



AGENDA

Thursday, January 23, 2014

6:30 P.M.

**REGULAR MEETING
PLANNING COMMISSION**

**Council Chambers
211 Hillcrest Avenue
Marina, California**

VISION STATEMENT

Marina will grow and mature from a small town bedroom community to a small city which is diversified, vibrant and through positive relationships with regional agencies, self-sufficient. The City will develop in a way that insulates it from the negative impacts of urban sprawl to become a desirable residential and business community in a natural setting. **(Resolution No. 2006-112 - May 2, 2006)**

MISSION STATEMENT

The City Council will provide the leadership in protecting Marina's natural setting while developing the City in a way that provides a balance of housing, jobs and business opportunities that will result in a community characterized by a desirable quality of life, including recreation and cultural opportunities, a safe environment and an economic viability that supports a high level of municipal services and infrastructure. **(Resolution No. 2006-112 - May 2, 2006)**

1. CALL TO ORDER



2. ROLL CALL & ESTABLISHMENT OF QUORUM

Planning Commission Members:

Margaret Davis, Debra Daniels, Eugene Doherty, Greg Furey, Virgil Piper, Vice-Chair Ken Turgen, Chair David Burnett

3. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)

4. SPECIAL ANNOUNCEMENTS AND COMMUNICATIONS FROM THE FLOOR: *Announcements of special events or meeting of interest as information to Board and Public. At this time any person may comment on any item, which is not on the agenda. Please state your name and address for the record. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on the next agenda. Planning Commission members or City staff may briefly respond to statements made or questions posed*

as permitted by Government Code Section 54954.2. In order that all interested parties have an opportunity to speak, please limit comments to a maximum of Four (4) minutes. Any member of the public may comment on any matter listed on this agenda at the time the matter is being considered by the Planning Commission.

5. CONSENT AGENDA: *Background information has been provided to the Planning Commission on all matters listed under the Consent Agenda, and these items are considered to be routine. All items under the Consent Agenda are normally approved by one motion. If discussion is requested by anyone on any item, that item will be removed from the Consent Agenda and placed at the end of Other Action Items if separate action is requested.*

a. Minutes for the December 12, 2013 Planning Commission meeting.

6. PUBLIC HEARINGS: *Time will be set aside during the Public Hearing to receive oral comments on all items listed as Public Hearings. Staff will present the project brought forth for Planning Commission consideration and possible action and answer questions from the Planning Commissioners. The applicant will then have the opportunity to raise any issues. The public will then be invited to approach the podium to provide up to four (4) minutes of public testimony.*

a. None

7. OTHER ACTION ITEMS: *Action listed for each Agenda item is that which is brought forth for Planning Commission consideration and possible action. The Planning Commission may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*

a. It is requested that the Planning Commission:

Provide an interpretation of Marina Municipal Code Chapter 17.55, Surface Mining and Reclamation Standards, that the extraction of water to determine its mineral content is a surface mining operation.

8. COMMISSIONERS AND STAFF INFORMATIONAL REPORTS:

- a. City Council, Design Review Board, Tree Committee and other meetings of note.
b. Upcoming items scheduled for future meetings.
c. Ad Hoc Committee

9. CORRESPONDENCE:

a. None

10. ADJOURNMENT

CERTIFICATION

I, Judy Paterson, Administrative Assistant for the City of Marina, do hereby certify that a copy of the foregoing agenda was posted at Marina City Council Chambers bulletin board, 211 Hillcrest Avenue; City Kiosk at the corner of Del Monte Boulevard and Reservation Road; and Monterey County Free Library Marina Branch at 190 Seaside Circle on or before 6:30 p.m. Monday, January 20, 2014.



Judy Paterson, Administrative Assistant II
Community Development Department

PLANNING COMMISSION NOTES:

1. The Marina Planning Commission regularly meets at 6:30 P.M. on the second and fourth Thursdays of each month.
2. The Planning Commission follows procedures intended to allow for project applicants and members of the public the fullest possible opportunity to be heard, while enabling the Commission to complete its meetings within a reasonable time.
3. Copies of staff reports are available to the public on the Friday afternoon, prior to the Thursday meetings at the Community Development Department office located at 209 Cypress Avenue.
4. Planning Commission meetings may be viewed on Marina's Comcast Cable Channel 25.
5. Planning Commission subcommittees include the Marina Design Review Board (DRB) and Tree Committee. The DRB regularly meets at 6:30 P.M. on the third Wednesday of each month and the Tree Committee meets quarterly on the 2nd Wednesday of January, April, July and October... All meetings take place in the Council Chambers unless otherwise noticed... Public notices and agendas are posted at the following locations: Monterey County Library Marina Branch, Kiosk at the corner of Del Monte Blvd. and Reservation Rd., and Marina City Council Chambers Bulletin Board.
6. The public is invited and encouraged to participate in all meetings of the Planning Commission and its subcommittees.



