# Staff Report

Meeting Date: December 10, 2024

To: Siskiyou County Board of Supervisors

From: Bernadette Cizin, Associate Planner

Subject: Use Permit 98-08 Revocation

## Background

Pursuant to Siskiyou County Code section 10-6.1402, this matter is coming before the Board for consideration of the revocation of the surface mining use permit for the Nash Pit, Use Permit 98-08. Prior to coming to the Board, the Planning Commission held a noticed public hearing on the revocation at its August 21, 2024, meeting. After the close of the public hearing, the Planning Commission voted in favor of not making a recommendation to the Board to revoke Use Permit 98-08 and directed staff to transmit the Planning Commission’s reason. The Staff Report for Planning Commission, the minutes for the August 21, 2024, and the public hearing are attached hereto and serve as the Commission’s report to the Board on its reasons for not recommending the Board revoke UP-98-08.

Nash Pit was never mined, and in 2016 it was determined that reclamation was not necessary as there was no land disturbance due to mining activity. The property owners submitted a letter dated April 16, 2016, which stated they wished to close the mine but retain the Use Permit.

As no mining activity has occurred and there has been no indication to staff that mining is planned to occur, the mine file should be closed. To properly and completely close the mine files for this site, the Use Permit should be addressed. Use permits run with the land and to formalize the termination of a permit when the mine is closed, the permit would need to be formally revoked. The use permit for Nash Pit is no longer valid as it automatically rescinded when not used for the approved purpose within two years of approval. Mining was never established, and therefore the Use Permit should be formally revoked.

## Discussion

Conditional Use Permits run with the land and benefit successor property owners. In order to formalize the termination of a Use Permit due to the closure of the mine site and conclusion of the effective date, the permit needs to be formally revoked through notice to the current property owner and a hearing.

Under the Siskiyou County Code (SCC) Section 10-6.1402, before the Board shall consider the revocation of any permit, the Planning Commission shall hold a public hearing thereon after giving written notice thereof to the permittee at least ten (10) days in advance of such hearing and at the same time and manner provided by law. Within five (5) days thereafter, the Planning Commission shall transmit a report of its findings and its recommendations on the revocation to the Board.

To meet the requirements of SCC Section 10-6.1402, the following notices were made:

* The notice to the property owner was mailed on June 7, 2024, for the scheduled June 26, 2024, Siskiyou County Planning Commission Public Hearing, which was continued to August 21, 2024.
* The memo to the Board was sent on August 23, 2024, to the board which provided the Planning Commission’s recommendation from the August 21, 2024, Public Hearing.
* The notice to the property owner was mailed on November 20, 2024, for the Siskiyou County Board of Supervisors scheduled December 10, 2024, Public Hearing.

## Environmental Review

The proposed enforcement actions are recommended by staff to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15321.

CEQA Guidelines Section 15321, Enforcement Actions by Regulatory Agencies, applies to actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency.

The proposed project falls within a Class 21 exemption because it is a county-initiated request for the Board to revoke the Use Permit in order for the County to officially close the mine records. The regulatory action would not result in any impacts on the environment.

## Recommended Action

It is the recommendation of staff that the Board of Supervisors Revoke the Use Permit of Nash Pit (UP-98-08), Make the Necessary Findings Required Under the Siskiyou County Municipal Code and Determine the Project Exempt from the California Environmental Quality Act (CEQA).

## Recommended Motions

I move to adopt the Resolution hereby taking the following action:

## Adopt the recommended resolution revoking the use permit of Nash Pit (UP-98-08) and determining the project exempt from the California Environmental Quality Act pursuant to 14 CCR 15321.

## Attachments

1. August 21, 2024, Planning Commission Staff Report
2. Planning Commission Meeting Minutes for August 21, 2024
3. BOS Resolution - DRAFT