**Resolution No. \_\_\_\_\_\_\_\_**

**A Resolution of the County of Siski****you for the Siskiyou County Board of Supervisors to Revoke the Use Permit of Timberhitch Mine (UP-79-31****), Make All Necessary Findings Required Under the Siskiyou County 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

**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 Board of Supervisors’ regularly scheduled meeting on December 6, 2022; and

**Whereas,** on December 6, 2022, the Chair of the Board of Supervisors 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 Board 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 Board of Supervisors, based on the evidence in the record, hereby takes the following actions on the Timberhitch Mine (SP-22-01 and UP-79-31):

1. Find that continuance of the mining use under UP-79-31 would be:
	1. detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such use; and,
	2. injurious or detrimental to the general welfare of the County.
2. Find that the condition to the granting of UP-79-31 related to the Reclamation Plan has been violated.
3. Revoke Use Permit (UP-79-31).
4. Determine the project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321.

**It is hereby certified** that the foregoing Resolution was duly adopted on a motion by Supervisor \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and seconded by Supervisor\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, at a regular meeting of the Siskiyou County Board of Supervisors held on the 6th day of December 2022, by the following voice vote:

Ayes:

Noes:

Absent:

Abstain:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Brandon A. Criss, Chair
 Board of Supervisors

Attest:
Laura Bynum, Clerk
Board of Supervisors

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 Deputy