



CITY OF IRWINDALE

5050 N. IRWINDALE AVE., IRWINDALE CA 91706 • PHONE: (626) 430-2200

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COMMISSIONER

AGENDA FOR THE REGULAR MEETING OF THE PLANNING COMMISSION

April 21, 2021

6:30 P.M.

IRWINDALE COUNCIL CHAMBER

(Closed to the Public)

Pursuant to Executive Order N-29-20

The Governor has declared a State of Emergency to exist in California as a result of the threat of COVID-19 (aka the "Coronavirus"). The Governor also issued Executive Order N-25-20, which directs Californians to follow public health directives including canceling large gatherings. The Executive Order also allows local legislative bodies to hold meetings via conference calls while still meeting state transparency requirements.

The public's health and well-being are the top priority for the City, and you are urged to take all appropriate health safety precautions. To facilitate this process, the meeting and opportunities to participate will also be available through the following options:

Join Webinar at
<https://attendee.gotowebinar.com/register/4390747259632792846>

Webinar ID
182-675-795

Submit public comments by email to baguila@irwindaleca.gov before or during the meeting, prior to the close of public comment on an item. Comments will be read by the Administrative Secretary during public comment. Lengthy public comment may be summarized in the interest of time.



Spontaneous Communications: The public is encouraged to address the Planning Commission on any matter listed on the agenda or on any other matter within its jurisdiction. The Planning Commission will hear public comments on items listed on the agenda during discussion of the matter and prior to a vote. The Planning Commission will hear public comments on matters not listed on the agenda during the Spontaneous Communications period.

Pursuant to provisions of the **Brown Act**, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The Planning Commission may request staff to investigate and/or schedule certain matters for consideration at a future Commission or City Council meeting.

Americans with Disabilities Act: In compliance with the ADA, if you need special assistance to participate in a Commission meeting or other services offered by this City, please contact City Hall at (626) 430-2200. Assisted listening devices are available at this meeting. Ask the Chief Deputy City Clerk if you desire to use this device. Upon request, the agenda and documents in the agenda packet can be made available in appropriate alternative formats to persons with disabilities. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Note: Staff reports are available for inspection at the Planning Division Counter, 16102 Arrow Highway or at City Hall, 5050 N. Irwindale Avenue, during regular business hours (8:00 a.m. to 6:00 p.m., Monday through Thursday) by appointment only, and by contacting the Planning Division at 626-430-2208.

Code of Ethics

As City of Irwindale Planning Commissioners, our fundamental duty is to serve the public good. We are committed to the principle of an efficient and professional local government. We will be exemplary in obeying the letter and spirit of Local, State and Federal laws and City policies affecting the operation of the government and in our private life. We will be independent and impartial in our judgment and actions.

We will work for the common good of the City of Irwindale community and not for any private or personal interest. We will endeavor to treat all people with respect and civility. We will commit to observe the highest standards of morality and integrity, and to faithfully discharge the duties of our office regardless of personal consideration. We shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of others.

We will inform ourselves on public issues, listen attentively to public discussions before the body, and focus on the business at hand. We will base our decisions on the merit and substance of that business. We will be fair and equitable in all actions, claims or transactions. We shall not use our official position to influence government decisions in which we have a financial interest or where we have a personal relationship that could present a conflict of interest, or create a perception of a conflict of interest.

We shall not take advantage of services or opportunities for personal gain by virtue of our public office that are not available to the public in general. We shall refrain from accepting gifts, favors or promises of future benefit that might compromise our independence of judgment or action or give the appearance of being compromised.

We will behave in a manner that does not bring discredit or embarrassment to the City of Irwindale. We will be honest in thought and deed in both our personal and official lives.

Ultimate responsibility for complying with this Code of Ethics rests with the individual elected official. In addition to any other penalty as provided by law, violation of this Code of Ethics may be used as a basis for disciplinary action or censure of a Commissioner.

These things we hereby pledge to do in the interest and purposes for which our government has been established.