MINUTES

Thursday, December 12, 2013

6:30 P.M.

**REGULAR MEETING
PLANNING COMMISSION**

**Council Chambers
211 Hillcrest Avenue
Marina, California**

1. CALL TO ORDER
2. ROLL CALL & ESTABLISHMENT OF QUORUM
Planning Commission Members:
Margaret Davis, Debra Daniels, Eugene Doherty, Virgil Piper, Chair David Burnett

Members absent: Greg Furey (Excused); Vice- Chair Ken Turgen
3. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE
4. SPECIAL ANNOUNCEMENTS AND COMMUNICATIONS FROM THE FLOOR:

Edrie Delos Santos, Assistant City Engineer, announced the re-opening and completion of the Reservation Road improvement project. Ribbon cutting will be at the intersection of Reservation Rd. and Seaside Court on December 17 at 11:00 a.m.

Chair Burnett announced the recruitment for City boards and commissions. More information on the city website.

5. CONSENT AGENDA: .
 - a. Minutes for the November 14, 2013 Planning Commission meeting.

Chair Burnett moved to adopt the minutes for November 14, 2013. Commissioner Daniels seconded the motion which passed by a 5-0-2 (Furey, Turgen)-0 vote.

6. PUBLIC HEARINGS:
 - a. Consider adopting Resolution No. 2013-, making a determination that the Marina 5-Year Capital Improvement Program (CIP) is consistent with the Marina General Plan.

Edrie Delos Santos gave a staff report. He described a proposed traffic calming project on Cardoza Avenue as the only new project this year for a consistency determination

Ms. di Iorio and Mr. Delos Santos answered commissioners' questions about the process and other projects previously found consistent on the CIP list including funding and timing, etc.

Chair Burnett opened the public hearing. Seeing no one, the public hearing was closed.

Commissioner Daniels made a motion to adopt the resolution making a determination that the Marina 5- Year Capital Improvement Program (CIP) is consistent with the Marina General Plan. Commissioner Doherty seconded the motion which passed by a 5-0-2 (Furey, Turgen)-0 vote.

7. OTHER ACTION ITEMS:

- a. None

8. COMMISSIONERS AND STAFF INFORMATIONAL REPORTS:

Staff and Commissioners reported on:

- a. City Council, Design Review Board, Tree Committee and other meetings of note.
- b. Upcoming items scheduled for future meetings.
- c. Ad Hoc Committee

9. CORRESPONDENCE:

- a. None

10. ADJOURNMENT

The meeting was adjourned at 7:15 p.m.

ATTEST:

David Burnett, Chair

Judy Paterson, Administrative Assistant

DATE

January 16, 2013

Item No.

Honorable Members
of the Marina Planning Commission

Planning Commission Meeting of
January 23, 2013

**REQUEST FOR AN INTERPRETATION OF MARINA
MUNICIPAL CODE CHAPTER 17.55, SURFACE
MINING AND RECLAMATION STANDARDS, THAT
THE EXTRACTION OF WATER TO DETERMINE ITS
MINERAL CONTENT IS A SURFACE MINING
OPERATION**

REQUEST:

It is requested that the Planning Commission:

1. Provide an interpretation of Marina Municipal Code Chapter 17.55, Surface Mining and Reclamation Standards, that the extraction of water to determine its mineral content is a surface mining operation.

BACKGROUND:

The City of Marina has received a request by representatives of the California Public Utilities Commission for an interpretation by the Planning Commission, of Marina Municipal Code (MMC) Chapter 17.55, Surface Mining and Reclamation Standards (“EXHIBIT A”).

ANALYSIS:

This request seeks a determination that the extraction of water to determine its mineral content is a surface mining operation. The water would be pumped from exploratory geotechnical borings created by drilling and removal of the core sample.

According to MMC Section 17.55.020,

“Surface mining operations” means all or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incidental to an underground mine. Surface mining operations shall include, but are not limited to: (1) in-place distillation, retorting or leaching; (2) the production and disposal of mining waste; and (3) prospecting and exploratory activities.

