



**Siskiyou County
Planning Commission Supplemental Staff Report
August 21, 2024**

**New Business Agenda Item No. 2.8
Klamath Ranch Quarry (UP-09-07) and SP-24-02**

Property Owners: HGS LLC
6575 W Loops Ste 300
Bellaire, TX

Project Summary Use Permit 09-07 Revocation

Location: North of Copco Road, approximately 6 miles east of Interstate 5, on APN 041-070-220; Township 47N, Range 5W, Section 17, MDB&M (Latitude 41°55'21" N, Longitude 122°27'32" W).

Exhibits:

- A. Klamath Ranch Quarry UP-09-07
- B. Use Permit status letter by Lead Agency
- C. Use Permit extension determination by Planning Commission
- D. Draft Resolution PC-2024-016

Background

Land Use Permit UP-09-07 was approved by the Siskiyou County Planning Commission on December 2, 2009 (Exhibit A) for an open-pit rock quarry. This Use Permit lapsed and became null and void two years following the date of approval as noted in Condition of Approval #13 of the Use Permit. The condition also allows for one two-year extension if applied for prior to the expiration date.

UP-09-07

APN 041-070-010

- 13.) The Use Permit and Reclamation Plan shall lapse and shall become null and void two (2) years following the date that the Use Permit and Reclamation Plan have been approved by the Planning Commission, unless prior to the expiration of two (2) years the proposed quarry mining use has begun. The Use Permit and Reclamation Plan may be renewed for one (1) two (2) year extension, if an application (by letter) for renewal of the Use Permit and Reclamation Plan is filed with the Planning Department prior to the permit's expiration date. Once the quarry mining operation of the Use Permit and Reclamation Plan has begun, the validity of the permit shall remain provided that annual inspection reports, financial insurance, and all other SMARA requirements are met even if actual mining operations do not happen in a given 12 month period.

Figure 1: Use Permit UP-09-07 Condition of Approval #13

According to county records, the Klamath Ranch Quarry was never commercially mined. What was originally a borrow pit for the landowners use and was approved by the Planning Commission to become a commercial rock pit, never came to fruition. On October 21, 2011, staff notified the owner/applicant that Conditions of Approval related to compliance with CALFIRE regulations and State reporting requirements were not met (Exhibit B). In response the owner applied for a time extension on November 4, 2011, which was approved by the Planning Commission on January 18, 2012, extending the Use Permit and Reclamation Plan an additional two years, to December 2, 2013 (Minute Order – Exhibit C). There are no further records.

As the Use Permit for the mine site was never vested due to not meeting the conditions of approval 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: Klamath Ranch Quarry - Aerial Image showing existing site conditions (11/3/2023)

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 09-07 was never vested as commercial mining operations never commenced, identified in Condition of Approval #13.

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 Commission Staff Report
August 21, 2024**

Planning Staff Recommendations

- Adopt Resolution PC-2024-016 taking the following actions:
 1. Recommend that the Board of Supervisors find that UP-09-07 is not effective and should be revoked.
 2. Recommend that the Board of Supervisors revoke Use Permit UP-09-07.
 3. Determines the project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321.

Suggested Motion

I move that we adopt Resolution PC-2024-016, A Resolution of the Planning Commission of the County of Siskiyou, Recommending that the Siskiyou County Board of Supervisors Revoke the Use Permit of Klamath Ranch Quarry (UP-09-07), 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

**COUNTY OF SISKIYOU
PUBLIC HEALTH & COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

LAND USE PERMIT

PERMISSION IS HEREBY GRANTED TO:

<p>Landowner: James and Katherine Burney, Trustees 6930 Copco Road Hornbrook, CA 96044</p>	<p>Applicant: James Burney 6930 Copco Road Hornbrook, CA 96044</p>
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PURPOSE: Use Permit and Reclamation Plan approval for an open-pit quarry located on a 168-acre parcel. 360,000 cubic yards of volcanic rock (primarily basalt) are planned to be harvested over a 20-year mine life. Annual production is estimated at 20,000 - 100,000 cubic yards, as demand requires. Quarry activities would be concentrated within 9 acres located on the northwestern slope of a hilltop 2,595 feet above sea level, approximately 300 feet above roadway grade, and approximately 1,400 feet north of Copco Road.

PROPERTY LOCATED: The project site is located in northern Siskiyou County north of Copco Road, approximately 6 miles east of Interstate 5, on the north side of the Klamath River; T47N, R5W, Sec. 17; MDB&M; APN: 041-070-100.