IRWINDALE PLANNING COMMISSION



- A. **CALL TO ORDER**
- B. **PLEDGE OF ALLEGIANCE**
- C. **INVOCATION**
- D. **ROLL CALL: Commissioners: Robert E. Hartman, Loretta Corpis, Richard Chico; Vice-Chair Enoch Y. Burrola; Chair Arthur R. Tapia**
- E. **ANNOUNCEMENTS**

SPONTANEOUS COMMUNICATIONS

This is the time set aside for members of the audience to speak on items not on this agenda. State law prohibits any Commission discussion or action on such communications unless 1) the Commission by majority vote finds that a catastrophe or emergency exists; or 2) the Commission by at least four votes finds that the matter (and need for action thereon) arose within the last five days. Since the Commission cannot (except as stated) participate it is requested that all such communications be made in writing so as to be included on the next agenda for full discussion and action. If a member of the audience feels he or she must proceed tonight, then each speaker will be limited to 3 minutes, unless such time limits are extended.

1. CONSENT CALENDAR

The Consent Calendar contains matters of routine business and is to be approved with one motion unless a member of the Commission requests separate action on a specific item. At this time, members of the audience may ask to be heard regarding an item on the Consent Calendar.

A. Minutes

Recommendation: No minutes for approval

2. NEW BUSINESS

3. PUBLIC HEARINGS

A. ZONING ORDINANCE AMENDMENT NO. 01-2021 (CITY OF IRWINDALE)

Request for a City-Initiated Code Amendment, adding Chapter 17.130 [Reclamation of Mines Exempt from the Surface Mining and Reclamation Act ("SMARA")] to establish regulations and standards for non-SMARA pits to Title 17 (Zoning) of the Irwindale Municipal Code (IMC). ENVIRONMENTAL REVIEW: The proposed project is exempt from the California Environmental Quality Act ("CEQA"), pursuant to Sections 15378 and 15061 (b)(3) of the CEQA Guidelines and no further review is required of the CEQA guidelines. If action is taken to approve the project, a Notice of Exemption (NOE) will be filed with the office of the Registrar-Recorder/County Clerk, County of Los Angeles. The NOE is on file in the Community Development Department and available for review by the public.

Recommendation: Adopt Resolution No. 798(21)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING APPROVAL TO THE CITY COUNCIL OF AN ORDINANCE NO. 756 ADDING CHAPTER 17.130 [RECLAMATION OF MINES EXEMPT FROM THE SURFACE MINING AND RECLAMATION ACT ("SMARA")] TO ESTABLISH REGULATIONS AND STANDARDS FOR NON-SMARA PITS TO TITLE 17 (ZONING) OF THE IRWINDALE MUNICIPAL CODE (IMC).

4. DISCUSSION ITEMS/PRESENTATIONS

A. Irwindale Active Transportation Plan Presentation

5. COMMISSIONER COMMENTS/REQUESTS

6. LEGAL COUNSEL COMMENTS

7. COMMUNITY DEVELOPMENT MANAGER/CITY PLANNER'S REPORT

8. ADJOURN

AFFIDAVIT OF POSTING

I, Berlyn Aguila, Administrative Secretary, certify that I caused the agenda for the regular meeting of the Irwindale Planning Commission to be held on April 21, 2021 to be posted at the City Hall, Library, and Post Office on April 15, 2021.

Berlyn Aguila

Berlyn Aguila
Administrative Secretary



**CITY OF IRWINDALE
PLANNING COMMISSION STAFF REPORT**
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION



Agenda Item No. 3-A

Date: April 21, 2021

To: Honorable Chair and Members of the Planning Commission

From: Marilyn Simpson, Community Development Manager/City Planner

Prepared By: Gina Chung, Co-Assistant City Attorney

Project: Proposed Zone Ordinance Amendment No. 01-2021 for a City-initiated code amendment, adding Chapter 17.130 [Reclamation of Mines Exempt from the Surface Mining and Reclamation Act ("SMARA")] to establish regulations and standards for non-SMARA pits to Title 17 (Zoning) of the Irwindale Municipal Code (IMC).