“Exploration or prospecting” means the search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent or quality of minerals present.

While water will be extracted, the purpose of the extraction is to determine what minerals are present in the water.

The Planning Commission interpretation will inform the City’s process for considering a potential project.

CONCLUSION:

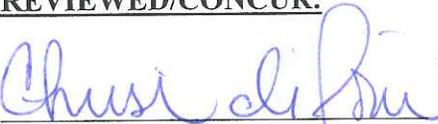
This request is submitted for Planning Commission consideration and possible action.

Respectfully submitted,



Theresa Szymanis, AICP
Planning Services Manager
Community Development Department
City of Marina

REVIEWED/CONCUR:



Christine di Iorio, AICP
Director, Community Development Department
City of Marina

RESOLUTION NO. 2014-

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF MARINA DETERMINING THAT, IN ACCORDANCE
WITH MARINA MUNICIPAL CODE CHAPTER 17.55,
SURFACE MINING AND RECLAMATION STANDARDS,
THE EXTRACTION OF WATER TO DETERMINE ITS
MINERAL CONTENT IS A SURFACE MINING OPERATION

WHEREAS, The City of Marina has received a request by representatives of the California Public Utilities Commission for an interpretation by the Planning Commission, of Marina Municipal Code (MMC) Chapter 17.55, Surface Mining and Reclamation Standards, and;

WHEREAS, this request seeks a determination that the extraction of water to determine its mineral content is a surface mining operation, whereby water would be pumped from exploratory geotechnical borings created by drilling and removal of the core sample, and;

WHEREAS, according to MMC Section 17.55.020, "Surface mining operations" means all or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incidental to an underground mine. Surface mining operations shall include, but are not limited to: (1) in-place distillation, retorting or leaching; (2) the production and disposal of mining waste; and (3) prospecting and exploratory activities, and;

WHEREAS, "Exploration or prospecting" means the search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent or quality of minerals present, and;

WHEREAS, while water will be extracted, the purpose of the extraction is to determine what minerals are present in the water.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Marina does hereby determine that, in accordance with Marina Municipal Code Chapter 17.55, Surface Mining and Reclamation Standards, the extraction of water to determine its mineral content is a surface mining operation.

PASSED AND ADOPTED, at a regular meeting of the Planning Commission of the City of Marina, duly held on the 23rd day of January 2014, by the following vote:

AYES: COMMISSION MEMBERS:
NOES: COMMISSION MEMBERS:
ABSENT: COMMISSION MEMBERS:
ABSTAIN: COMMISSION MEMBERS:

David Burnett, Chairperson

ATTEST:

Christine di Iorio, AICP
Director, Community Development Department
City of Marina

EXHIBIT A

**Chapter 17.55
SURFACE MINING AND RECLAMATION STANDARDS***

Sections:

- 17.55.010 Purpose and intent.
- 17.55.020 Definitions.
- 17.55.030 Scope.
- 17.55.040 Permit, reclamation plan and reporting requirements.
- 17.55.050 Review procedure.
- 17.55.060 Performance bond.
- 17.55.070 Public record.
- 17.55.080 Amendments.
- 17.55.090 Variance.
- 17.55.100 Appeal.
- 17.55.110 Enforcement.
- 17.55.120 Separability.

* Prior ordinance history: Ord. 82-14.

17.55.010 Purpose and intent.

A. This chapter is adopted pursuant to the California Surface Mining and Reclamation Act of 1975, Chapter 9, Public Resources Code.

B. The city council finds and declares that the extraction of minerals is essential to the continued economic well-being of the city and to the needs of society, and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.

C. The city council further finds that the reclamation of mined lands as provided in this chapter will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land.

D. The city council further finds that surface mining takes place in areas where the geologic, topographic, climatic, biological and social conditions are different and that reclamation operations and the specifications therefore may vary accordingly. (Zoning ordinance dated 7/94 (part), 1994)

17.55.020 Definitions.

"Environmental assessment" means the study of the environment of an area proposed to be mined including the flora, fauna, geologic, erosion potential and other factors deemed to be important by qualified experts of appropriate disciplines.

"Environmental impact report" means a report on the environmental effects of a project prepared according to the standards and provisions of the California Environmental Quality Act (CEQA).

"Exploration" or "prospecting" means the search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent or quality of minerals present.

