



Siskiyou County
Planning Commission Supplemental Staff Report
August 21, 2024

New Business Agenda Item No. 2.3
L&C Livestock Quarry (UP-88-33) and SP-24-02

Property Owners: Nora Coe Trust
10130 Florin Road
Sacramento, CA

Project Summary Use Permit 88-33 Revocation

Location: North of the city of Montague, south of Reservoir Road, on APN 013-280-430 (Rebooked from 013-280-050); Township 45N, Range 6W, Section 16, MDB&M (Latitude 41°44'37" N, Longitude 122°32'25" W).

Exhibits:

- A. L&C Livestock Quarry UP-88-33
- B. Reclamation Determination by Lead Agency
- C. Determination concurrence by the State Agency
- D. Draft Resolution PC-2024-019

Background

Land Use Permit UP-88-33 was approved by the Siskiyou County Planning Commission on June 3, 1992(Exhibit A) to allow a rock quarry with aggregate crushing for road maintenance and construction. This Use Permit automatically terminated and all rights thereunder rescinded when not used within two years of the date of issuance or, if once established, not used for one year, Notations of the Use Permit. The notation also allows for one two-year extension subject to county review and approval.

NOTATION:

**THIS USE PERMIT IS AUTOMATICALLY TERMINATED AND ALL RIGHTS THERE-
UNDER RESCINDED WHEN NOT USED FOR THE ABOVE PURPOSE WITHIN TWO
YEARS OF ISSUANCE OR, IF ONCE ESTABLISHED, NOT USED FOR ONE YEAR.**

Figure 1: Use Permit UP-88-33 Notation

According to Inspection and production reports on file, the L & C Livestock Quarry was mined intermittently until 2013. Reclamation activities were initiated in 2013 when the operator began configuring the final slope followed by revegetation efforts. A site visit occurred on May 12, 2022, with county staff and staff from the California Department of Conservation, Division of Mine Reclamation (DMR). An inspection report was prepared for the May inspection in which Siskiyou County, as the Lead Agency, determined that reclamation had been completed. The determination was sent to California Department of Conservation, Division of Mine Reclamation (DMR) on May 16, 2022 (Exhibit B). County staff requested the financial assurance be released as the site had been reclaimed. In response DMR provided the requested authorization letter for the financial assurance to be released (Exhibit C).

As the permit has not been used for purpose approved for more than a year since mining commenced, the permit automatically terminated and to formalize the termination of the Use Permit, staff believe it is appropriate for the corresponding use permit to be revoked in accordance with Siskiyou County Code Section 10-6.1402.



Figure 2: L&C Livestock Quarry- Aerial Image showing existing site conditions (5/20/2023)

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 would need to be formally revoked through notice to the current property owner and a hearing.

Under the Siskiyou County Code (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 in 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.

Findings

The following finding must be made in order for the Planning Commission to recommend revocation to the Board of Supervisors:

Use Permit UP 88-33 was not used for the approved purpose for more than one year after mining was established, therefore automatically terminated as identified in Notations of the permit.

Environmental Review

The revocation of a use permit is considered to be a Class 21 Categorical Exemption pursuant to Section 15321 of the California Environmental Quality Act (CEQA), Enforcement Actions by Regulatory Agencies.

Comments

No comments have been received at the time this staff report was written.

Planning Staff Recommendations

- Adopt Resolution PC-2024-019 taking the following actions:
 1. The Planning Commission recommends that the Board of Supervisors find pursuant to Siskiyou County Code 10-6.1402 that UP-88-33 is no longer effective and should be revoked.
 2. The Planning Commission recommends that the Board of Supervisors revoke use permits UP-88-33.
 3. The Planning Commission determines this project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321.

Suggested Motion

I move that we adopt Resolution PC-2024-019, A Resolution of the Planning Commission of the County of Siskiyou, Recommending that the Siskiyou County Board of Supervisors Revoke the Use Permit of L&C Livestock Quarry (UP-88-33), Make All Necessary Findings Required Under the Siskiyou County Municipal Code and Determine the Project Exempt from the California Environmental Quality Act (CEQA).

Preparation

Prepared by the Siskiyou County Planning Division.