Applicant: City of Irwindale

Property Owner: Not Applicable

Project Location: All Zones/City-wide

Staff Recommendation: That the Planning Commission take the following action:

1. Waive reading of and adopt Resolution No. 798(21) recommending that the City Council adopt the following Ordinance: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRWINDALE ADDING CHAPTER 17.130 (RECLAMATION OF MINES EXEMPT FROM THE SURFACE MINING AND RECLAMATION ACT) TO TITLE 17 (ZONING) TO ESTABLISH REGULATIONS AND STANDARDS FOR NON-SMARA PITS, AND FINDING AN EXEMPTION FROM CEQA

Alternative Action:

2. Direct Staff to prepare a resolution of denial based on recommended findings of fact to be brought back at the next regularly Planning Commission meeting for adoption; or
 3. Direct Staff to revise the ordinance and continue the hearing to a date certain.
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SUMMARY

If adopted by the City Council, the proposed ordinance under consideration will impose regulations as to the reclamation of mining pits within the City's jurisdiction exempt from the Surface Mining and Reclamation Act ("SMARA"), Public Resources Code § 2770 et seq., requiring approval by the City of a Development Agreement.

BACKGROUND AND ANALYSIS

SMARA was enacted in 1975 by the California Legislature to address the State's need for a continuous supply of mineral resources and to prevent or minimize the negative impacts of surface mining on public health, property, and the environment. SMARA required that every surface mining operation have a permit, a Reclamation Plan, and financial assurances to implement the planned reclamation unless exempt from the application of SMARA.

In response to this legislation, the City adopted Ordinance No. 356 on September 24, 1981, which added new sections to the Code regarding mining and geology. Over the years, subsequent ordinances were adopted to revise City-wide standards as well as provide updates to comply with SMARA. Ordinance No. 534, adopted January 28, 1999, replaced Chapter 17.63 "Mining Permits and Reclamation Plans" with a new chapter on surface mining and reclamation consistent with the SMARA model ordinance. Ordinance No. 584, adopted August 3, 2004, amended Chapter 17.60 "Quarry Zone" of the Irwindale Municipal Code establishing a Reclamation Fund to provide additional reclamation security for the proper reclamation of certain mining sites. Ordinance No. 683, adopted December 10, 2014, amended Chapters 17.60 and 17.63 of the Irwindale Municipal Code to ensure that they are in accordance with current SMARA and included Conditions of Approval for mining operations that have been imposed on all mining operations in the City.

There are, however, mining pits within the City's jurisdiction, exempt from SMARA compliance. Both SMARA, pursuant to Public Resources Code section 2776(a), and the IMC, pursuant to Section 17.63.050, provide that those with a vested right to conduct surface mining prior to January 1, 1976 are exempt from the SMARA requirements. SMARA also addresses a second aspect of vesting pursuant to Public Resources Code section 2776(c), the requirement of reclamation, by stating that "[n]othing in [SMARA] shall be construed as requiring the filing of a reclamation plan for, or the reclamation of, mined lands on which surface mining operations were conducted prior to January 1, 1976." Further, mining pits excavated and reclaimed pursuant to SMARA and mining pits excavated but not reclaimed pursuant to SMARA are exempt from the SMARA requirements for reclamation, or further reclamation, of these mining pits. All such mining pits where the reclamation of them would be exempt from the SMARA requirements are referred to as "Non-SMARA Pits".

The City currently has no regulation on the requirements of reclamation of the Non-SMARA Pits, and therefore, the proposed ordinance would regulate the reclamation of the Non-SMARA Pits by requiring the approval by the City of a Development Agreement,

with appropriate standards and public benefits to be negotiated with the City, prior to any reclamation of the Non-SMARA Pits. The proposed ordinance is reasonable and necessary to protect the public health, safety and welfare; will not adversely affect adjoining property as to value, precedent or be detrimental to the area; is consistent with the General Plan; and is in compliance with all applicable provisions of the Zoning Code and other ordinances and regulations of the City.

