

Resolution PC 2022-028

A Resolution of the Planning Commission of the County of Siskiyou Recommending that the Siskiyou County Board of Supervisors Revoke the Use Permit of Timberhitch Mine (U-79-31), Make All Necessary Findings Required Under the Siskiyou County Municipal Code and Determine the Project Exempt from the California Environmental Quality Act (CEQA)

Whereas, on August 1, 1979, the Planning Commission approved the Timberhitch Mine Use Permit and Reclamation Plan (UP-79-31 & RP-79-31) subject to the requirements of the adopted Reclamation Plan, and Conditions of Approval; and

Whereas, Butte Creek Minerals Ltd was the last known entity engaged in surface mining operations and is the operator (hereinafter "operator") as identified on the most recent Financial Assurance Cost Estimate; and

Whereas, a Notice of Public Hearing was published in the Siskiyou Daily News on November 2, 2022; and

Whereas, hearing notices were posted pursuant to Siskiyou County Code Section 10-6.2805 *et seq.*; and

Whereas, notification of the Community Development Department's intent to seek revocation of UP-79-31 and hearing notices were mailed both first class and return receipt requested to all property owners, both surface and mineral, of the property associated with UP-79-31; and

Whereas, the Planning Commission during the May 18, 2022, meeting, determined the operator, Butte Creek Minerals Ltd. is not financially capable of completing reclamation of Timberhitch Mine; and

Whereas, the Planning Division presented its oral and written staff report on the Timberhitch Mine (SP-22-01 and UP-79-31) Use Permit revocation at the Planning Commission's regularly scheduled meeting on November 16, 2022; and

Whereas, on November 16, 2022, the Chair of the Planning Commission opened the duly noticed public hearing on the Timberhitch Mine (SP-22-01 and UP-79-31) to receive testimony, both oral and written, following which the Chair closed the public hearing and the Commission discussed the Timberhitch Mine Project (SP-20-01 and UP-79-31) prior to reaching its decision; and

Whereas, the Planning Division recommended Timberhitch Mine Use Permit revocation (SP-22-01 and UP-79-31) be determined categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the CEQA Guidelines because this determination is defined as an enforcement action taken by a regulatory agency; and

Now, Therefore Be It Resolved that the Planning Commission, based on the evidence in the record, hereby takes the following actions on the Timberhitch Mine (SP-22-01 and UP-79-31):

1. Recommend that the Board of Supervisors find that continuance of the mining use under UP-79-31 would be:

- a. detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such use; and,
 - b. injurious or detrimental to the general welfare of the County.
2. Recommend that the Board of Supervisors find the condition to the granting of UP-79-31 related to the Reclamation Plan has been violated.
 3. Recommend that the Board of Supervisors revoke Use Permit (UP-79-31).
 4. Determines the project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321.

It is hereby certified that the foregoing Resolution PC-2022-028 was duly adopted on a motion by Commissioner Fowle and seconded by Commissioner Veale, at a regular meeting of the Siskiyou County Planning Commission held on the 16th day of November 2022, by the following voice vote:

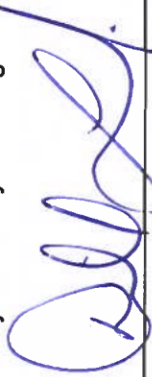
Ayes: Commissioners Melo, Fowle, Veale and Lindler

Noes:

Absent: Commissioner Hart

Abstain:

Siskiyou County Planning Commission



Danielle Lindler, Chair

Witness, my hand and seal this 16th day of November 2022.



Hailey Lang, Secretary of the Commission

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