", 3/4" max AC. (PW)
10. Provide legal and physical access to AP# 036-490-020, or combine with adjacent parcels via merger or boundary line modification. (PW)
11. Access road must be all-weather construction and support fire apparatus year-round. (Fire)
12. Access road must end in a City-approved turn-a-round. (Fire)
13. Fire extinguishers must be located onsite, or on equipment, in sufficient number. (Fire)
14. If processing equipment (screening, crushing...) is used during mining or reclamation, a District Authority to Construct Permit and Permit to Operate is required. (AQMD)
15. All trucks hauling dirt, sand, soil or other loose material shall be covered or shall maintain at least 2 feet of freeboard (i.e. minimum vertical distance between top of the load and the trailer) in accordance with the requirements of CVC Section 23114. (AQMD)
16. All material transported off-site shall be either sufficiently watered, or securely covered to prevent a public nuisance. (AQMD)
17. At a minimum, a chemical toilet must be onsite for employee use. (BCEH)
18. Operator shall observe the City's noise ordinance for hours of operation and level of noise at property boundaries. (Planning) (7-9 M-F, 10-6 SS & HOLIDAYS)
19. All mining and reclamation activities must comply with District Rule 207, Fugitive Dust Emissions. (AQMD)
20. All onsite vehicles shall be limited to a speed of 15 mph on unpaved roads. (AQMD)
21. Applicant shall submit a plan for approval by City Parks for the planting of street trees along Ophir Road, to be planted no later than completion of the project, as a wind break and for beautification. (P&T)
22. All inactive portions of the site shall be seeded and watered until a suitable grass cover is established. (AQMD)
23. Reclamation plans shall indicate utility locations, equipment storage locations,

drainages and their direction of flow and all erosion control facilities. (OMR)

24. As part of the reclamation plan, applicant shall supply a revegetation plan containing a list of the species, application rates of propagules and the source of plant materials that are to be installed. Native plants are required. A description of the planting methods and schedule shall also be included. (OMR)
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26. Financial assurances shall be provided for the cost of reclamation, based upon the reclamation plan approved. The State Mining and Geology Board and the City of Oroville shall review and approve the estimated reclamation cost prior to approval of the financial assurances. (OMR, PW)
27. The operator of the mine shall file an initial report and subsequent annual reports with the State and the City and shall pay any required reporting fees. The initial report and fee shall be sent to the State within 30 days of approval of the mining permit. Department of Conservation, Office of Mine Reclamation, Reclamation Unit, 801 K Street, MS 09-06, Sacramento CA 95814-3529 (OMR)

**FINDINGS OF FACT
AND
MITIGATION MONITORING PROGRAM
for
Ron Harmon Mine
Use Permit, Mining Permit and Reclamation Plan**

Approved by the City of Oroville November 12, 1997

File Number UP96-15

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SITE AGREEMENT
for the issuance of a Use Permit, Mining Permit,
and Reclamation Plan
for
Ron Harmon

THIS AGREEMENT, made and entered into this _____ day of _____, 1997, by and between Ronald Albert Harmon, hereinafter called "Owner", and the City of Oroville, an incorporated area of the State of California, hereinafter called "City", WITNESSETH:

THE PARTIES hereto agree that the Owner shall pursue to completion Mitigation Measures 4.1, 4.2, 5.1, 5.2, 5.3, 5.4, 5.5, 6.1, 7.1, 7.2, and 11.1 as defined within the attached document, "Findings of Fact and Mitigation Monitoring Program". Further, the parties hereto agree that the Owner shall pursue to completion the Conditions of Approval Numbers 1.0 to 20.0 as outlined in the said document, and as required by the City of Oroville for the operation of the Ron Harmon Mine, and, as conditions of approval for a Use Permit and Mining Permit, for the lands owned by Ronald Albert and Joanne Louise Harmon, as Co-Trustees for the Harmon Family Trust, dated August 8, 1985, assessor's parcel numbers 36-49-016, -017, -018, 019, and -020 located in portions of the north half of the northeast quarter of Section 31, Township 19 North, Range 4 East, Mount Diablo Baseline and Meridian.

THE OWNER further agrees to comply with the Mitigation Measures and Conditions of Approval in accordance with the schedule as described within Section 3, Implementation Schedule and Checklist. Should the Owner fail to perform in the requirements and implementation of the mitigation measures or the conditions of approval, the City may revoke the Use Permit and Mining Permit, and cause Owner to come into compliance with the requirements of the City and the State Department of Conservation.

IN WITNESS whereof, the parties hereto have set their hands.

Ronald Albert Harmon 5/23/97
Ronald Albert Harmon Date

Steve Pinner Wilson 5/28/97
City of Oroville Date

Joanne Louise Harmon 5/23/97
Joanne Louise Harmon Date

By: PLANNING MANAGER
Title: _____ Date

Section 1: Introduction and Findings of Fact

The City of Oroville Planning Commission acted on the application for a Use Permit, Mining Permit and Reclamation Plan by conditionally approving the applications filed. The City of Oroville found the proposed project could have a significant effect on the environment. Mitigation measures have been added to the project to reduce the potential impacts to a less than significant level.

The purpose of this document is to provide the City of Oroville with a comprehensive summary of impacts, how they will be mitigated, provide an implementation schedule, and a monitoring program for the Ron Harmon Mine.

Findings of Fact:

1. LAND USE AND PLANNING

Findings: The proposed project is in conformance with the general plan and existing zoning ordinance. The project will not adversely affect agricultural resources or operations. The physical arrangement of surrounding communities will remain intact. This proposal will actually create a more viable parcel for future use by leveling out a hill and planting with native species. No impact.

Mitigation: No mitigation required.

2. POPULATION AND HOUSING

Findings: The proposed project is designed to serve the existing population and will not induce substantial growth in the area. The proposal will not displace housing in the area. The project site is undeveloped land in an industrial area, and will remain available for future industrial use(s). No impact.

Mitigation: No mitigation required.

3. GEOPHYSICAL

Findings: Oroville is located in Seismic Zone III as defined in the Uniform Building Code. The only recently active fault in this area was the Cleveland Hills Fault which was responsible for the earthquake in Oroville on August 1, 1975. The 1975 earthquake had a magnitude of 5.7 on the Richter Scale and was centered near Palermo, 5 miles south of Oroville. The Cleveland Hills Fault is located approximately 8 miles east of the project site. The site is not susceptible to landslides, mud slides, or significant amounts of erosion. Unique geologic or physical features do not exist on the project site. The removal of soil in a top-down pattern retains the same drainage patterns. There are project mitigation measures and conditions to ensure the proper management of soil removal, drainage and reclamation to the satisfaction of the State Office of Mine Reclamation, City Public Works and the Regional Water Quality Control Board. Less than significant impact and no impact found.

Mitigation: No mitigation required.

4. WATER

Findings: There will be minor and temporary redirecting of surface water runoff. The project is designed as a uniform top-down removal of soils, matching the existing flow direction. As soil is removed, the site will be watered and/or stabilized with an approved soil stabilizer or re-vegetated. Upon completion of the project, reclamation of the site will be carried out according to the approved plan. Any alteration of flow (topography) will be short term and subject to conditions of approval. Less than significant and no impact found.

Mitigation: Surface water runoff and/or erosion of soils may be mitigated by the following measures, which are also mitigation measures found under "Air Quality".

MM 4.1 Prior to any operations on site, a reclamation plan and monitoring plan containing site specific sediment/erosion control and dust control plans must be submitted to and approved by the City of Oroville and the Regional Water Quality Control Board.

This mitigation measure has been implemented by the preparation of the Reclamation Plan, this document as well as the preparation of a Storm Water Pollution Prevention Plan

MM 4.2 The operator shall apply an Air Quality Management District approved non-toxic soil stabilizer to all inactive construction areas (previously graded areas which remain inactive for 96 hours). Acceptable materials that may be used for chemical stabilization of soils include petroleum resins, asphaltic emulsions, acrylics, and adhesives which do not violate Regional Water Quality Control Board standards.

This mitigation measure will be implemented by application of water to the site as required, seeding cut slopes in October with native grass seed, placement of straw and straw bales for erosion control.

5. AIR QUALITY

Findings: There are no sensitive receptors near the project site. The project will have the potential to create significant amounts of dust, possibly violating ambient air quality standards. Mitigations and project conditions are incorporated to prevent this potential. Potentially significant, less than significant and no impact found.

Mitigation: The impact of concern is the loss of soils and topsoil due to erosion and the addition of constituents into the air degrading the air quality. The following measures are also a part of the mitigation measures for "Water".

MM 5.1 Prior to any operations on site, a reclamation plan and monitoring plan containing site specific sediment/erosion control and dust control plans must be submitted to and approved by the City of Oroville and the Regional Water Quality Control Board.

This mitigation measure has been implemented by the preparation of the Reclamation plan, this document as well as the preparation of a Storm Water Pollution Prevention Plan

MM 5.2 The operator shall apply an Air Quality Management District approved non-toxic soil stabilizer to all inactive construction areas (previously graded areas which remain inactive for 96 hours). Acceptable materials that may be used for chemical stabilization of soils include petroleum resins, asphaltic emulsions, acrylics, and adhesives which do not violate Regional Water Quality Control Board standards.

This mitigation measure will be implemented by application of water to the site as required, seeding cut slopes in October with native grass seed, placement of straw and straw bales for erosion control.

MM 5.3 All materials excavated, stockpiled or graded shall be sufficiently watered to prevent fugitive dust from leaving property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering shall occur at least twice daily with complete excavation site coverage; preferably at mid-morning and after work is completed each day when dust may be a nuisance.

This mitigation measure will be implemented at the time of material removal and stockpiling of topsoil. Watering of the site shall occur at least twice daily or as needed to prevent dust leaving the site.

MM 5.4 All areas including unpaved roads with vehicle traffic shall be watered periodically or have dust palliatives applied for stabilization of dust emissions.

This mitigation measure will be implemented by watering of the site and shall occur at least twice daily or as needed to prevent dust leaving the site.

MM 5.5 All clearing, grading, earth moving or excavation activities on the project site shall be suspended when winds exceed 20 miles per hour.

This mitigation measure will be implemented at the time winds may exceed 20 miles per hour and operations shall shut down.

6. TRANSPORTATION/CIRCULATION

Findings: The removal of 570,000 cubic yards of soil will result in approximately 4,750 truckloads per year. This will result in a significant increase of wear and tear on City roads, and possibly County roads, depending on the final destination of the soil. To mitigate this an assessment will be levied per yard of soil removed. This will generate funds for maintenance and repair. There are no other hazards, impact or conflicts created by this project. Potentially significant impact found.

Mitigation: Impact to City and County roads is potentially significant since the roads will probably have increased vehicle trips per day via trucking, and personnel to the site.

MM 6.1 Assessment of \$0.10 per yard shall be collected for public street repair and maintenance. Assessment shall be collected annually on a mutually agreed upon date and shall be based upon sales invoice amounts for the year. If soil is sold to nearby property and an off road route is approved by the City, the assessment may be waived by the City.