"Local coastal program" means the adopted local coastal land use and implementation plans for the city as certified by the California Coastal Commission.

"General plan" means the adopted general plan for the city of Marina.

"Mined lands" includes the surface, subsurface and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

"Minerals" means any naturally occurring chemical element or compound or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, sand, but excluding geothermal resources, natural gas and petroleum.

"Mining waste" means and includes the residual of soil, rock, mineral liquid, vegetation, equipment, machines, tools or other materials or property directly resulting from, or displaced by, surface mining operations.

"New mining" means and includes any significant increase in the rate of extraction or change in location.

"Operator" means any person who is engaged in surface mining operations, himself, or who contracts with others to conduct operations on his behalf.

"Overburden" means soil, rock or other materials that lie above a natural mineral deposit or in between deposits, before or after their removal, by surface mining operations.

"Permit" means any formal authorization from or approval by, the city without which surface mining operations cannot occur.

"Person" means any individual, firm, association, corporation, organization or partnership, or any city, county, district or the state or any department or agency thereof.

"Reclamation" means the process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

"State board" means State Mining and Geology Board in the Department of Conservation, State of California.

"State geologist" means the individual holding office as structured in Section 677 of Article 3, Chapter 2 of Division 1 of the Public Resources Code.

"Surface mining operations" means all or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incidental to an underground mine. Surface mining operations shall include, but are not limited to: (1) in-place distillation, retorting or leaching; (2) the production and disposal of mining waste; and (3) prospecting and exploratory activities. (Zoning ordinance dated 7/94 (part), 1994)

17.55.030 Scope.

- A. The provisions of this chapter shall apply to the incorporated areas of the city.
- B. The provisions of this chapter are not applicable to:

1. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster;
2. Such other mining operations that the city determines to be of an infrequent nature, and which involve only minor surface disturbances and are categorically identified by the State Board pursuant to Sections 2714(d) and 2758(c), California Surface Mining and Reclamation Act of 1975 (SMARA). (Zoning ordinance dated 7/94 (part), 1994)

17.55.040 Permit, reclamation plan and reporting requirements.

A. Reclamation Plan Requirements. Reclamation plans as defined in this chapter shall be required of all mining operations undertaken since January 1, 1976. Any person who proposes to engage in new mining operations as defined in this chapter shall also be required to prepare a reclamation plan prior to commencing new mining operations.

1. Existing Mining Operations. A person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976 shall submit and receive city approval of a reclamation plan within two years from the effective date of the ordinance codified in this chapter for all mining operations conducted after January 1, 1976. Nothing in this chapter shall be construed as requiring the filing of a reclamation plan for, or the reclamation of, mined lands on which surface mining operations were lawfully conducted prior to, but not after January 1, 1976.

2. Reclamation Plan Review. Approved reclamation plans shall be reviewed by the planning commission at least every five years. It shall be the sole responsibility of the operator to submit a written request to the planning commission prior to the expiration of each five-year period. Operator shall provide the planning commission with ample evidence that compliance is being maintained with the provisions of the approved reclamation plan. The planning commission retains the right subsequent to reclamation plan review to modify the terms of any reclamation plan to assure continuing compliance with the local coastal program. Furthermore, the planning commission may consider and approve modification of any reclamation plan requested by the operator so long as it finds that the reclamation plan is in compliance with the local coastal program.

B. Permit Requirements. The planning commission shall issue a mining permit for any new surface mining operation, which the planning commission finds is in conformance with the local coastal program. No new mining activity shall take place prior to the issuance of a mining permit by the planning commission.

1. Existing Mining Operations. Existing mining operations are required to obtain a mining permit from the city in accordance with the requirements of this chapter within two years from the date of adoption of the ordinance codified in this chapter except as provided in subsection (B)(4) of this section.

2. Mining Permit Review. The planning commission shall review mining permits issued pursuant to this chapter every five years. It shall be the sole responsibility of the operator to submit a written request to the planning commission prior to the expiration of each five-year period. Operator shall provide the planning commission with ample evidence that compliance is being maintained with the local coastal program and the approved reclamation plan for the site. The planning commission retains the right subsequent to mining permit review to modify the terms of any mining permit required to assure continuing compliance with the local coastal program. Furthermore, the planning commission may consider and approve modifications of any mining permits so long as it finds that any such modification is in compliance with the local coastal program and reclamation plan.