For project specific information or to obtain copies for your review, please contact:

Bernadette Cizin, Associate Planner
Siskiyou County Planning Division
806 S. Main Street
Yreka, California 96097

UP-88=33
AP#: 13-280-050

SISKIYOU COUNTY PLANNING COMMISSION

LAND USE PERMIT

PERMISSION IS HEREBY GRANTED TO: Siskiyou County Public Works Department

ADDRESS: 305 Butte Street, Yreka, California 96097

PURPOSE: To allow a quarry on L & C Livestock property. The project involves crushing aggregate material for county road maintenance and construction.

PROPERTY LOCATED IN SECTION 16, TOWNSHIP 45 NORTH, RANGE 6 WEST.

SUBJECT TO THE FOLLOWING BEFORE THE USE COMMENCES:

1. The use shall be in accordance with the approved plot plan.
2. The Use Permit does not supersede deed restrictions.
3. All County road and yard setbacks must be met.
4. Prior to Use Permit issuance, the owners of the property shall sign and record a Right to Farm Statement of Acknowledgment on a form provided by the Planning Department.
5. Quarry slopes shall be maintained at 1:1 or gentler.
6. Prior to Use Permit issuance, a Hazardous Materials Business Plan shall be submitted to the Siskiyou County Public Health Department's satisfaction addressing fuel and oil storage and handling.
7. Prior to Use Permit issuance, all appropriate Siskiyou County Air Pollution Control District permits shall be obtained.
8. The quarry shall not encounter groundwater. If groundwater is encountered, a drainage system shall be constructed to the Siskiyou County Health Department's satisfaction eliminating quarry ponding.
9. All stockpiled topsoil shall be revegetated to reduce wind or water soil erosion.
10. Upon completing mining activities, all equipment and refuse shall be removed from the site and disposed of appropriately.

NOTATION:

THIS USE PERMIT IS AUTOMATICALLY TERMINATED AND ALL RIGHTS THEREUNDER RESCINDED WHEN NOT USED FOR THE ABOVE PURPOSE WITHIN TWO YEARS OF ISSUANCE OR, IF ONCE ESTABLISHED, NOT USED FOR ONE YEAR.

ONE, TWO YEAR TIME EXTENSION MAY BE GRANTED SUBJECT TO COUNTY
REVIEW AND APPROVAL (ORD. 90-22).

DATE APPROVED: June 3, 1992

Richard D. Barnum.
for ROBERT W. SELLMAN, SECRETARY
SISKIYOU COUNTY PLANNING COMMISSION

DATE ISSUED: April 22, 1993

pc: Public Works, Brian McDermott
Building Department, B. Fiock
Assessor, E. Kische
Health Department
File



COUNTY OF SISKIYOU

COMMUNITY DEVELOPMENT DEPARTMENT Building ♦ Environmental Health ♦ Planning

806 South Main Street · Yreka, California 96097

Phone: (530) 841-2100 · Fax: (530) 841-4076

<https://www.co.siskiyou.ca.us/community-development>

RICHARD J. DEAN
DIRECTOR

AARON STUTZ, MD
PUBLIC HEALTH OFFICER

May 16, 2022

Roger Le-Hinds
Department of Conservation
Division of Mine Reclamation
715 P Street, MS 1905
Sacramento, CA 95814

Re: Release Financial Assurance Mechanism for L&C Livestock Quarry; CA Mine ID No. 91-47-0008

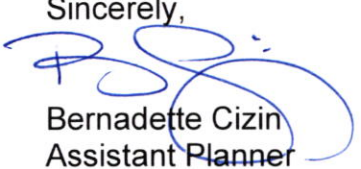
Dear Mr. Le-Hinds,

County and DMR staff visited L&C Livestock Quarry on May 12, 2022 where it was determined that the mine reclamation had been completed in accordance with the approved reclamation plan. There are no outstanding reclamation liabilities associated with this site.

The operator has provided a Zero Financial Assurance Cost Estimate. As the L&C Livestock Quarry no longer remains subject to financial assurance, we recommend that the existing financial assurances listed below be released.

Siskiyou County Budget Set Aside – Public Works Department Balance \$7,728.00.