Assessment per yard will be determined by City staff and coordination with the owner.

7. BIOLOGICAL RESOURCES

Findings: There are no wetlands or significant habitats on the proposed site. The site currently contains grasses and small shrubs and a couple trees of no value. As reclamation is accomplished, native species will replace the current undesirables. The site is entirely bound by paved public streets and as such, not a good wildlife habitat. Potentially significant and no impact found.

Mitigation: Impacts of concern is the loss of topsoil on the site.

MM 7.1 The top six inches of topsoil shall be removed and stockpiled for use in the reclamation of mines areas. Seeds, microbial organisms, and organic matter found in the upper six inches of growth media constitute a significant resource when used in reclamation.

The mitigation for the loss of topsoil is to remove and stockpile the upper six inches of material. The project is divided into four phases. Each phase will grade the site to the proposed finish grade. Stockpiling of topsoil shall be ongoing as the material is removed to the configuration shown on the attached phases. When one phase, or cell is completed, the stockpiled topsoil shall be re-spread, final graded and the area shall be seeded. Seeding of cut slopes shall also occur as topsoil and borrow material is removed. This will provide erosion control on the site.

MM 7.2 A project site reclamation and monitoring plan shall be submitted to, and approved by the City of Oroville. The reclamation and monitoring plan shall contain site specific sediment and erosion control criteria and a revegetation plan. Prior to operations onsite, the applicant shall post a bond, or provide other financial assurances, to ensure the reclamation is successfully implemented. The amount of the financial assurance shall be determined by Public Works and is based upon the reclamation and monitoring plan requirements. The financial mechanism must include both the City of Oroville and Department of Conservation as payees.

This mitigation measure has been implemented by the preparation of the Reclamation Plan, this document as well as the preparation of a Storm Water Pollution Prevention Plan

8. ENERGY AND MINERAL RESOURCES

Findings: The mineral community to be mined at this site is soil. The proponent wishes to sell the soil as construction fill material. Heavy equipment and a chemical toilet will be the only "facilities" placed onsite. There is no other significant mineral resource on this site. No Impact found.

Mitigation: No mitigation required.

9. HAZARDS

Findings: No hazardous substances will be generated by the proposed project. The location of the project will not interfere with the City's emergency response plan or evacuation plan. The project will not cause the creation of, or exposure to, health hazards. There will not be an increase in fire hazard areas. There is no plan to have onsite fuel supply for equipment, it will be delivered regularly. If fuels (gas and/or diesel) are to be stored on site, standard conditions for above ground fuel storage will apply. No impact found.

Mitigation: No mitigation required.

10. NOISE

Findings: The proposed project will result in increased noise levels during the hours of operation. The operator will be required to conform to the City's noise ordinance as a condition of project approval. No impact found.

Mitigation: No mitigation required.

11. PUBLIC SERVICES

Findings: There will be no significant impact to fire, police, or schools. Local roads will be impacted by the potential weight and quantity of trips throughout the duration of the project. An assessment based upon soil quantities removed shall be collected as mitigation. No other services will be impacted. Potentially significant and no impact found.

Mitigation: Impact to City and County roads is potentially significant since the roads will probably have increased vehicle trips per day via trucking, and personnel to the site.

MM 11.1 Assessment of \$0.10 per yard shall be collected for public street repair and maintenance. Assessment shall be collected annually on a mutually agreed upon date and shall be based upon sales invoice amounts for the year. If soil is sold to nearby property and an off road route is approved by the City, the assessment may be waived by the City.

Assessment per yard will be determined by City staff and coordination with the owner.

12. UTILITIES AND SERVICE SYSTEMS

Findings: No new facilities will be required as a part of this operation. There will be no structures placed or built that require water/power/gas or disposal. No impact found.

Mitigation: No mitigation required.

13. AESTHETICS

Findings: The project will not affect a scenic vista or designated scenic highway. The project will be designed to meet the City's aesthetic requirements. No additional light or glare will be created by the project. No impact found.

Mitigation: No mitigation required.

14. CULTURAL RESOURCES

Findings: No paleontological resources are known to be present on the project site. The site has low archaeological sensitivity. No historic resources are known to be present on the project site. No known unique ethnic cultural values have been identified for this site. The area is not known to be a sacred religious site or used for existing religious purposes. No impact found.

Mitigation: No mitigation required.

15. RECREATION

Findings: The proposed project will not increase the demand for, or affect neighborhood or regional parks, or other recreational facilities. No impact found.

Mitigation: No mitigation required.

Section 2: Conditions of Approval for the Permitting Process

The City of Oroville determined the applicant must implement several Conditions from other responsible agencies in addition to the Mitigation Measures(MM) identified above. The Conditions are grouped with the responsible agency requiring the condition and are referred to as COA(#'s). The conditions are actions which the applicant must implement prior to obtaining the permit, during the project and/or prior to the completion of the project. A response is provided for the status of the completion of these conditions.

CITY OF OROVILLE

Planning Department

COA 1.0 Operator shall observe the City's Noise Ordinance for hours of operation and level of noise at property boundaries.

The operator shall observe and comply with all requirements of the City of Oroville's Noise Ordinance. Should the City find the operator is in violation of the ordinance, the City may take appropriate action as required.

This condition is subject to monitoring by the City of Oroville personnel and will occur over the life of the Use Permit and borrow operations. No specific action for implementation can occur at this time. The owner/applicant agrees with the requirements of this condition.

Public Works Department

COA 2.0 Applicant shall obtain an encroachment permit for the driveway approach and install a culvert in the ditch under the driveway approach. Structural section for driveway approach is to be 10" Class II AB and 3", with ¾" maximum AC.

The owner/applicant has filed with the City of Oroville an encroachment permit for the construction of a driveway approach as shown on the plans. The approach will be constructed to the standards set forth by the City of Oroville and be provided with a culvert for drainage.

The construction of the driveway shall be completed within a 3 month period following the obtaining of the permit to begin operations.

COA 3.0 Provide legal and physical access to AP No. 36-49-0-020, or combine with adjacent parcels via merger or boundary line modification.

The owner/applicant has submitted to the City of Oroville; 1) an application for merger by deed, 2) copies of deeds, 3) 18 x 26 plat drawn at 100 scale of the project site showing the proposed merger, 4) descriptions of portions of APN 36-49-0-020, and definition that each portion will be combined with the original parcel, 4) descriptions as Exhibit "A" describing the new

parcels, which revert to the original parcels 3 and 4 as shown on the parcel map filed in Book 86, at page 34. Merging AP No 36-49-0-020 to reconfigure the parcels to the original boundaries provides both legal and physical access to all parcels.

Application was made on May 14, 1997 and is currently being processed by the City of Oroville.

COA 4.0 Financial assurances shall be provided for the cost of reclamation based upon the reclamation plan approved. The State Mining and Geology Board and the City of Oroville shall review and approve the estimated reclamation cost prior to approval of the financial assurances.

Financial assurances for this project are based upon work anticipated to be completed within the phasing process. Each phase has a reclamation cost. The financial mechanism shall be placed for assurances only on the phase currently underway. At the time the phase has been completed, and completely reclaimed to the satisfaction of the City of Oroville, the financial assurances shall roll over and become the account for the next phase. The owner/applicant shall notify the City of Oroville and the Department of Conservation prior to revision of the trust account in favor of the next phase.

At the time of permit issuance to the applicant, by the City of Oroville, the applicant will have set up the financial assurance mechanism, which will be a trust account with the City of Oroville and the Department of Conservation as payees. A letter from the financial institution shall be delivered each year to both the City of Oroville and the Department of Conservation notifying them that the account is still in force. Any and all interest earned during the life of the account is payable to the owner/applicant or his/her designee, and may be withdrawn at any time without release by the City of Oroville and/or the Department of Conservation pursuant to SMARA Section 2773.1(a)(1).

Fire Department

COA 5.0 Access road must be of all-weather construction and support fire apparatus year round.

The applicant will construct an all weather access road on the site which will conform to the requirements of the City of Oroville Fire Department, and when complete, the City of Oroville will inspect the road and sign off that it meets the requirements.

This condition will be satisfied at the time of construction and no future monitoring is planned.

COA 6.0 Access road must end in a City approved turn-around.

The turn-around at the access road constructed to conform to COA No 5, will be provided with a turn-around in compliance with the requirements of the City of Oroville Fire Department.

This condition will be satisfied at the time of construction and no future monitoring is planned.

COA 7.0 Fire extinguishers must be located onsite, or on equipment, in sufficient number.

This project will not have buildings constructed. The only structure will be a chemical toilet. All equipment operated onsite shall be provided with a fire extinguisher. No other fire prevention apparatus shall be stored or placed onsite.

This condition will require continued monitoring by the Fire Department throughout the duration of the project.

Department of Parks and Trees

COA 8.0 Applicant shall submit a plan for approval by the Parks and Trees Department for the planting of street trees along Ophir Road; to be planted no later than completion of each cell's excavation as a windbreak and for beautification.

Phase 1 will be the first completed cell. It is estimated that excavation will be complete within 5 years. Prior to completion a plan shall be approved and trees installed in accordance with the requirements of the City of Oroville Department of Parks and Trees. Phase 4 will be complete in approximately 15-20 years from the onset of excavation. Just prior to completion of Phase 4, trees shall be planted in conformance with an approved plan submitted to the City of Oroville, Department of Parks and Trees.

This condition will require monitoring by the City of Oroville, to determine the time of noticing to the applicant for plan submittal/approval and subsequent implementation.

Butte County Environmental Health Department

COA 9.0 At a minimum, a chemical toilet must be onsite for employee use.

This condition will be satisfied as operations are mobilized. This will require monitoring by the County of Butte to confirm the unit is on site.

Butte County Air Quality Management District

COA 10.0 If processing equipment (screening, crushing) is used during minor or reclamation a District Authority to Construct Permit and Permit to Operate is required.

No processing equipment is anticipated to be used as a part of this project and or in the future.

Office of Mining and Reclamation

COA 16.0 Reclamation plans shall indicate utility locations, equipment storage locations, drainages and their direction of flow, and all erosion control facilities.

The submitted reclamation plan attachments provide the utility locations, shown as power poles, off site drainage facilities which consist of roadside swales, site contours delineating direction of flow, and the equipment storage area. Erosion control facilities are shown within the SWPPP as well as delineated on the attachments for the placement of straw bales for sediment control within the roadside drainage facilities.

This condition will be satisfied upon approval of the Reclamation Plan by the City of Oroville, and no monitoring will be required for this item.

COA 17.0 As part of the reclamation plan, applicant shall supply a revegetation plan containing a list of species, application rates for propagules, and the source of plant materials that are to be installed. Native plants are required. A description of the planting methods and schedule shall also be included.

The submitted reclamation plan provide the genus and species, application rate, time of year, anticipated performance standards for materials placed.