ENVIRONMENTAL REVIEW

The Planning Commission does hereby recommend that the City Council find and determine that the Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The Ordinance does not authorize any specific development or installation on any specific piece of property within the City's boundaries. The Planning Commission does further hereby recommend that the City Council find and determine the Ordinance is further exempt from CEQA because the City Council's adoption of the Ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment (State CEQA Guidelines, § 15061(b)(3)).

CONCLUSION

Staff recommends that the Planning Commission adopt Resolution No. 798(21) recommending that the City Council adopt Ordinance No. 756.

ATTACHMENT

A: Resolution No. 798(21) with proposed Ordinance No. 756

ATTACHMENT A

RESOLUTION NO. 798(21)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IRWINDALE RECOMMENDING APPROVAL TO THE CITY COUNCIL OF AN ORDINANCE NO. 756 ADDING CHAPTER 17.130 [RECLAMATION OF MINES EXEMPT FROM THE SURFACE MINING AND RECLAMATION ACT (“SMARA”)] TO ESTABLISH REGULATIONS AND STANDARDS FOR NON-SMARA PITS TO TITLE 17 (ZONING) OF THE IRWINDALE MUNICIPAL CODE (IMC)”

A. RECITALS.

- i. The City of Irwindale, 5050 Irwindale Avenue, Irwindale, CA 91706, the Applicant, has made a request for a Zone Ordinance Amendment (ZOA No. 01-2021) to comply with the Legislature enacted the Surface Mining and Reclamation Act (“SMARA”), pursuant to Public Resources Code § 2770 et seq., requiring that every surface mining operation have a permit, a Reclamation Plan, and financial assurances to implement the planned reclamation unless exempt from the application of SMARA; and
- ii. In response to this legislation, the City adopted Ordinance No. 356 on September 24, 1981, which added new sections to the Code regarding mining and geology. Over the years, subsequent ordinances were adopted to revise City-wide standards as well as provide updates to comply with SMARA; and
- iii. Both SMARA, pursuant to Public Resources Code section 2776(a), and the IMC, pursuant to Section 17.63.050, provide that those with a vested right to conduct surface mining prior to January 1, 1976 are exempt from the SMARA requirements; and
- iv. SMARA also addresses a second aspect of vesting pursuant to Public Resources Code section 2776(c), the requirement of reclamation, by stating that “[n]othing in [SMARA] shall be construed as requiring the filing of a Reclamation Plan for, or the reclamation of, mined lands on which surface mining operations were conducted prior to January 1, 1976”; and
- v. The City has within its jurisdiction mining pits not reclaimed that are exempt from the SMARA requirements, and mining pits excavated pursuant to SMARA but not reclaimed and mining pits excavated and reclaimed pursuant to SMARA where reclamation, or further reclamation, of these mining pits would be exempt from the SMARA requirements (collectively, “Non-SMARA Pits”), and the City has no regulation on the requirements of reclamation of the Non-SMARA Pits;
- vi. The City now desires to regulate the reclamation of the Non-SMARA Pits by requiring the approval by the City of a Development Agreement, with

appropriate standards and public benefits to be negotiated with the city, prior to any reclamation of the Non-SMARA Pits; and

