

TITLE 9

DIVISION 28: WONDERSTONE AGGREGATE SURFACE MINING PERMIT

CHAPTER 1: WONDERSTONE AGGREGATE SURFACE MINING PERMIT PROPOSED PROCESSING PROCEDURE

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§ 92801.00 PURPOSE OF THE ORDINANCE

This Ordinance is adopted for the purpose of administrative review and approval of each application for a Wonderstone Aggregate Surface Mining Permit to ensure compliance with the applicable surface mining operation provisions of the Wonderstone Aggregate Specific Plan and the Imperial County Land Use Code (Title 9).

§ 92801.01 AUTHORITY OF THE PLANNING DIRECTOR

The Planning Director is hereby granted authority to consider, approve and/or deny a Wonderstone Aggregate Surface Mining Permit application. Any party aggrieved by the decision of the Planning Director may appeal the Director's decision to the Planning Commission, provided any such appeal is filed within 10 calendar days from the date of decision and is in accordance with the procedures specified in Sections 90102.04 and 90104.05 of the Imperial County Land Use Code (Title 9).

§ 92801.02 ADMINISTRATIVE PROCESS BY DIRECTOR

In order to streamline the review process and clearly delineate the standards and rules, the following administrative procedure is established and shall be followed by the Department for processing a Wonderstone Aggregate Surface Mining Permit application:

- A. Within ten (10) days of receipt, the application shall either be deemed complete or be returned to applicant in writing if deemed incomplete.
- B. Within thirty (30) days from the date the application is deemed complete, the Director shall approve, conditionally approve or deny the Wonderstone Aggregate Surface Mining Permit application. The Director may continue the decision for up to ten (10) days, if necessary.
- F. The Director may approve a Wonderstone Aggregate Surface Mining Permit application only if the finding can be made that the surface mining operation

complies or will comply with the applicable aggregate surface mining provisions of the Wonderstone Aggregate Specific Plan.

- G. Following the decision of the Director there shall be a ten (10)-calendar day period during which any aggrieved party may appeal the decision of the Director to the Planning Commission. No construction or other County permits shall be approved until the ten (10)-day appeal period has terminated and no appeal has been filed.

§ 92801.03 AUTHORITY OF PLANNING COMMISSION

The Planning Commission, upon appeal, shall have the authority to grant or deny a Wonderstone Aggregate Surface Mining Permit. No appeal from the Director's decision shall be allowed to the Board of Supervisors unless and until the Commission has reached a decision.

§ 92801.04 NOTICE OF HEARING

After acceptance of a completed appeal application and the completion of a staff report, the Commission shall conduct a public hearing on the Wonderstone Aggregate Surface Mining Permit appeal request. The notice and scheduling of the public hearing shall be pursuant to Section 90104.03(C).

§ 92801.05 ACTION ON A WONDERSTONE AGGREGATE SURFACE MINING PERMIT

In approving a Wonderstone Aggregate Surface Mining Permit, the Planning Director, the Planning Commission and/or the Board of Supervisors may impose such conditions deemed necessary to enable making the finding that the surface mining operation complies or will comply with the applicable aggregate surface mining provisions of the Wonderstone Aggregate Specific Plan.

§ 92801.06 EFFECTIVE DATE OF A WONDERSTONE AGGREGATE SURFACE MINING PERMIT

The approval of a Wonderstone Aggregate Surface Mining Permit shall become final and effective on the 11th day after the action of the Director unless an appeal is filed within ten (10) days from the date of his/her decision.

The approval of a Wonderstone Aggregate Surface Mining Permit by the Planning Commission shall become effective on the 11th day after the Planning Commission action granting the Wonderstone Aggregate Surface Mining Permit, unless an appeal is filed to the Board of Supervisors within 10 days. The approval of a Wonderstone Aggregate Surface Mining Permit by the Board of Supervisors becomes final on the day of the Board's action.

§ 92801.07 TIME LIMIT

An approved Wonderstone Aggregate Surface Mining Permit shall be valid until such time as either:

- A. The Wonderstone Specific Plan is rescinded;

B. The Wonderstone Aggregate Surface Mining Permit is relinquished by the permittee; or

C. The Wonderstone Aggregate Surface Mining Permit is revoked by the Imperial County Planning Commission, subject to appeal to the Imperial County Board of Supervisors.

§ 92801.08 REVOCATION/MODIFICATION

Any Wonderstone Aggregate Surface Mining Permit issued pursuant to this Title may be modified or revoked by the Planning Commission after a duly noticed public hearing in which the Planning Commission has found that subject Wonderstone Aggregate Surface Mining Permit is in violation of the applicable provisions of the Wonderstone Aggregate Specific Plan or the Imperial County Land Use Code (Title 9). The decision of the Planning Commission may be appealed by the aggrieved party to the Imperial County Board of Supervisors.

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