This condition will be satisfied upon approval of the Reclamation Plan by the City of Oroville, and no monitoring will be required for this item.

COA 18.0 A revegetation monitoring plan shall be submitted as part of the reclamation plan for all areas that will need revegetation or erosion control. The monitoring plan shall contain quantitative performance standards for plant cover, plant density, erosion control and weed abatement. The plan shall also state the frequency of monitoring and the time of year monitoring takes place. The plan shall contain a description of remedial measures to be implemented if revegetation is not successful according to the performance criteria.

The submitted reclamation plan provide the genus and species, application rate, time of year, anticipated performance standards for materials placed.

This condition will be satisfied upon approval of the Reclamation Plan by the City of Oroville, and no monitoring will be required for this item.

COA 19.0 Financial assurances shall be provided for the cost of reclamation based upon the reclamation plan approved. The State Mining and Geology Board and the City of Oroville shall review and approve the estimated reclamation cost prior to approval of the financial assurances.

Financial assurances for this project are based upon work anticipated to be completed within the phasing process. Each phase has a reclamation cost. The financial mechanism shall be placed for assurances only on the phase currently underway. At the time the phase has been completed, and completely reclaimed to the satisfaction of the City of Oroville, the financial assurances shall roll over and become the account for the next phase. The owner/applicant shall notify the City of Oroville and the Department of Conservation prior to revision of the trust account in favor of the next phase.

At the time of permit issuance to the applicant, by the City of Oroville, the applicant will have set up the financial assurance mechanism, which will be a trust account with the City of Oroville and the Department of Conservation as payees. A letter from the financial institution shall be delivered each year to both the City of Oroville and the Department of Conservation notifying them that the account is still in force. Any and all interest earned during the life of the account is payable to the owner/applicant or his/her designee, and may be withdrawn at any time without release by the City of Oroville and/or the Department of Conservation pursuant to SMARA Section 2773.1(a)(1).

COA 20.0 The operator of the mine shall file an initial report and subsequent annual reports with the State and with the City and shall pay any required reporting fees. The initial report and fee shall be sent to the State within 30 days of approval of the mining permit. Department of Conservation, Office of Mine Reclamation, Reclamation Unit, 801 K Street, MS 09-06, Sacramento, CA 95814-3592

The applicant shall file the initial report subsequent to obtaining the use permit and mining permit and approved reclamation plan from the City of Oroville.

This condition will not require monitoring. The Department of Conservation, Office of Mine Reclamation will notify the applicant/owner when additional annual fees are due.

This condition will require monitoring by the Butte County Air Quality Management District to determine if processing equipment is on site and/or being used.

COA 11.0 All trucks hauling dirt, sand, or other loose materials shall be covered or shall maintain at least 2 feet of freeboard (i.e. minimum vertical distance between top of the load and the trailer) in accordance with the requirements of CVC Section 23114.

This condition will require monitoring by the Butte County Air Quality Management District to determine if the haulers are complying with the requirements of CVC Section 23114.

COA 12.0 All material transported off-site shall be either sufficiently watered, or securely covered to prevent a public nuisance.

This condition will require monitoring by the Butte County Air Quality Management District to determine if transporting requirements are in compliance.

COA 13.0 All mining and reclamation activities must comply with District Rule 207, Fugitive Dust Emissions.

This condition will require monitoring by the Butte County Air Quality Management District to determine that District Rule 207 is being complied with.

COA 14.0 All onsite vehicles shall be limited to a speed of 15 mph on unpaved roads.

This condition will require monitoring by the Butte County Air Quality Management District to determine that vehicles are not traveling at a speed greater than 15 mph on unpaved roads.

COA 15.0 All inactive portions of the site shall be seeded and watered until a suitable grass cover is established.

This condition will require monitoring by the Butte County Air Quality Management District to determine compliance with the erosion control and reclamation plan procedures, seeding rates, time of year, and contingency measures as defined within the Reclamation Plan, and the Storm Water Pollution Prevention Plan provided to the Regional Water Quality Control Board.

Mitigation Measure/Condition of Approval Implementation Schedule and Monitoring Checklist

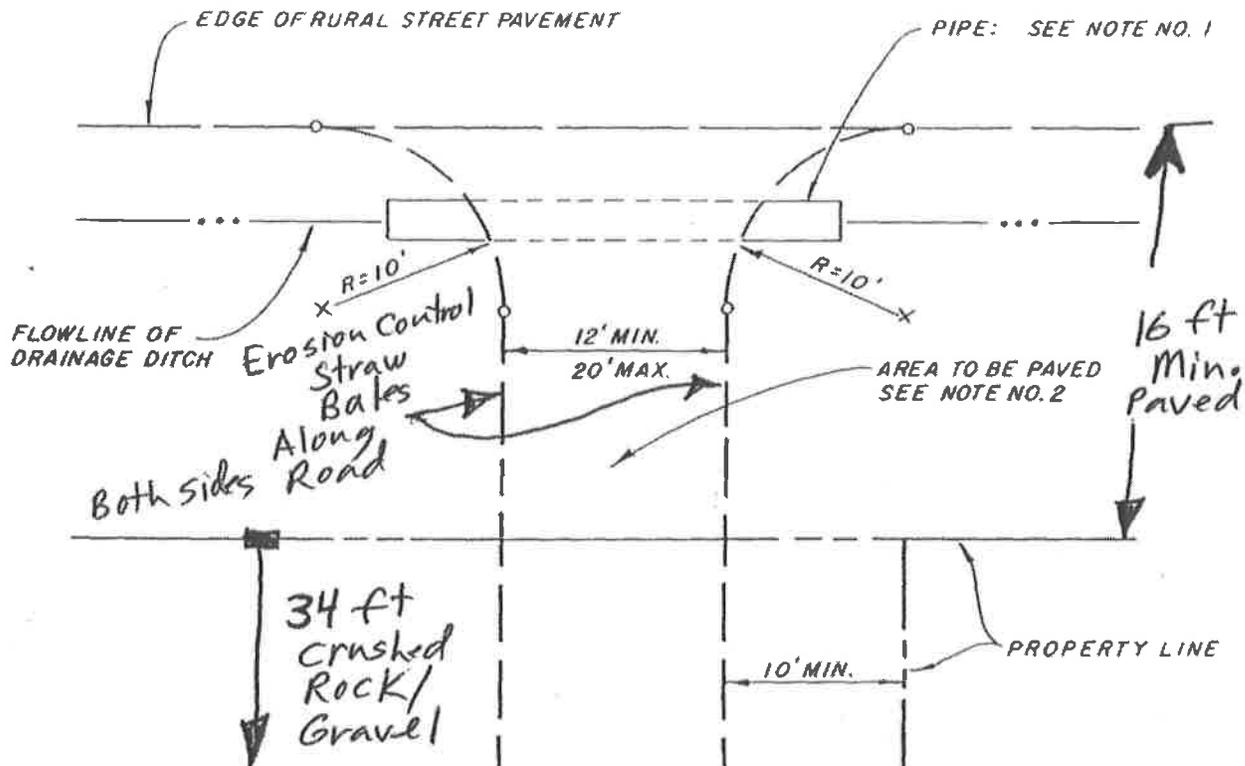
Timing of Verification

Mitigation Measure

Implementation

Monitoring

Timing of Verification	Mitigation Measure	Implementation	Monitoring
	COA 9.0 At a minimum, a chemical toilet must be onsite for employee use.	Applicant	Monthly site inspection by County staff
	COA 10.0 If processing equipment (screening, crushing) is used during minor or reclamation a District Authority to Construct Permit and Permit to Operate is required.	Applicant	Monthly site inspection by City staff
	COA 11.0 All trucks hauling dirt, sand, or other loose materials shall be covered or shall maintain at least 2 feet of freeboard(i.e. minimum vertical distance between top of the load and the trailer) in accordance with the requirements of CVC Section 23114.	Applicant	Monthly site inspection by BCACQMD
	COA 12.0 All material transported off-site shall be either sufficiently watered, or securely covered to prevent a public nuisance.	Applicant	Monthly site inspection by BCACQMD
	COA 13.0 All mining and reclamation activities must comply with District Rule 207, Fugitive Dust Emissions.	Applicant	Monthly site inspection by BCACQMD
	COA 14.0 All onsite vehicles shall be limited to a speed of 15 mph on unpaved roads.	Applicant	Monthly site inspection by BCACQMD
	COA 15.0 All inactive portions of the site shall be seeded and watered until a suitable grass cover is established.	Applicant	Monthly site inspection by BCACQMD



Ron Harmon
 PRIVATE ~~RESIDENTIAL~~ DRIVEWAY
 ON RURAL STREET

NOTES:

1. PIPE TO BE G.S.P. OR EQUAL (12" DIA. MIN.) DIAMETER AND LENGTH MAY VARY, IF APPROVED BY THE CITY ENGINEER, TO SUIT CONDITION OF SPECIFIC SITE.
2. PAVING SHALL CONSIST OF ^{10"}4" OF AGGREGATE BASE, MIN., AND
3. 2" OF ASPHALT CONCRETE, MIN.

Per Use Permit
 # UP-96-15
 mitigation Monitoring
 Program

[Signature]
 Public Works Director 7/15/02



CITY OF OROVILLE DEPARTMENT OF PUBLIC WORKS		REVISIONS 1-10-90
		DATE 6/16/99
STANDARDS FOR PRIVATE RESIDENTIAL DRIVEWAY ON RURAL STREET		
DRAWN BY T.F.	APPROVED BY <i>[Signature]</i> CITY ENGINEER	SHEET 1 of 1
		ST-19

Section 3: Implementation Schedule and Checklist

This section contains a description of each mitigation measure and condition of approval and is in tabular checklist format. Mitigation measures required to reduce potentially significant impacts to no impacts are required to be performed prior to the beginning of operations, during operations and at the time of completion of the operations. Conditions of approval required by the responsible agencies, usually required to be completed prior to obtaining the actual permit, are listed herein since they are measures which will require monitoring or evaluation by that agency.