- vii. In order to protect against the risks to public health, safety and welfare associated with reclamation operations, the Planning Commission finds that an ordinance imposing Non-SMARA Pits to execute a Development Agreement is necessary to better regulate reclamation of Non-SMARA Pits and recommended that the City Council adopt the Ordinance; and
- viii. The City adopted Ordinance No. 356 on September 24, 1981, which added new sections to the Code regarding mining and geology; and
- ix. The City Council adopted Ordinance No. 534 on January 28, 1999, replacing Chapter 17.63 "Mining Permits and Reclamation Plans" with a new chapter on surface mining and reclamation consistent with the SMARA model ordinance; and
- x. The City Council adopted Ordinance No. 584 on August 3, 2004, amending Chapter 17.60 "Quarry Zone" of the Irwindale Municipal Code establishing a Reclamation Fund to provide additional reclamation security for the proper reclamation of certain mining sites; and
- xi. The City Council adopted Ordinance No. 683 on December 10, 2014, amended Chapters 17.60 and 17.63 of the Irwindale Municipal Code to ensure that they are in accordance with current SMARA and included Conditions of Approval for mining operations that have been imposed on all mining operations in the City; and\
- xii. In response to SMARA, the City approved Ordinance No. 756, adopting Chapter 17.130 of Title 17 of the Irwindale Municipal Code ("IMC"), entitled "Surface Mining and Reclamation Plans"; and
- xiii. On April 21, 2021, the Planning Commission opened a duly noticed public hearing, as required by law, on the Ordinance, took testimony on it, at which time they received input from staff, the City Attorney and other interested parties; discussed the Ordinance and closed the public hearing.

B. RESOLUTION

NOW, THEREFORE, it is hereby found, determined and resolved by the Planning Commission of the City of Irwindale as follows:

1. The Planning Commission hereby specifically finds that all of the facts set forth in the Recitals of this Resolution are true and correct.

2. Based upon substantial evidence presented to this Planning Commission during the public hearing conducted with regard to the proposed Ordinance, including written staff reports, verbal testimony, this Planning Commission hereby specifically finds as follows:

A. The regulation on reclamation of Pre-SMARA Pits by the Ordinance is reasonable and necessary to protect the public health, safety and welfare, and are enacted pursuant to the authority granted to the City by the State of California.

B. The proposed Ordinance will not adversely affect adjoining property as to value, precedent or be detrimental to the area.

C. The proposed Ordinance is consistent with the General Plan and is in compliance with all applicable provisions of the Zoning Code and other ordinances and regulations of the City.

3. The Planning Commission does hereby recommend that the City Council find and determine that the Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The Ordinance does not authorize any specific development or installation on any specific piece of property within the City's boundaries. The Planning Commission does further hereby recommend that the City Council find and determine the Ordinance is further exempt from CEQA because the City Council's adoption of the Ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment (State CEQA Guidelines, § 15061(b)(3)).

4. Based upon the substantial evidence and conclusions set forth herein above, the Planning Commission hereby recommends the City Council adopt of "AN ORDINANCE NO. 756, ADDING CHAPTER 17.130 [RECLAMATION OF MINES EXEMPT FROM THE SURFACE MINING AND RECLAMATION ACT ("SMARA")] TO ESTABLISH REGULATIONS AND STANDARDS FOR NON-SMARA PITS TO TITLE 17 (ZONING) OF THE IRWINDALE MUNICIPAL CODE (IMC)", in the form as attached hereto as Exhibit "A" and incorporated by reference herein.

5. The Secretary shall:

- a. Certify to the adoption of this Resolution; and
- b. Forthwith transmit a copy of this Resolution to the City Council.

ADOPTED AND APPROVED this 21st day of April 2021.

Arthur R. Tapia, Chair
City of Irwindale Planning Commission

ATTEST:

Marilyn Simpson, Secretary

CITY OF IRWINDALE
COUNTY OF LOS ANGELES } ss.
STATE OF CALIFORNIA

I, Marilyn Simpson, Community Development Manager/City Planner of the City of Irwindale, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission of the City of Irwindale held on the 21st day of April 2021 the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Marilyn Simpson, Secretary

EXHIBIT A**ORDINANCE NO. 756****AN ORDINANCE OF THE CITY COUNCIL OF IRWINDALE, CALIFORNIA ADDING CHAPTER 17.130 [RECLAMATION OF MINES EXEMPT FROM THE SURFACE MINING AND RECLAMATION ACT ("SMARA")] TO ESTABLISH REGULATIONS AND STANDARDS FOR NON-SMARA PITS TO TITLE 17 (ZONING) OF THE IRWINDALE MUNICIPAL CODE (IMC)"**