3. Review Period Adjustment. It is the intent of the city to review mining permits concurrent with reviewing reclamation plans, whenever possible, for any individual mining

operation. In order to assure that the city's intent is realized the planning commission may permit reasonable adjustments in the timing of mining permit review.

4. Permit Limitations. No person who has obtained a legal vested right to conduct a surface mining operation prior to January 1, 1976 shall be required to secure a mining permit pursuant to the provisions of this chapter so long as such vested right continues, provided that no substantial change is made in that operation except in accordance with the provisions of this chapter.

5. Mining Permit Revocation. Mining permits may be revoked by the planning commission following a hearing. Operator shall be notified in writing at least ten days prior to such hearing. Grounds for revocation shall be noncompliance with the provisions of this chapter, the approved reclamation plan, coastal development permit (if applicable) and the local coastal program (if applicable).

6. Notification of State Geologist. The State Geologist shall be notified of the filing of all permit applications.

7. Periodic Review. This chapter shall be reviewed and revised, as necessary to ensure that it is consistent with the state policy for mined lands reclamation and the city's local coastal plan and general plan.

C. Reporting Provision. In order to establish reference base data for the purpose of determining whether or not any particular mining activity constitutes new mining activity and to monitor shoreline erosion it is required that all operators of existing mining operations submit to the planning department a brief written statement specifying the approximate annual volume of sand being removed and an accurate cronaflex ortho-topographic map, at a scale of one inch equals two hundred feet with two-foot contour intervals, preferably prepared by a licensed photogrammetric engineer. All elevations on said map shall be based on city datum. Said maps may also be prepared by a licensed surveyor or civil engineer. All areas being mined shall be clearly and accurately outlined on said topographic map. The information specified above shall be certified for accuracy and be submitted by the operator to the city.

1. Initial Submittal. Initial submittal of the reference base data shall be completed by existing operators within six months from the effective date of the ordinance codified in this chapter.

2. Subsequent Resubmittal. Updated reference base data shall be resubmitted to the planning department by January 1, 1984 and every January 1st thereafter.

3. New Mining Operations. New mining operations will be required to submit reference base data concurrent with the application for a mining permit and reclamation plan approval and shall also be required to resubmit updated reference base data every January 1st thereafter. If initial submittal of reference base material takes place after July 1st in any given year operator shall be exempted for resubmitting updated reference base information the following January 1 but shall be required to resubmit updated reference base material every January 1st thereafter.

D. Permit and Reclamation Plan Fee. A fee shall be established by the city council and shall be paid to the city at the time of filing a permit application or reclamation plan.

E. Reclamation Plan Requirements. The planning commission shall review reclamation plans and find that they include the following:

1. The name and address of the operator and the names and addresses of any persons designated by him as his agent for the service of process;

2. The anticipated quantity and type of materials for which the surface mining operation is to be conducted;

3. The proposed dates for the initiation and termination of such operation;
4. The maximum anticipated depth and area of the surface mining operation;
5. The size and the legal description of the land, that will be affected by such operation, a map that includes the boundaries and topographic details of such lands, a description of the geology of the area in which surface mining is to be conducted; if, in the Coastal Zone, a line indicating the tsunami run-up line; the location of all rare and endangered plant and animal species and their habitat in the area where surface mining is to be conducted; the location of all streams, roads, railroads and utility facilities within, or adjacent to such lands; the location of all proposed access roads to be constructed in conducting such operation; and the names and address of the owners of all surface and mineral interests of such lands;
6. A description of the type of surface mining to be employed and a time schedule that will provide for the completion of surface mining on each segment of the mined lands so that the reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation;
7. A description of the proposed use or potential uses of the land after reclamation and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses;
8. A description of the manner in which reclamation adequate for the proposed use or potential uses will be accomplished, including:
 - a. A description of the manner in which contaminants will be controlled, and mining waste will be disposed, and
 - b. A description of the manner in which rehabilitation of affected natural habitat areas to their original condition will occur, and
 - c. A description of the manner in which the tsunami run-up zone will be preserved to protect the public safety of the community;
9. An assessment of the effect of implementation of the reclamation plan on future mining in the area;
10. A statement that the person submitting the plan accepts responsibility for reclaiming the mined lands in accordance with the reclamation plan; and acknowledgement that the obligations of the plan transfer from one operator to another on a site;
11. An environmental assessment of the area to be mined executed by at least a qualified biologist and a qualified geologist selected from the city's list;
12. If in the environmental assessment, any rare and endangered species habitats and/or shoreline erosion are found to be present on the site, an environmental impact report must be completed and all mitigations, including those for rare and endangered species and/or shoreline erosion, included in the proposed reclamation plan;
13. Compliance and conformance with the Marina local coastal program and city's general plan, zoning ordinance and any other pertinent city ordinances and regulations;
14. Map of all areas mined prior to January 1, 1976;
15. Any other information which the planning commission may require as pertinent to the determination of the adequacy of the proposed plan.