A summary is presented below for the mitigation measures and conditions of approval implementation for the following phases:

- Prior to permitting
- Improvement implementation
- Phasing
- During final phase completion
- Ongoing requirements

Timing of Verification	Mitigation Measure/Condition of Approval
Prior to permitting	MM 4.1, MM 5.1, MM 7.2, COA 3.0, COA 4.0, COA 16.0, COA 17.0, COA 18.0, COA 19.0, COA 20.0, COA 21.0
Improvement implementation	COA 2.0, COA 5.0, COA 6.0
Phasing	MM 4.2, MM 5.2, MM 7.1, COA 8.0, COA 15.0
During final phase completion	MM 7.1, COA 8.0, COA 15.0
Ongoing requirements	MM 4.2, MM 5.2, MM 5.3, MM 5.4, MM 5.5, MM6.1, MM 11.1, COA 1.0, COA 7.0, COA 9.0, COA 10.0, COA 11.0, COA 12.0, COA 13.0, COA 14.0, COA 15.0

Mitigation Measure/Condition of Approval Implementation Schedule and Monitoring Checklist

Timing of Verification

Mitigation Measure

Implementation - Monitoring

<p>• Prior to Permitting</p>	<p>MM 4.1 Prior to any operations on site, a reclamation plan and monitoring plan containing site specific sediment/erosion control and dust control plans must be submitted to and approved by the City of Oroville and the Regional Water Quality Control Board.</p> <p>MM 5.1 Prior to any operations on site, a reclamation plan and monitoring plan containing site specific sediment/erosion control and dust control plans must be submitted to and approved by the City of Oroville and the Regional Water Quality Control Board.</p> <p>MM 7.2 A project site reclamation and monitoring plan shall be submitted to, and approved by the City of Oroville. The reclamation and monitoring plan shall contain site specific sediment and erosion control criteria and a revegetation plan. Prior to operations onsite, the applicant shall post a bond, or provide other financial assurances, to ensure the reclamation is successfully implemented. The amount of the financial assurance shall be determined by Public Works and is based upon the reclamation and monitoring plan requirements. The financial mechanism must include both the City of Oroville and Department of Conservation as payees.</p> <p>COA 3.0 Provide legal and physical access to AP No. 36-49-0-020, or combine with adjacent parcels via merger or boundary line modification.</p> <p>COA 4.0 Financial assurances shall be provided for the cost of reclamation based upon the reclamation plan approved. The State Mining and Geology Board and the City of Oroville shall review and approve the estimated reclamation cost prior to approval of the financial assurances.</p> <p>COA 16.0 Reclamation plans shall indicate utility locations, equipment storage locations, drainages and their direction of flow, and all erosion control facilities.</p> <p>COA 17.0 As part of the reclamation plan, applicant shall supply a revegetation plan containing a list of species, application rates for propagules, and the source of plant materials that are to be installed. Native plants are required. A description of the planting methods and schedule shall also be included.</p>	<p>Applicant</p> <p>Applicant</p> <p>Applicant</p> <p>Applicant/City Staff</p> <p>Applicant/City Staff</p> <p>Applicant</p> <p>Applicant</p>	<p>According to approved plan</p> <p>According to approved plan</p> <p>According to approved plan</p> <p>According to processing by Staff</p> <p>According to approved plan</p> <p>According to approved plan</p> <p>According to approved plan</p>
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Mitigation Measure/Condition of Approval Implementation Schedule and Monitoring Checklist

Timing of Verification

Timing of Verification	Mitigation Measure	Implementation	Monitoring
	COA 19.0 Financial assurances shall be provided for the cost of reclamation based upon the reclamation plan approved. The State Mining and Geology Board and the City of Oroville shall review and approve the estimated reclamation cost prior to approval of the financial assurances.	Applicant/ City Staff	According to approved plan
	COA 20.0 The operator of the mine shall file an initial report and subsequent annual reports with the State and with the City and shall pay any required reporting fees. The initial report and fee shall be sent to the State within 30 days of approval of the mining permit. Department of Conservation, Office of Mine Reclamation, Reclamation Unit, 801 K Street, MS 09-06, Sacramento, CA 95814-3592	Applicant	Annually
• Improvement Implementation	COA 2.0 Applicant shall obtain an encroachment permit for the driveway approach and install a culvert in the ditch under the driveway approach. Structural section for driveway approach is to be 10" Class II AB and 3", with 3/4" maximum AC.	Applicant	Site inspection by City staff to be complete within 3 mos. from onset of Phase 1 work.
	COA 5.0 Access road must be of all-weather construction and support fire apparatus year round.	Applicant	No monitoring needed
	COA 6.0 Access road must end in a City approved turn-around.	Applicant	No monitoring needed
• Phasing	MM 4.2 The operator shall apply an Air Quality Management District approved non-toxic soil stabilizer to all inactive construction areas (previously graded areas which remain inactive for 96 hours). Acceptable materials that may be used for chemical stabilization of soils include petroleum resins, asphaltic emulsions, acrylics, and adhesives which do not violate Regional Water Quality Control Board standards.	Applicant	Monthly site inspection by BCAQMD
	MM 7.1 The top six inches of topsoil shall be removed and stockpiled for use in the reclamation of mines areas. Seeds, microbial organisms, and organic matter found in the upper six inches of growth media constitute a significant resource when used in reclamation.	Applicant	Initial start-up ea. Phase; biannual site inspections by City staff

Mitigation Measure/Condition of Approval Implementation Schedule and Monitoring Checklist

Timing of Verification Mitigation Measure Implementation Monitoring

	COA 8.0 Applicant shall submit a plan for approval by the Parks and Trees Department for the planting of street trees along Ophir Road; to be planted no later than completion of each cell's excavation as a windbreak and for beautification.	Applicant	According to approved plan
	COA 15.0 All inactive portions of the site shall be seeded and watered until a suitable grass cover is established.	Applicant	Biannual site inspections by BCAQMD
• During final phase Completion	MM 7.1 The top six inches of topsoil shall be removed and stockpiled for use in the reclamation of mined areas. Seeds, microbial organisms, and organic matter found in the upper six inches of growth media constitute a significant resource when used in reclamation.	Applicant	Initial start-up ea. Phase; biannual site inspections by City staff
	COA 8.0 Applicant shall submit a plan for approval by the Parks and Trees Department for the planting of street trees along Ophir Road; to be planted no later than completion of each cell's excavation as a windbreak and for beautification.	Applicant	According to approved plan
	COA 15.0 All inactive portions of the site shall be seeded and watered until a suitable grass cover is established.	Applicant	Biannual site inspections by BCAQMD
• Ongoing requirements	MM 4.2 The operator shall apply an Air Quality Management District approved non-toxic soil stabilizer to all inactive construction areas (previously graded areas which remain inactive for 96 hours). Acceptable materials that may be used for chemical stabilization of soils include petroleum resins, asphaltic emulsions, acrylics, and adhesives which do not violate Regional Water Quality Control Board standards.	Applicant	Monthly site inspection by BCAQMD
	MM 5.2 The operator shall apply an Air Quality Management District approved non-toxic soil stabilizer to all inactive construction areas (previously graded areas which remain inactive for 96 hours). Acceptable materials that may be used for chemical stabilization of soils include petroleum resins, asphaltic emulsions, acrylics, and	Applicant	Monthly site inspection by BCAQMD

Mitigation Measure/Condition of Approval Implementation Schedule and Monitoring Checklist

Timing of
Verification

Mitigation Measure

Implementation
Monitoring

Timing of Verification	Mitigation Measure	Implementation	Monitoring
	adhesives which do not violate Regional Water Quality Control Board standards.		
	MM 5.3 All materials excavated, stockpiled or graded shall be sufficiently watered to prevent fugitive dust from leaving property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering shall occur at least twice daily with complete excavation site coverage; preferably at mid-morning and after work is completed each day when dust may be a nuisance.	Applicant	Monthly site inspection by BCAQMD
	MM 5.4 All areas including unpaved roads with vehicle traffic shall be watered periodically or have dust palliatives applied for stabilization of dust emissions.	Applicant	Monthly site inspection by BCAQMD
	MM 5.5 All clearing, grading, earth moving or excavation activities on the project site shall be suspended when winds exceed 20 miles per hour.	Applicant	Monthly site inspection by BCAQMD
	MM 6.1 Assessment of \$0.10 per yard shall be collected for public street repair and maintenance. Assessment shall be collected annually on a mutually agreed upon date and shall be based upon sales invoice amounts for the year. If soil is sold to nearby property and an off road route is approved by the City, the assessment may be waived by the City.	Applicant	Annual fee collection by City
	MM 11.1 Assessment of \$0.10 per yard shall be collected for public street repair and maintenance. Assessment shall be collected annually on a mutually agreed upon date and shall be based upon sales invoice amounts for the year. If soil is sold to nearby property and an off road route is approved by the City, the assessment may be waived by the City.	Applicant	Annual fee collection by City
	COA 1.0 Operator shall observe the City's Noise Ordinance for hours of operation and level of noise at property boundaries.	Applicant	Monthly site inspection by City staff



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust
DIRECTOR

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2402 FAX (530) 538-2426
www.cityoforoville.org

December 1, 2015

Office of Mine Reclamation
801 K Street, MS 09-06
Sacramento, California 95814

**RE: RON HARMON MINE - RECLAMATION PLAN FIVE (5) YEAR EXTENSION
CA MINE ID # 91-04-0022**

Office of Mine Reclamation,

The City of Oroville, as lead agency for the Ron Harmon Mine (CA Mine D: 91-04-0022) located on the north side of Ophir Road within the southern City limits, has received a request from the mine operator's consultant (EnviroMINE, Inc.) to extend the current Reclamation Plan for an additional five (5) years. The current Reclamation Plan is due to expire on November 12, 2016, with the requested additional five (5) year extension modifying the expiration date to November 12, 2021. Based off the attached letter submitted by EnviroMINE, the City has determined that extending the life of the operation for an additional five (5) years does not constitute a substantial deviation based off the criteria to be considered in the SMARA §3502.

If you have any questions regarding the information contained in this letter please contact Luis A. Topete at (530) 538-2408 or at ltopete@cityoforoville.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Donald L. Rust".

Donald L. Rust, Director
Community Development Department

Attachments

Updated Reclamation Plan
Letter from EnviroMINE, Inc.