WHEREAS, the Legislature enacted the Surface Mining and Reclamation Act ("SMARA"), pursuant to Public Resources Code § 2770 et seq., requiring that every surface mining operation have a permit, a reclamation plan, and financial assurances to implement the planned reclamation unless exempt from the application of SMARA;

WHEREAS, in response to this legislation, the City adopted Ordinance No. 356 on September 24, 1981, which added new sections to the Code regarding mining and geology. Over the years, subsequent ordinances were adopted to revise City-wide standards as well as provide updates to comply with SMARA; and

WHEREAS, both SMARA, pursuant to Public Resources Code section 2776(a), and the IMC, pursuant to Section 17.63.050, provide that those with a vested right to conduct surface mining prior to January 1, 1976 are exempt from the SMARA requirements; and

WHEREAS, SMARA also addresses a second aspect of vesting pursuant to Public Resources Code section 2776(c), the requirement of reclamation, by stating that "[n]othing in [SMARA] shall be construed as requiring the filing of a reclamation plan for, or the reclamation of, mined lands on which surface mining operations were conducted prior to January 1, 1976"; and

WHEREAS, the City has within its jurisdiction mining pits not reclaimed that are exempt from the SMARA requirements, and mining pits excavated pursuant to SMARA but not reclaimed and mining pits excavated and reclaimed pursuant to SMARA where reclamation, or further reclamation, of these mining pits would be exempt from the SMARA requirements (collectively, "Non-SMARA Pits"), and the City has no regulation on the requirements of reclamation of the Non-SMARA Pits; and

WHEREAS, the City now desires to regulate the reclamation of the Non-SMARA Pits by requiring the approval by the city of a development agreement, with appropriate standards and public benefits to be negotiated with the city, prior to any reclamation of the Non-SMARA Pits; and

WHEREAS, the City adopted Ordinance No. 356 on September 24, 1981, which added new sections to the Code regarding mining and geology; and

WHEREAS, the City Council adopted Ordinance No. 534 on January 28, 1999, replacing Chapter 17.63 "Mining Permits and Reclamation Plans" with a new chapter on surface mining and reclamation consistent with the SMARA model ordinance; and

WHEREAS, the City Council adopted Ordinance No. 584 on August 3, 2004, amending Chapter 17.60 "Quarry Zone" of the Irwindale Municipal Code establishing a Reclamation Fund to provide additional reclamation security for the proper reclamation of certain mining sites; and

WHEREAS, the City Council adopted Ordinance No. 683 on December 10, 2014, amended Chapters 17.60 and 17.63 of the Irwindale Municipal Code to ensure that they are in accordance with current SMARA and included Conditions of Approval for mining operations that have been imposed on all mining operations in the City; and

WHEREAS, in response to SMARA, the City approved Ordinance No. 756, adopting Chapter 17.130 of Title 17 of the Irwindale Municipal Code ("IMC"), entitled "Surface Mining and Reclamation Plans"; and

WHEREAS, on April 21, 2021, the Planning Commission found that this Ordinance No. 756 ("Ordinance"), imposing Non-SMARA Pits to execute a development agreement will allow the City to better regulate reclamation of Non-SMARA Pits and recommended that the City Council adopt the Ordinance; and

WHEREAS, in order to protect against the risks to public health, safety and welfare associated with reclamation operations, the City Council sees fit to adopt the Ordinance to impose regulations as to the Non-SMARA Pits.

NOW, THEREFORE, the City Council of the City of Irwindale ordain as follows:

SECTION 1. The City Council hereby specifically finds that all of the facts set forth in Recitals of this Resolution are true and correct.

SECTION 2. The Ordinance is consistent with the City's General Plan, Irwindale Municipal Code, Irwindale Zoning Code and applicable Federal and State law.