F. **Time Limits.** Time limits for the approval of a reclamation plan or mining permit for existing operations may be extended for a period of up to one year by the planning commission or city council on appeal subject to the following conditions:

1. Written request is provided by the operator prior to expiration of initial two-year time period.
2. Operator shall submit evidence to planning commission or city council showing good cause for the extension request.

G. **Transferability.** Whenever one operator succeeds to the interest of another in any uncompleted surface mining operation by sale, assignment, conveyance, exchange, or other means, the successor shall be bound by the provisions of the approved reclamation plan and the provisions of this chapter. (Zoning ordinance dated 7/94 (part), 1994)

17.55.050 Review procedure.

The planning commission shall review the permit application and the reclamation plan and shall schedule a public hearing within thirty days of accepting the completed application. The public hearing will be held for the purpose of considering a permit or reclamation plan for the proposed surface mining operation. (Zoning ordinance dated 7/94 (part), 1994)

17.55.060 Performance bond.

Upon a finding by the planning commission that a supplemental guarantee for the reclamation of the mined land is necessary, and upon the determination by the city planner of the cost of the reclamation of the mined land according to the reclamation plan, a surety bond, lien, or other security guarantee conditioned upon the faithful performance of the reclamation plan shall be filed with the city. Such surety shall be executed in favor of the city and reviewed and revised, as necessary. Such surety shall be maintained in an amount to complete the remaining reclamation of the site as prescribed in the approved or amended reclamation plan during the succeeding two-year period, or other reasonable term. (Zoning ordinance dated 7/94 (part), 1994)

17.55.070 Public record.

Reclamation plans, reports, applications and other documents submitted pursuant to this chapter are public records unless it can be demonstrated to the satisfaction of the city that the release of such information, or part thereof, would reveal production, reserves, or rate of depletion entitled to protection as proprietary information. The city shall identify such proprietary information as a separate part of each application. A copy of all permits, reclamation plans, reports, applications, and other documents submitted pursuant to this chapter, including proprietary information, shall be furnished upon request of the District Geologist of the State Division of Mines and Geology by the city. Proprietary information shall be made available to persons other than the mine owner in accordance with Section 2778, California Surface Mining and Reclamation Act of 1975. (Zoning ordinance dated 7/94 (part), 1994)

17.55.080 Amendments.

A. Amendments to an approved reclamation plan may be submitted to the city at any time, detailing proposed changes from the original plan. Substantial deviations from the original plan shall not be undertaken until such amendment has been filed with, and approved by, the city.

B. Amendments to an approved reclamation plan shall be approved by the same procedure as is prescribed for approval of a reclamation plan. (Zoning ordinance dated 7/94 (part), 1994)

17.55.090 Variance.

Variances from an approved reclamation plan may be allowed upon request of the operator and applicant, if they are not one and the same, upon findings by the planning commission that each requested variance is necessary to achieve the prescribed or higher use of the

reclaimed land and is consistent with the Marina local coastal program if property is located within the Coastal Zone. (Zoning ordinance dated 7/94 (part), 1994)

17.55.100 Appeal.

Any person aggrieved by an act or determination of the planning commission in exercise of the authority granted herein shall have the right to appeal to the city council. Any appeal must be filed, on forms provided, within ten working days after the rendition, in writing, of the decision. (Zoning ordinance dated 7/94 (part), 1994)

17.55.110 Enforcement.

The provisions of this chapter shall be enforced by any authorized member of the planning department or such other persons as may be designated by the city council. (Zoning ordinance dated 7/94 (part), 1994)

17.55.120 Separability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this chapter. (Zoning ordinance dated 7/94 (part), 1994)

The Marina Municipal Code is current through Ordinance 2013-07, passed November 5, 2013.

Disclaimer: The City Clerk's Office has the official version of the Marina Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.ci.marina.ca.us/>
(<http://www.ci.marina.ca.us/>)
City Telephone: (831) 884-1278
Code Publishing Company
(<http://www.codepublishing.com/>)