RECLAMATION PLAN FOR RON HARMON

CALIFORNIA MINE ID#:

91 - 04 - 0022

GENERAL OWNERSHIP/OPERATION INFORMATION:

MINE NAME:	Ron Harmon Mine
LOCATION OF MINE:	<p>The Ron Harmon Mine is located in the City of Oroville, County of Butte on private lands consisting of five(5) parcels bounded on the northeast by Baggett Marysville Road, on the south by Ophir Road, and on the east by Baggett Palermo Road. The site is located in portions of the north half of the northeast quarter of Section 31, Township 19 North, Range 4 East, Mount Diablo Baseline and Meridian.</p>
ATTACH A MAP THAT IDENTIFIES HOW TO ACCESS THE MINE SITE FROM THE NEAREST HIGHWAY	
<input checked="" type="checkbox"/> CHECK BOX IF LOCATION MAP IS ATTACHED (REFER TO ATTACHMENT 1)	
MINE OPERATOR:	Ronald Harmon
TELEPHONE NUMBER:	(916) 652-7080
MAILING ADDRESS:	1982 Hillcrest Drive Newcastle, CA 95658
MINE OPERATOR'S DESIGNATED AGENT:	Same as above
TELEPHONE NUMBER:	Same as above
MAILING ADDRESS:	Same as above

GENERAL MINING OPERATION INFORMATION:

MINED MINERAL COMMODITY:	Redding gravelly sandy loam		
ESTIMATED ANNUAL PRODUCTION:	50,000-250,000 cubic yards per year		
ESTIMATED TOTAL PRODUCTION:	570,000 cubic yards over 25 years		
TOTAL NUMBER OF ACRES TO BE DISTURBED BY THE SURFACE MINING OPERATION:	14 Acres	Phase 1=6.0 ac Phase 2=4.0 ac Phase 3=1.0 ac Phase 4=3.0 ac	
TOTAL NUMBER OF ACRES TO BE RECLAIMED:	14 Acres		
MAXIMUM ANTICIPATED DEPTH OF MINING:	<u>52</u> FEET;	<u>229 feet</u>	ELEVATION (MEAN SEA LEVEL)
STARTUP DATE (Indicate whether actual or proposed):	Ongoing Operation		
SITE MAP: ATTACH A TOPOGRAPHIC MAP OF LANDS THAT WILL BE AFFECTED BY MINING OPERATIONS. THE MAP SCALE SHOULD BE 1"=100' TO 1"=500' SO THAT THE FOLLOWING MAY BE IDENTIFIED EASILY:			
EXISTING SITE CONDITIONS: Project boundary, Existing surface topography, Cross section, Railroad, Utilities, Roads, Limits of proposed work (See Attachment 1)			
MINING OPERATION FEATURES: Proposed access road, location and volume of topsoil stockpiles, crest & toe of pits, volumes of soil removal, and operation location. (See Attachment 2, 3, 4, 5 and 6)			
FINAL SITE CONFIGURATION: Reclaimed drainage and surface configuration, Erosion Control, and proposed final topography with cross section. (See Attachment 6 & 7)			
<input checked="" type="checkbox"/>	CHECK BOX IF SITE MAP IS ATTACHED (REFER TO ATTACHMENTS 1-7)		
(1)	<p>DESCRIBE THE ENVIRONMENTAL SETTING OF THE MINE SITE, INCLUDING THE FOLLOWING: PROVIDE A GENERAL DESCRIPTION OF VEGETATION AND A LIST OF PLANTS CURRENTLY ON SITE THAT MAY BE SUITABLE FOR RECLAMATION:</p> <p>The existing site is characteristic of rolling valley grassland, currently fallow, having a predominant cover of non-native grasses, heavy thistle cover, small shrubs, and sparsely populated with trees. At the central area of the site, towards the south there is a knoll with landfall to the north, east and west at slopes ranging from 0-10%. The elevation ranges from 281 feet to 170 feet above mean sea level. A natural drainage swale exists along the easterly boundary of the site. The site typically demonstrates sheet flow and infiltration drainage characteristics.</p>		
(2)	<p>ADDRESS THE PRESENCE/ABSENCE OF SENSITIVE SPECIES, SENSITIVE HABITATS (WETLANDS, VERNAL POOLS, ETC.). ADDRESS SPECIES, HABITATS THAT ARE CONSIDERED SENSITIVE WITHIN THE LEAD AGENCY'S JURISDICTION (e.g. Oak Woodland, Blehop pine forest):</p> <p>There are no sensitive species or sensitive habitats identified on this site.</p>		

GENERAL MINING OPERATION INFORMATION, CONT'D:

(1) DESCRIBE THE GEOLOGY OF THE AREA SURROUNDING THE MINE SITE:

The mine site is located at the foot of the westerly side of the Sierra Nevada. The geology to the east of the mine site largely consists of igneous and meta-igneous rocks, Jura-Trias metavolcanic rocks formed during the Mesozoic Era. The rocks are of uncertain age, and may have been formed during the Jurassic or Triassic Periods, and possibly Paleozoic. Rocks include most of the porphyrite and diabase, amphibolite, and amphibolite schists.

Geologic characteristics to the north, south and west consist of recent deposits of the Great Valley, sedimentary and metasedimentary rocks. These recent alluvial fan deposits are derived from sediments deposited from streams emerging from high lands surrounding the Great Valley which includes the Victor Formation of lenticular silt, sand, gravel, and clay. Tailings exist on the north and west sides left over from gold dredging activities.

(2) DESCRIBE THE GEOLOGY OF THE AREA TO BE MINED:

The geologic characteristics of the mine site are also sedimentary and metasedimentary rocks, Plio-Pleistocene non-marine formed during the Pleistocene, Quaternary Period of the Cenozoic Era. These deposits are continental deposits equivalent to the Laguna Formation and Arroyo Seco Gravel found further south and consists of silt, sand, clay, and unsorted gravels.

The soil on the site is classified as a Redding gravelly sandy loam and contains minimal amounts of organic material.

DESCRIBE THE TYPE OF MINING TO BE EMPLOYED (e.g. quarry, truck and shovel operation):

The mine will utilize open pit, borrow, gravel-sand pit and hill top quarry mining methods. The material shall be excavated with a loader and off-hauled with 18-wheeler trucks. There will not be screening equipment or fixed facilities on the site.

GENERAL LEAD AGENCY INFORMATION:

LEAD AGENCY:	City of Oroville
STAFF CONTACT:	Don Rust, Planning Director, Planning Department
TELEPHONE NUMBER:	(530) 538-2405
MAILING ADDRESS:	City of Oroville, Planning Department 1735 Montgomery Street Oroville, CA 95965
USE PERMIT NUMBER:	UP96-15
DATE PERMIT WAS APPROVED AND/OR AMENDED:	November 12, 1996
PERMIT EXPIRATION DATE:	Conditional Use Permit (UP96-15) has no specified expiration date. Reclamation Plan will expire on November 12, 2021.

GENERAL MINING OPERATION INFORMATION, CONT'D:

SMARA SECTIONS 2770 AND 2773.1 REQUIRE MINE OPERATORS TO OBTAIN A LEAD AGENCY APPROVED FINANCIAL ASSURANCE TO ENSURE RECLAMATION OCCURS PURSUANT TO THE RECLAMATION PLAN. ATTACH A COPY OF THE PROPOSED/ APPROVED FINANCIAL ASSURANCE.

CHECK HERE IF YOU ATTACHED A COPY OF THE PROPOSED FINANCIAL ASSURANCE (REFER TO ATTACHMENT 8)

CHECK HERE IF YOU ATTACHED A COPY OF THE APPROVED FINANCIAL ASSURANCE

NOTE: A RECLAMATION COST ESTIMATE WORKSHEET IS ATTACHED FOR YOUR ASSISTANCE IN DETERMINING THE APPROPRIATE FINANCIAL ASSURANCE AMOUNT (APPENDIX A).

DETAILED DESCRIPTION OF RECLAMATION ACTIVITIES: (Attach additional sheets, if needed)
(Pursuant to Public Resources Code Section 2772)

DESCRIBE THE PROPOSED USE OF THE SITE ONCE MINING CEASES AND RECLAMATION IS COMPLETED:

The end use of this site will be industrial development. The site is currently zoned as M-2, Industrial. This is the same zoning for properties surrounding the site. Excavation of the materials and regrading to a more level site, without relief, will enable cost effective development for future industrial use, compatible with the surrounding area.

ATTACH EVIDENCE THAT ALL OWNERS OF A POSSESSORY INTEREST IN THE LAND TO BE MINED HAVE BEEN NOTIFIED OF THE PROPOSED END USE (e.g. copies of notices to land owner and mineral rights owner)

CHECK BOX IF EVIDENCE IS ATTACHED (See Attachment 9)
The only party with possessory interest in the parcel is the owner.

RECLAMATION TIME SCHEDULE:

PROVIDE A TIME SCHEDULE FOR THE RECLAMATION OF EACH AREA DISTURBED BY MINING. IF APPLICABLE, INDICATE RECLAMATION PHASES ON YOUR SITE MAP.

Phase 1: 1996-2001

5 Years

Reclamation of Phase 1 will begin after the removal of all materials within that area. It is anticipated removal of material will be within a range of 50,000-250,000 cubic yards, annually. Should the material be removed within a shorter period of time, reclamation shall ensue immediately.

Monitoring: Monitoring of Phase 1 shall be for a period of 3 years after reclamation measures have been completed.

Phase 2: 2001-2006

5 years

Reclamation of Phase 2 will begin after the removal of all materials within that area. Should the material be removed within a shorter period of time, reclamation shall ensue immediately. Reclamation of Phase 2 shall be consistent with Phase 1 reclamation.

Monitoring: Monitoring of Phase 2 shall be for a period of 3 years after reclamation measures have been completed.

Phase 3: 2006-2011

5 years

Reclamation of Phase 3 will begin after the removal of all materials within that area. Should the

material be removed within a shorter period of time, reclamation shall ensue immediately. Reclamation of Phase 3 shall be consistent with Phase 2 reclamation.

Monitoring: Monitoring of Phase 3 shall be for a period of 3 years after reclamation measures have been completed.

Phase 4: 2011-2016 5 years (5 year extension proposed)
Reclamation of Phase 4 will begin after the removal of all materials within that area. Should the material be removed within a shorter period of time, reclamation shall ensue immediately. Reclamation of Phase 4 shall be consistent with Phase 3 reclamation. Phase 4 will reflect the finish grade site configuration. Applicant has requested a five (5) year extension to extend the Reclamation Plan from 20 years to 25 years. New expiration date would be November 12, 2021.
Monitoring: Monitoring of Phase 4 shall be for a period of 3 years after reclamation measures have been completed.

Total Number of Years

25 years (Includes 5 Year Extension)

DISCUSS HOW THE IMPLEMENTATION OF THIS RECLAMATION PLAN WILL AFFECT FUTURE MINING IN THE AREA (e.g. reclamation will not preclude future mining at this site since reclamation calls for open space).

Reclamation of this mine site will preclude future mining of this site. The material removed and final grading of this site will create a parcel suitable for industrial development and compatible with the construction of industrial facilities. It is not anticipated future mining would be desirable.

DESCRIBE HOW THE PROPOSED RECLAMATION OF THE MINE SITE WILL AFFECT PUBLIC HEALTH AND SAFETY, GIVING CONSIDERATION TO THE DEGREE AND TYPE OF EXISTING AND PROBABLE FUTURE PUBLIC EXPOSURE TO THE SITE.

The proposed reclamation of the site will not affect public health and safety. The site will be graded to a fairly uniform grade when the site is completely mined. During the phasing of the mining operations, 2:1 slopes will be constructed at the limits of each phase until mining utilizes the embankments for the next phase of excavation.

There is and will be limited exposure to the public during the course of this work. Persons only directly involved in the excavation and off hauling of material will be on site. It is anticipated that subsequent to phasing completion, staff to implement the reclamation procedures will be on site only.

BRIEFLY DISCUSS HOW CONTAMINANTS WILL BE CONTROLLED AND MINE WASTE WILL BE DISPOSED (e.g. fuel storage). NOTE: IF CYANIDE IS USED FOR ON SITE PROCESSING, PRC SECTION 21157.7 REQUIRES THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

No hazardous substances, combustible, or contaminants will be generated or stored on site. All fuels for the operation of equipment shall be brought to the site where the equipment is being used. No storage of these vehicles or transports is anticipated.

ATTACH A TOPOGRAPHIC MAP SHOWING THE CONFIGURATION OF THE SITE ONCE RECLAIMED.