SECTION 3. The Ordinance will not be detrimental to the public interest, health, safety, convenience or welfare.

SECTION 4. The Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The Ordinance does not authorize any specific development or installation on any specific piece of property within the City's boundaries. The Planning Commission does further hereby recommend that the City Council find and determine the Ordinance is further exempt from CEQA because the City Council's adoption of the Ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment (State CEQA Guidelines, § 15061(b)(3)).

SECTION 5. The Ordinance is hereby adopted by the addition of a new Chapter 17.130, "RECLAMATION OF MINES EXEMPT FROM THE SURFACE MINING AND RECLAMATION ACT" in Title 17 of the Irwindale Municipal Code to read as follows:

Chapter 17.130 - RECLAMATION OF MINES EXEMPT FROM THE SURFACE MINING AND RECLAMATION ACT

17.130.010 PURPOSE

The city finds that there are mining pits within its jurisdiction which are exempt from the requirements provided for in the California's Surface Mining and Reclamation Act of 1975 (Public Resources Code Sections 2710 et seq.), as amended, hereinafter referred to as "SMARA." Any mining pits within the city jurisdiction which are exempt from the requirements provided for in SMARA, hereinafter shall be referred to as "Non-SMARA Pits".

The intent of this Chapter is to regulate the reclamation of Non-SMARA Pits in order to protect against the risks to public health, safety and welfare associated with reclamation operations.

17.130.020 APPLICATION OF CHAPTER

The provisions of this chapter shall apply to reclamation of all mining pits within the City's jurisdiction which are exempt from the requirements of SMARA, including, but not limited to:

- A. Mining pits which had mining operations conducted prior to January 1, 1976, and which are required to have, or requested to have, additional reclamation;
- B. Mining pits excavated pursuant to SMARA, but not reclaimed, and which are required to have, or requested to have, additional reclamation; or
- C. Mining pits excavated and reclaimed pursuant to SMARA which are required to have, or requested to have, additional reclamation.

The foregoing list is not, and shall not be interpreted to be, exhaustive of all such situations in which these provisions shall be applicable.

The provisions of this chapter shall apply to reclamation of all mining pits within the City's jurisdiction exempt from the requirements of SMARA, including but not limited to mining pits which had mining operations conducted prior to January 1, 1976 which desire reclamation, mining pits excavated pursuant to SMARA but not reclaimed which desire reclamation and mining pits excavated and reclaimed pursuant to SMARA which desire further reclamation.

17.130.030 DEVELOPMENT AGREEMENT REQUIRED

The reclamation of Non-SMARA Pits is allowed only upon approval by the city of a development agreement, with appropriate standards and public benefits to be negotiated with the city and complying with all other standards imposed by this chapter.

SECTION 6. If the provisions in this Ordinance conflict in whole or in part with any other City regulation or ordinance adopted prior to the effective date of this section, the provisions in this Ordinance will control.

SECTION 7. If any subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or otherwise unenforceable, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declare that they would have passed each subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional or otherwise unenforceable.

SECTION 8. The City Clerk shall certify to the passage and adoption of this ordinance, and shall cause the same to be published and/or posted at the designated locations in the City of Irwindale.

SECTION 9. The Ordinance shall take effect at 12:01 AM on the 31st day after its passage.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Irwindale this 12th day of May 2021.

H. Manuel Ortiz, Mayor

ATTEST:

Laura M. Nieto, MMC
Chief Deputy City Clerk

CITY OF IRWINDALE
COUNTY OF LOS ANGELES } ss.
STATE OF CALIFORNIA

I, Laura M. Nieto, Chief Deputy City Clerk of the City of Irwindale, do hereby certify that the foregoing Ordinance No. 756 passed first reading on May 12, 2021, was duly and

regularly adopted by the City Council of the City of Irwindale, at a regular meeting held on the 26th day of May 2021, by the following vote of the Council:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

Laura M. Nieto, MMC
Chief Deputy City Clerk