Sincerely,



Bernadette Cizin
Assistant Planner

Enclosures

A copy of the most recent Inspection Report
A FACE, reflecting that there are no further outstanding reclamation liabilities

Cc: Kyla Burton, Siskiyou County Public Works



California
Department of Conservation
Division of Mine Reclamation

Gavin Newsom, Governor
David Shabazian, Director

May 23, 2023

SENT VIA EMAIL: bpcizin@co.siskiyou.ca.us

Ms. Bernadette Cizin, Assistant Planner
Community Development Department
County of Siskiyou
806 S. Main Street
Yreka, CA 96097

Dear Ms. Bernadette Cizin:

RELEASE OF FINANCIAL ASSURANCE MECHANISM, L&C LIVESTOCK PIT, CALIFORNIA MINE
ID #91-47-0008, COUNTY OF SISKIYOU

The Department of Conservation (Department) received a request for the release of the following Pledge of Revenue held by the Department for the reclamation of the L&C Livestock Pit:

Pledge of Revenue	99-292	\$ 7,728.00
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This letter serves as confirmation from the Department that the County of Siskiyou has fulfilled the requirements of California Code of Regulations section 3805.5. Therefore, the Department releases its interest in Pledge of Revenue No. 99-292 in accordance with Public Resources Code section 2773.1(a)(5). If you have any questions, please contact me at (916) 323-9198.

Sincerely,

DocuSigned by:

April Balestreri

39CF4FA1EE6A4E0

April Balestreri

Reporting Unit Manager

cc: Siskiyou County Public Works Department, Operator, via email:

mcummins@co.siskiyou.ca.us

Mr. Roger Le-Hinds, Reporting Analyst, via email:

roger.le-hinds@conservation.ca.gov

Resolution PC 2024-019

**A Resolution of the Planning Commission of the County of Siskiyou
Recommending that the Siskiyou County Board of Supervisors Formalize the
Termination of Use Permit for L&C Livestock Quarry by Revoking Use Permit
UP-88-33 and Determine the Project Exempt from the California Environmental
Quality Act (CEQA)**

Whereas, Use Permit UP-88-33 was approved for the L&C Livestock Quarry by the Planning Commission on June 3, 1992, to allow a rock quarry with aggregate crushing for road maintenance and construction, which activities were discontinued as of 2013, with reclamation completed as of May 12, 2022; and

Whereas, the mine associated with use permit UP-88-33 is closed; and

Whereas, use permit UP-88-33 was not used for the approved purpose for more than one year after mining was established, therefore automatically terminated as identified in Notations of the permit; and

Whereas, revocation of use permit UP-88-33 is necessary to properly close out the County's associated mine file; and

Whereas, a Notice of Public Hearing was published in the Siskiyou Daily News on June 12, 2024; 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-88-33 and hearing notices were mailed first class to all property owners of the properties associated with Use Permit UP-88-33; and

Whereas, the Planning Division presented its oral and written staff report on the revocation of UP-88-33 at the Planning Commission's regularly scheduled meeting on August 21, 2024; and

Whereas, on August 21, 2024, the Chair of the Planning Commission opened the duly noticed public hearing on the revocation of UP-88-33 to receive testimony, both oral and written, following which the Chair closed the public hearing and the Commission discussed the revocation of use permit UP-88-33, prior to reaching its decision; and

Whereas, the Planning Division recommended that the revocation of UP-88-33 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 revocation of UP-88-33:

1. The Planning Commission recommends that the Board of Supervisors find pursuant to Siskiyou County Code 10-6.1402 that UP-88-33 is no longer effective and should be revoked.
2. The Planning Commission recommends that the Board of Supervisors revoke use permits UP-88-33.
3. The Planning Commission determines this project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321.

It is hereby certified that the foregoing Resolution PC-2024-019 was duly adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a regular meeting of the Siskiyou County Planning Commission held on the 21st day of August 2024, by the following voice vote:

Ayes:

Noes:

Absent:

Abstain:

Siskiyou County Planning Commission

Jeff Fowle, Chair

Witness, my hand and seal this 21st day of August 2024.

Hailey Lang, Secretary of the Commission