CHECK BOX IF MAP IS ATTACHED (REFER TO ATTACHMENT 6 & 7)

RECLAMATION STANDARDS:

PURSUANT TO SMARA SECTION 2773, MY RECLAMATION ACTIVITIES WILL COMPLY WITH THE FOLLOWING STANDARDS PROVIDED IN THE CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, ARTICLE 9, SECTIONS 3700-3710.

CHECK APPLICABLE BOX

TOPSOIL SALVAGE, MAINTENANCE, AND REDISTRIBUTION - IF THE END USE CALLS FOR REVEGETATION OR CULTIVATION OF DISTURBED LANDS, I AGREE TO CONDUCT TOPSOIL SALVAGE, MAINTENANCE, AND REDISTRUBUTION ACTIVITIES IN CONFORMANCE WITH CCR SECTION 3711.

Explain the reclamation procedures you will use to meet the standard cited above:

The mine site will be operated within 4 phases. These phases will create cells from which mining will be operating at that specific time. Each of the cells is anticipated to be mined within a 5 to 10 year time period.

The top six inches of topsoil shall be removed and stockpiled for use in the reclamation of mined areas. As each phase begins, the topsoil shall be stockpiled on site. The slopes of the stockpiled soil shall be no greater than 2:1. Subsequent to the completion of each phase, the topsoil shall be spread for revegetation. It is likely that some of this material will be utilized throughout the duration of each phase as the finished grade is reached and materials are placed for erosion control.

REVEGETATION - REVEGETATION WILL BE A PART OF MY APPROVED RECLAMATION PLAN. I AGREE TO CONDUCT MY REVEGETATION ACTIVITIES IN CONFORMANCE WITH CCR SECTION 3705. UNLESS NON-NATIVE SPECIES SUCH AS FORAGE GRASSES OR ORNAMENTALS WILL BE USED, SPECIFY AT LEAST FOUR NATIVE SPECIES THAT OCCUR ON SITE OR IN THE VICINITY OF THE PRJECT AND WILL BE USED FOR REVEGETATION.

The principle revegetation effort for this site is the seeding of native grass/legume/forbs. These materials will aid in the prevent of erosion, and help to stablize the soils until further developed. Non-native materials will be used for quick cover which are non-invasive and will not compete with native materials.

Ground cover will be comprised of the following mixture:

Native:	Melica californica	California melic
	Elymus glauca	Blue wildrye
	Hordeum callfomicum	California barley
	Hordeum brachyantherum	Meadow barley
	Muhlenbergia rigens	Deergrass
	Bromus carinatus	California brome
	Bromus vulgaris	No flowered brome
	Lupinus spp.	Lupine
	Agrostis pallens	Thingrass
	Plantago spp.	Plantago

Seeding shall be applied at a rate of 25 pounds per acre. This same mixture will be applied for slope stabilization and erosion control. Seeding shall ensue after the area has been scarified and the stockpiled topsoil has been spread.

CHECK BOX IF THE END USE PRECLUDES REVEGETATION OR THE CULTIVATION OF DISTURBED LANDS.

CHECK BOX IF REVEGETATION IS NOT CONSISTENT WITH THE APPROVED END USE.

SUCCESS OF REVEGETATION WILL BE JUDGED UPON THE EFFECTIVENESS OF THE VEGETATION FOR THE APPRVED END USE AND BY COMPARING QUANTIFIED VEGETATIVE COVER, DENSITY AND NUMBER OF SPECIES OF THE RECLAIMED MINED LANDS TO LOCAL AREAS OF NATURALLY OCCURING VEGETATION OR PRE-MINING CONDITINS (BASELINE).

	<u>BASELINE</u>	<u>PERFORMANCE STANDARD</u>
DENSITY(NOTE 1)	200 PER SQ. FT	75 PER SQ FT.
COVER(NOTE 2)	50%	35%
SPECIES	9 PER SQ. FT	5 PER SQ. FT.
RICHNESS (NOTE 3)		

NOTE 1: NO. OF INDIVIDUAL PLANTS ROOTED PER SQ. FT

NOTE 2: VERTICAL PROJECTION OF PLANTS ONTO GROUND EXPRESSED AS % (e.g. If the sun was directly over a specified area, what percentage of that area would be shaded by the trees, plants, etc.)

NOTE 3: NO. OF SPECIES PER SQ. FT.

CHECK APPLICABLE BOX

- IF THE MINING OPERATION WILL NOT BE CONDUCTED ON PRIME AGRICULTURAL LANDS, AND THE SITE'S END USE WILL NOT BE AGRICULTURAL, CHECK THIS BOX.
- IF THE MINING OPERATION WILL BE CONDUCTED ON PRIME AGRICULTURAL LANDS, BUT THE SITES'S END USE WILL NOT BE AGRICULTURAL, CHECK THIS BOX.
- PRIME AGRICULTURAL LAND RECLAMATION - THE MINING OPERATION WILL B E CONDUCTED ON PRIME AGRICULTURAL LANDS, AND THE SITE'S END USE WILL BE AGRICLTURAL THUS, I AGREE TO RECLAIM PRIME AGRICULTURAL LANDS IN CONFORMANCE WITH CCR SECTION 3707. (Explain the reclamation procedures you will use to meet the standard cited above)

√ RECLAMATION SUCCESS WILL BE JUDGED ON THE FOLLOWING PERFORMANCE STANDARD

	<u>BASELINE</u>	<u>PERFORMANCE STANDARD</u>
PRODUCTIVITY		

NOTE: PERFORMANCE STANDARD SHOULD BE BASED ON PRODUCTIVITY (e.g. bushels per acre, tons per acre).

CHECK APPLICABLE BOX

- OTHER AGRICULTURAL LAND RECLAMATION - THE MINING OPERATION WILL BE CONDUCTED ON NON-PRIME AGRICULTURAL LANDS WHERE THE SITE'S END USE WILL BE AGRICULTURE. THUS, I AGREE TO RECLAIM NON-PRIME AGRICULTURAL LANDS IN CONFORMANCE WITH CCR SECTION 3708. (Explain the reclamation procedures you will use to meet the standard cited above)

√ RECLAMATION SUCCESS WILL BE JUDGED ON THE FOLLOWING PERFORMANCE STANDARD

	<u>BASELINE</u>	<u>PERFORMANCE STANDARD</u>
PRODUCTIVITY		

NOTE: PERFORMANCE STANDARD SHOULD BE BASED ON PRODUCTIVITY (e.g. bushels per acre, tons per acre).

- IF THE MINING OPERATION WILL BE CONDUCTED ON NON-PRME AGRICULTURAL LANDS, BUT THE SITES'S END USE WILL NOT BE AGRICULTURE, CHECK THIS BOX.

- WILDLIFE PROTECTION - I AGREE THAT ALL WILDLIFE AND WILDLIFE HABITAT WILL BE PROTECTED IN ACCORDANCE WITH CCR SECTION 3703 (CHECK BOX). Provide a description of how the above protection will ne accomplished:

AND/OR (2) REMAIN ON SITE AS CONSISTENT WITH THE END USE.

CLOSURE OF SURFACE OPENINGS - I AGREE TO CLOSE ALL SURFACE OPENINGS IN ACCORDANCE WITH CCR SECTION 3712 (CHECK BOX).. Explain the reclamation procedures you will use to meet the standard cited above:

There will not be any surface openings created on this mine site.

IDENTIFY ALL SURFACE OPENINGS ON SITE MAP.

CHECK APPLICABLE BOX

STREAM PROTECTION, INCLUDING SURFACE AND GROUNDWATER - I AGREE STREAMS, INCLUDING SURFACE AND GROUNDWATER WILL BE PROTECTED IN ACCORDANCE WITH CCR SECTION 3710. Explain the reclamation procedures you will use to meet the standard cited above:

Surface water drainage is via sheet flow across this site. This drainage pattern will continue in the same fashion subsequent to completion of all mining activities. There are no contaminants or hazardous materials stored or used on this site. Protection of streambeds or surface waters are greatest with consideration to erosion and siltation moving downstream.

The roadside drainage will be protected by the placement of straw bales for silt traps to prevent soil solids from moving rapidly offsite.

CHECK THIS BOX IF THE MINING OPERATION IS CONDUCTED IN A STREAM OR OTHER WATERWAY AND ATTACH CROSS SECTION, OR AERIAL PHOTOGRAPHS, IDENTIFYING BASELINE STREAMBED ELEVATIONS.

CHANGES IN CHANNEL ELEVATIONS AND BANK EROSION SHALL BE EVALUATED ANNUALLY. EXTRACTION QUANTITIES AND ANNUAL CROSS SECTIONS AND/OR AERIAL PHOTOGRAPHS SHOULD BE SUBMITTED WITH THE ANNUAL REPORT REQUIRED BY PRC SECTION 2207.

CHECK THIS BOX IF THE MINING OPERATION IS NOT CONDUCTED IN A STREAM OR OTHER WATERWAY.

MONITORING

Pursuant to CCR Section 2773(a), the success of reclamation will be monitored for three years or until performance standards are met, provided that, during the last two years, there has been no human intervention, including, for example, irrigation, fertilization, or weeding. Remedial measures will be implemented as necessary to achieve the performance standards.

LEAD AGENCY CERTIFICATION

I, the undersigned, hereby certify that this reclamation plan complies with the applicable requirements of Articles 1 and 9 (commencing with Sections 3500 et. seq. And 3700 et. seq. of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations, and with the requirements of the Surface Mining and Reclamation Act, Sections 2710 et. seq.

Signed this 23RD day of MAY, 1997.

Planning Director Alisa Patricia Wilson
MANAGER

STATEMENT OF RESPONSIBILITIES

I, the undersigned, hereby agree to accept full responsibility for reclamation of all mined lands as described and submitted herein and in conformance with the applicable requirements of Articles 1 and 9 (commencing with Sections 3500 et. seq. And 3700 et. seq. of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations, and with the requirements of the Surface Mining and Reclamation Act, Sections 2710 et. seq. and with any modifications requested by the administering agency as conditions of approval.

Signed this 28 day of April, 1997.

