

**Mono County
Community Development Department**

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Planning Division

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**NOTICE OF DECISION
Director Review 19-002
Minor Amendment to Reclamation Plan 34-99-07**

APPLICANT: Marzano & Sons

OWNER: City of Los Angeles Department of Water and Power

SUBJECT PROPERTY: APN 021-130-017

PROPOSAL: Minor amendment to Reclamation Plan CA mine ID #91-26-0035, Marzano & Sons Cain Ranch

Pursuant to the Mono County General Plan, Chapter 31 Director Review Procedures, Chapter 35 Reclamation Plans and based upon the following findings, you are hereby notified that Director Review 18-010 has been:

- Granted as requested.
 Granted subject to the attached Conditions of Approval.
 Denied.

BACKGROUND

The proposed project is a minor amendment to Reclamation Plan CA mine ID #91-26-0035, Marzano & Sons Cain Ranch Aggregate Plant, in compliance with Mono County General Plan Chapter 35, Reclamation Plan. The project is located on a parcel situated northeast of the junction of Highway 120 East and US Highway 395 (APN 021-130-037). The minor amendment is to:

- 1) Revise the Reclamation Plan date to 2039.

The Cain Ranch Aggregate Plant has continuously been used for the mining of sand and gravel. The site is approximately 1.5 miles northeast of the junction of Highway 395 and Highway 120 East and approximately four miles southeast of the nearest community of Lee Vining. This minor amendment will extend operations until 2039 at which time the Reclamation plan must be implemented.

Cain Ranch Aggregate Mine Site Map



DIRECTOR REVIEW FINDINGS

The Director Review findings utilized the methodology of the original EIR; specifically, a review of existing analysis from annual SMARA inspections.

Under Mono County General Plan, Chapters 16.050 and 31.030, the Community Development Department director may issue a Director Review permit after making all the following findings:

1. *All applicable provisions of the Land Use Designations and Land Development Regulations are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features.*

This minor amendment to the reclamation plan does not conflict with any Land Use Designations and Land Development Regulations, as the proposed change is to extend the termination date. Thereby, the standards of SMARA and the EIR thresholds are still applicable. The property has a mixed land use designation of Resource Extraction (RE) and Open Space (OS) which is intended to provide mining activities in a manner consistent with the Mono County General Plan and federal laws. The reclamation plan includes restoring the site to open space and wildlife habitat, contouring slopes, ripping or disking compacted areas, and revegetation of the slope and pit floor. Further, the associated Environmental Impact Report also requires operation conditions (*Attachment A*).

2. *The site for the proposed use relates to streets and highways adequate in width and type to carry the quantity and kind of traffic generated by the proposed use.*

No new impacts to streets and highways are expected. The mine is an existing operation that will not increase traffic.

3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located.*

The minor change proposed in this amendment is not detrimental to the public welfare or injurious to property or improvements in the area because it is an existing use and no complaints have been registered for the site. Furthermore, the reclamation plan requires that the site be restored to wildlife habitat and open space once mining operations cease.

4. *The proposed use is consistent with the map and text of this General Plan and any applicable area plan.*

The property has a land use designation of Resource Extraction (RE) and Resource Management (RM). The reclamation plan requires the restoration of an existing mine site to a more natural habitat and environment once operations have ceased. In no way does this amendment conflict with the land use designation or any other section of the General Plan or any applicable area plans.

5. *The improvements indicated on the development plan are consistent with all adopted standards and policies as set forth in the Land Development Regulations, this General Plan and any applicable area plan.*

The Mono County General Plan Chapter 35.040 allows that the Community Development Department director may approve a minor amendment to a reclamation plan only after making all the additional findings:

- a. *That the proposed change involves only minor changes in dimensions, volumes or timing of the reclamation plan and will not affect the basic character or implementation of the reclamation plan.*

There will be no changes in the dimensions or volumes originally permitted. The only change is to the timing of the reclamation of the site by extending the end date out to 2039, which will allow the operation to continue mining beyond the current 2019 end date.

b. *No substantial adverse environmental damage, either on site or off site, will result from the proposed change and the proposed change is consistent with adopted environmental determinations.*

Mine operation acreage identified will not expand beyond the permitted 35.3 acres. Annual mining inspections are conducted to ensure that the operation remains consistent with SMARA and Reclamation Plan standards.

c. *That the proposed change will not be detrimental to the public health, safety and welfare and is compatible with the objectives and policies of this General Plan, applicable area or specific plans or approved end land use of the site.*

Reclamation Plan 34-99-07 and the supporting EIR, mitigation plan, and CUP conditions were approved as CUP modification 34-75-08 on April 20, 1999, effective May 6, 1999. These documents establish compliance with Mono County General Plan Chapter 35, Reclamation Plan, and SMARA requirements.

The current land use designation is Mixed Designation: Open Space and Resource Management. A General Plan amendment 99-02(a) allowed LUD change from General Purpose OS to RM/OS.

6. *The project is exempt from the California Environmental Quality Act (CEQA).*

The project is exempt from the California Environmental Quality Act (CEQA). This project qualifies for Class 1 exemption, which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The proposed amendment is a minor alteration of an existing facility with no expansion of an existing use (Exemption Class 1, 15301 CEQA); the proposed changes to the reclamation plan will not change or interfere with the plan's original intent to restore and enhance the environment, nor will it exceed the thresholds of the original EIR.

CONDITIONS OF APPROVAL

DR 19-002 is issued with the following conditions:

- Continue to adjust the Financial Assurance Mechanism to reflect updated and approved Financial Assurance Cost Estimate values;
- Adhere to original FEIR Mitigation Monitoring Plan;
- Cease mining and initiate the reclamation work on or before May 8, 2039.

This Director Review permit shall become effective 15 days following the issuance of the Director's decision. This decision may be appealed within 15 days by filing a written notice of appeal with the secretary of the Planning Commission. If an appeal is filed, the permit will not be issued until the appeal is considered and the Planning Commission renders a decision.

PREPARED BY: Jake Suppa, Code Analyst DATE OF DECISION: Oct 9, 2019

SIGNED: Wendy Sugimura
Wendy Sugimura, Community Development Director

DR 18-010 Minor Amendment to Reclamation Plan 34-99-07