Mine Operator Ronald A. Harmon

APPROVED

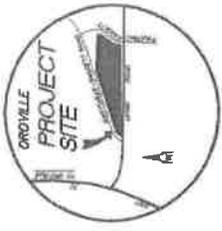
LEAD AGENCY REPRESENTATIVES(S)	DATE
(1) <u>[Signature]</u>	<u>5/23/97</u>
(2) <u>Alisa Patricia Wilson</u>	<u>5/23/97</u>

Attachment 1
Ron Harmon Mine
Mine Location Map

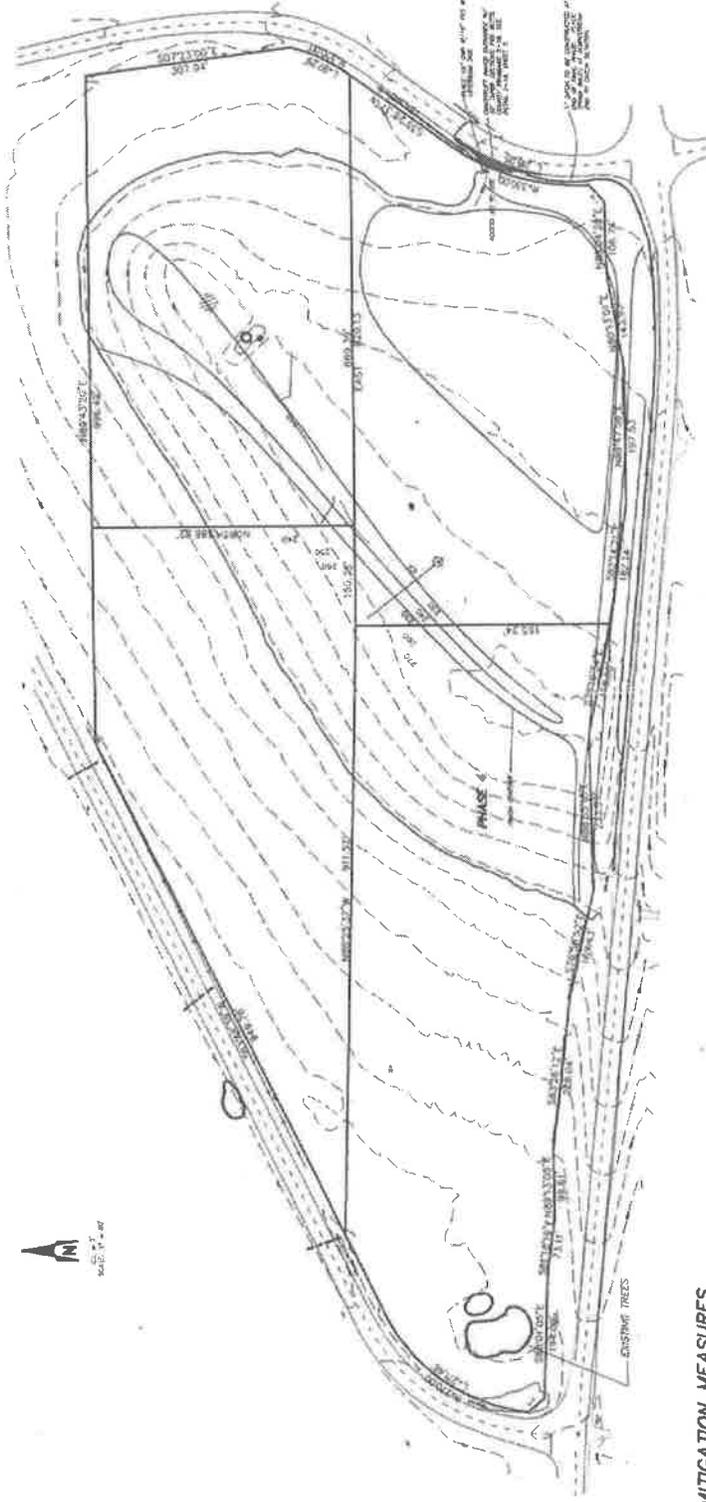


7.5 -Minute Palermo Quadrangle Map (1970)
Contour Interval 5 Feet
Scale 1: 24000

MINE LOCATION AND ACCESS



VICINITY MAP



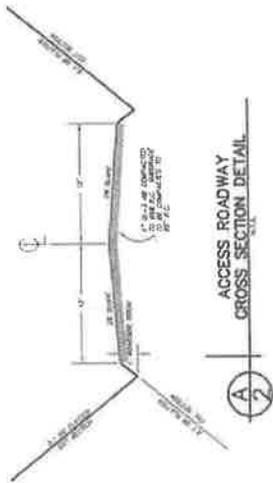
MITIGATION MEASURES

1. THE OPERATOR SHALL APPLY AN EROSION MANAGEMENT DISTRICT APPROVED METHOD, SEE 3.1 UNLESS TO ALL THE OPERATOR'S PROVISIONS ARE OTHERWISE SPECIFIED IN THE EROSION CONTROL PLAN. THE OPERATOR SHALL MAINTAIN EROSION CONTROL MEASURES THROUGHOUT THE LIFE OF THE PROJECT AND SHALL REMOVE THEM AT THE END OF THE PROJECT.
2. THE OPERATOR SHALL MAINTAIN A RECORD OF ALL EROSION CONTROL MEASURES AND SHALL SUBMIT A REPORT TO THE DISTRICT AT THE END OF THE PROJECT.
3. THE OPERATOR SHALL MAINTAIN A RECORD OF ALL EROSION CONTROL MEASURES AND SHALL SUBMIT A REPORT TO THE DISTRICT AT THE END OF THE PROJECT.
4. THE OPERATOR SHALL MAINTAIN A RECORD OF ALL EROSION CONTROL MEASURES AND SHALL SUBMIT A REPORT TO THE DISTRICT AT THE END OF THE PROJECT.
5. THE OPERATOR SHALL MAINTAIN A RECORD OF ALL EROSION CONTROL MEASURES AND SHALL SUBMIT A REPORT TO THE DISTRICT AT THE END OF THE PROJECT.

ATTACHMENT 6

1. THIS ATTACHMENT IS ONE OF THE SEVERAL ATTACHMENTS TO BE SUBMITTED WITH THE PERMITS FOR THE PHASE 4 MINING OPERATION. THE ATTACHMENT SHOULD BE SUBMITTED WITH THE PERMITS FOR THE PHASE 4 MINING OPERATION.
2. THIS ATTACHMENT IS ONE OF THE SEVERAL ATTACHMENTS TO BE SUBMITTED WITH THE PERMITS FOR THE PHASE 4 MINING OPERATION.
3. THIS ATTACHMENT IS ONE OF THE SEVERAL ATTACHMENTS TO BE SUBMITTED WITH THE PERMITS FOR THE PHASE 4 MINING OPERATION.

		MINING OPERATION FEATURES—PHASE 4 RON HARMON RECLAMATION PLAN OROVILLE, CALIFORNIA 95965		SHEET 5 OF 6 PROJECT NO. 89080
TITLE PHASE 4 MINING OPERATION RECLAMATION PLAN	DATE 	PREPARED BY 	CHECKED BY 	DATE
SCALE 	PROJECT NO. 	SHEET NO. 	TOTAL SHEETS 	DATE



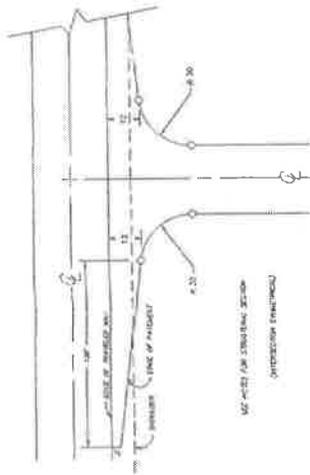
ACCESS ROADWAY
CROSS SECTION DETAIL

(A)
2



GRADING PLAN (TYP.)
CROSS SECTION DETAIL

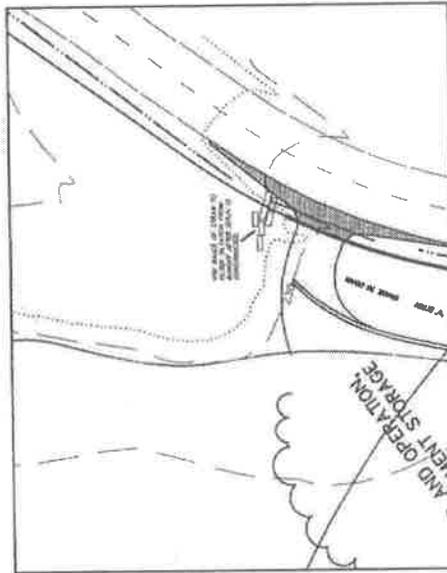
(B)
2



PLAN

BUTTE COUNTY
STANDARD DETAIL S-18

(D)
2



DITCH
OUTFALL DETAIL

(E)
2



CITY OF GROVILLE R/W
GRADING DETAIL

(C)
2

ATTACHMENT 7

THIS ATTACHMENT IS FOR THE PURPOSES OF PROVIDING DETAILS FOR THE DEVELOPMENT OF THE SITE.

SHEET 6 OF 6
DATE: 11/11/2010
PROJECT: 10000000

**DETAILS
FOR RON HARRISON
MISC. DETAILS**
DATE: 11/11/2010, 11:11:11 AM



APPROVED BY: _____
DATE: _____

SCALE: AS SHOWN

PROJECT NO.: _____
ELEVATION DATUM: _____

DATE: _____
BY: _____

PROJECT: _____

ATTACHMENT

A.P. No. 36-49-016, -017, -018, -019, & -020

Name: Ronald Harmon & Joanne Harmon

OWNER'S STATEMENT

We, Ronald Albert Harmon and Joanne Louise Harmon, as co-trustees of The Harmon Family Trust, state that we are the only parties with possessory interest in these lands. This statement serves to confirm to the City of Oroville, that we acknowledge to said City that these lands will be reclaimed in to an end use for industrial development.

Ronald Harmon
Ronald Harmon

Joanne Harmon
Joanne Harmon

STATE OF CALIFORNIA }
 } SS
 } *Place*
COUNTY OF BUTTE }
 } *ORCA*

On APR 28, 1997, before me, DIANA LYNN CARPENTER-MADOSHI, personally appeared Ronald Harmon and Joanne Harmon, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Diana Lynn Carpenter-Madoshi





Environmental and Mine Permitting Services

November 25, 2015

Mr. Donald Rust
Planning and Development Services Department
1735 Montgomery Street
Oroville, CA 95965

**Re: Administrative Reclamation Plan Amendment for the Ron Harmon Mine
CA Mine ID 91-04-0022**

Dear Mr. Rust,

This letter is being submitted on behalf of Ron Harmon to request an administrative amendment to the Surface Mining and Reclamation Plan associated with the Ron Harmon Borrow Pit (CA Mine ID#91-04-0022) located in the City of Oroville, California. The purpose of the amendment to the Reclamation Plan is to allow an additional five years of mining operations to occur beyond the initial 20 year timeline that was included in the approved 1997 Reclamation Plan text. The Plan identifies a proposed initiation date of June 1997 and a 20 year timeline for the life of the mine.

The Ron Harmon mine site was initially granted a Conditional Use Permit (CUP) and approval of a Reclamation Plan in November of 1996. The CUP includes 27 conditions that guide operations at the site while the reclamation plan provides an overview of mining operations and plans on how to reclaim the site to an industrial use consistent with current zoning once mining is complete. The CUP has no expiration date; however, the Reclamation Plan has a proposed 20 year life of the mine, ending on November 16, 2016. With the economic downturn experienced in the mid 2000's and the slow recovery, the mine site has not extracted as much material as estimated at the time of the initial approval in 1997. Because of lower demand for mined material from the site for construction projects than initially anticipated, the mine operator requires additional time to fully deplete the permitted reserves.

Based on the above information, we propose an administrative amendment to the Reclamation Plan to allow the mine site to operate for an additional five years beyond the November 16, 2016 date that was identified in the approved Reclamation Plan. Discussion below provides explanation of how an administrative amendment for this specific situation is consistent with SMARA.

SMARA §3502 provides, amongst other things, that the lead agency (i.e., City of Oroville) must determine whether extending the life of the operation for an additional five years triggers the need for an amended reclamation plan that complies with, current reclamation standards as described in Chapter 9 SMARA §3502(d), which states: "*in determining whether*

a change or expansion constitutes a substantial deviation, the lead agency shall take into consideration the following five criteria": (with discussion following each criteria)

(1) A substantial increase in the disturbance of a surface area or in the maximum depth of mining;

The site operator does not propose any increase to the disturbance area or mining depths described in the approved Reclamation Plan. All past mining activity has been conducted within the approved boundary and future operations are proposed to be within the limits of the approved Reclamation Plan.

(2) A substantial extension of the termination date of the mining operation as set out in the approved reclamation plan;

A five year extension of mining operations is proposed. The approved plan assumed the entire permitted reserves would be depleted after a 20 year period. Due to a depressed economy in California and the rest of the United States over the past eight years, mining has progressed at a pace slower than anticipated. Several construction projects are planned in the immediate area for the coming years and could deplete the remaining reserves within the five year period.

(3) Changes that would substantially affect the approved end use of the site as established in the reclamation plan;

Extending the duration that mining may occur at the site by five years will not affect the approved end use. The approved 1997 Reclamation Plan identifies industrial development as the proposed end use for the site after mining and reclamation is complete. Allowing the operation additional time to extract material from the site will allow for further site leveling to occur which will allow for industrial pad development as specified in the 1997 plan.

(4) The consistency of any proposed change to the operation with the previously adopted environmental determinations.

Operations at the site are consistent with the project description contained within the Mitigated Negative Declaration (MND) adopted in conjunction with the approval of CUP and Reclamation Plan. Allowing mining to continue for an additional five years would not change operations as described in the approved environmental document.

According to CEQA statute, continuing mining beyond what was described in the 1997 Reclamation Plan is falls under a CEQA Class I exemption. CEQA Guidelines §15301 allow for the following activities to be exempt from additional CEQA analysis: *"maintenance and permitting of existing private facilities, mechanical equipment and topographical features with no expansion of the use, as originally permitted"*.

(5) Any other changes that the lead agency deems substantial deviations as defined in the subsection.

There are no "other changes" associated with allowing the mine to continue operations for an additional five years that is as a substantial deviation.

Mr. Donald Rust
November 25, 2015
Page 3

For the reasons mentioned above, allowing the mine to continue operations for an additional five years does not constitute a "substantial deviation," as described by SMARA §3502, and an administrative amendment to the reclamation plan is all that is needed to accept this change. We request this administrative amendment to the Reclamation Plan be formally considered by the City of Oroville Planning Director and that a response letter to this request be issued.

If the change to the Plan is determined by the City of Oroville to meet the criteria of a administrative amendment to be approved by the Planning Director, the amended Reclamation Plan document should be forwarded to OMR for their review at least 30 days prior to the approval. Please let me know if you need additional information on this matter prior to a formal response.

Should you have any questions regarding this matter please contact me anytime at my office at (707) 253-1723.

Respectfully submitted,
ENVIROMINE INC.

A handwritten signature in cursive script that reads "Damien Galford".

Damien Galford
Project Manager

CC: Ron Harmon, 1982 Hillcrest Drive, Newcastle, CA 95658

Luis A. Topete

From: Luksic, Michael@DOC <Michael.Luksic@conservation.ca.gov>
Sent: Tuesday, December 01, 2015 1:55 PM
To: Luis A. Topete
Cc: Damien Galford; Ron Harmon; Don L. Rust; Dawn Nevers; Vang, Vang@DOC
Subject: RE: Ron Harmon mine (CA Mine ID #91-04-0022) - Reclamation Plan 5 Year Extension Request

Good Afternoon Mr. Topete,

Thank you for the information that the Ron Harmon mine (CA ID# 91-04-0022) has requested an extension of its reclamation plan. I have talked with my supervisors and they agree that this is not a substantial deviation since the mine is under a recently approved Interim Management Plan, and an annual financial assurance cost estimate has been approved by the lead agency. We appreciate the operator and the lead agency's diligence at maintaining this mine's compliance with SMARA, and helping us keep our mine files up to date and accurate. Please proceed in the manner that you would normally to approve this request. The subsequent annual inspection reports and operator's annual reports should indicate the new date of expiration. A new financial assurance cost estimate should be provided sometime in 2016 since the last FACE was approved in approximately February 2015. Please provide us with a copy of a document stating that the Reclamation plan amendment extending the expiration date for the Ron Harmon mine (CA ID# 91-04-0022) has been approved sometime after it is approved.

We have no other questions or comments and would like to wish you, your associates and families a happy and safe holiday season.

Respectfully,

*Mike Luksic, PG 7310
 Department of Conservation
 Office of Mine Reclamation
 801 K St, MS 09-06,
 Sacramento CA 95814-3530
 (916) 445-0395 Phone
 (916) 322-4862 Fax
Mike.Luksic@conservation.ca.gov*

Managing California's Working Lands

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[SMGB Website](#)

[CGS Website](#)

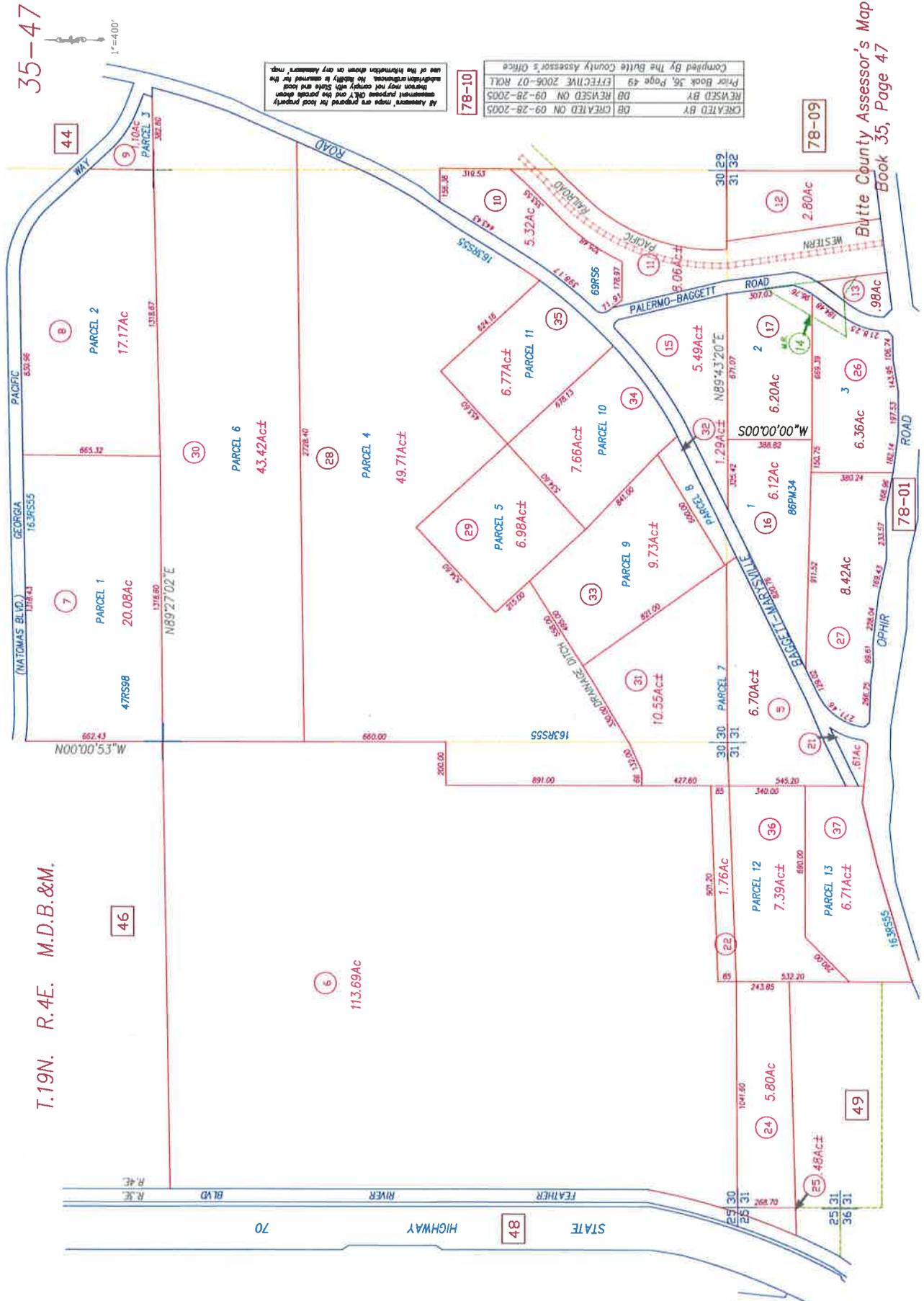
From: Luis A. Topete [mailto:ltopete@cityoforoville.org]
Sent: Tuesday, December 1, 2015 10:49 AM
To: Luksic, Michael@DOC <Michael.Luksic@conservation.ca.gov>
Cc: Damien Galford <damienv@enviromineinc.com>; Ron Harmon <harmonron@sbcglobal.net>; Don L. Rust <drust@cityoforoville.org>; Dawn Nevers <dnevers@cityoforoville.org>
Subject: Ron Harmon mine (CA Mine ID #91-04-0022) - Reclamation Plan 5 Year Extension Request

Mr. Luksic,

The City has received a request from the Rom Harmon mine to extend the current Reclamation Plan for an additional 5 years. The current Reclamation Plan is due to expire on November 12, 2016, with the requested additional 5 year extension modifying the expiration date to November 12, 2021. Based off the attached letter submitted by EnviroMINE, the City concurs and has determined that extending the life of the operation for an additional 5 years does not constitute a substantial deviation based off the criteria to be considered in the SMARA §3502. Please review the attached and let me know if you have any questions. Thank you.

Luis A. Topete

City of Oroville | Associate Planner
530.538.2408 | ltopete@cityoforoville.org



35-47

T.19N. R.4E. M.D.B.&M.

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All Assessor's maps are prepared for local property assessment purposes only. They are not intended for any other use. Assessor's maps are prepared for local property assessment purposes only. They are not intended for any other use.

CREATED BY DB
 REVISIONS DB
 EFFECTIVE 2006-07-01
 COMPILY BY THE BUTTE COUNTY ASSESSOR'S OFFICE

Butte County Assessor's Map
 Book 35, Page 47

78-09

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