SUBJECT TO THE FOLLOWING:

- 1.) The project shall substantially conform to the Plans, Reclamation Plan, and Financial Assurance Cost Estimate dated "Received June 15, 2009" by the Siskiyou County Public Health and Community Development Department as modified by these conditions. Minor alterations may be approved by the Planning Director if these alterations are found to be substantially in compliance with the Planning Commission approval.
- 2.) The applicant shall meet all applicable and appropriate Fire Safe Regulations for the proposed surface mining operation and any associated uses or development occurring within a State Responsibility Area. The applicant shall obtain verification of compliance with these Fire Safe Regulations from the Director of the California Department of Forestry (Cal Fire), or their assigned designee.
- 3.) All signage shall comply with the Siskiyou County Code.
- 4.) The operator shall provide a chemical toilet and bottled water for use by employees during on-going surface mining activities, to the satisfaction of the Siskiyou County Environmental Health Department.

- 5.) Building permits must be obtained from the Building Division of the Siskiyou County Community Development Department for any structures, plumbing, electrical, or mechanical work that may occur during the course of operations.
- 6.) The applicant shall comply with all adopted rules and regulations of the Siskiyou County Public Works Department, Environmental Health Division of the Siskiyou County Public Health and Community Development Department, and all other local and state regulatory agencies.
- 7.) Pursuant to Section 10-11.01 of the *Siskiyou County Code*, a "Notice of Disclosure and Acknowledgment of Agricultural Land Use Protection and Right to Farm Policies of the County of Siskiyou" shall be signed, notarized, and recorded prior to the quarry use commencing.
- 8.) The applicant shall indemnify, defend and hold the Siskiyou County Planning Commission and Siskiyou County, and their officers, agents and employees, harmless from and against any and all claims, damages and liabilities, including, but not limited to the cost of defending against any and all litigation including administrative proceedings and payment of attorney's fees that may arise from the permit process, any challenges to the conditional use permit, denial of the permit, the supporting environmental documentation, or which arise out of operation of the proposed project. The duty shall arise irrespective of whether the applicant, proponent or an opponent initiates such action. The County's Indemnification Agreement shall be signed, notarized, and recorded prior to the posting of the Notice of Determination for the project and prior to this Use Permit being considered vested.
- 9.) Pursuant to Section 66020(d)(1) of the *California Government Code*, the owner is hereby notified that the 90-day approval period, in which the applicant may protest the imposition of fees, dedications, reservations, or other exactions, begins on the date that the project is approved by the Planning Commission
- 10.) The Mitigated Negative Declaration and Use Permit shall become effective upon the expiration of ten (10) days following the date on which the Mitigated Negative Declaration and Use Permit was approved, unless an appeal is filed or the Board of Supervisors acts to review the decision of the Planning Commission.
- 11.) The surface mining operator shall forward the required annual status report to the Department of Conservation and to the County annually by the required date and shall pay the required annual inspection fee. Should the operator fail to comply with this requirement, the County, at its discretion, may seek enforcement actions pursuant to the provisions of the Siskiyou County Code.
- 12.) Within ten (10) days following the date of the decision of the Siskiyou County Planning Commission, the decision may be appealed to the Siskiyou County Board of Supervisors. The appeal shall be filed with the Clerk of the Board of Supervisors.
- 13.) The Use Permit and Reclamation Plan shall lapse and shall become null and void two (2) years following the date that the Use Permit and Reclamation Plan have been approved

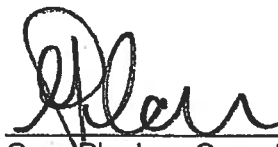
by the Planning Commission, unless prior to the expiration of two (2) years the proposed quarry mining use has begun. The Use Permit and Reclamation Plan may be renewed for one (1) two (2) year extension, if an application (by letter) for renewal of the Use Permit and Reclamation Plan is filed with the Planning Department prior to the permit's expiration date. Once the quarry mining operation of the Use Permit and Reclamation Plan has begun, the validity of the permit shall remain provided that annual inspection reports, financial insurance, and all other SMARA requirements are met even if actual mining operations do not happen in a given 12 month period.

- 14.) The reclamation plan shall be revised to include comments contained in the August 4, 2009 letter by the California Office of Mine Reclamation as may be modified during the California Office of Mine Reclamation's final review of the applicant's response dated "Received September 1, 2009" by the Siskiyou Public Health and Community Development Department . The final revisions shall be submitted to the Siskiyou County Planning Division for a conformance review with this project approval.
- 15.) All conditions and mitigations contained within the approved Mitigation Monitoring and Reporting Program are herein incorporated by reference.
- 16.) Prior to mining operations commencing, the applicant shall survey the mining site and the storage area site and establish survey points in the field based on the reclamation plan and the site plan to establish the limits of the mining operations approved by this permit. The limits of mining operations shall be clearly visible and shall be reviewed in conjunction with County Staff prior to mining commencing. The boundary markings shall be maintained during the life of the mining operation and shall be adjusted as necessary and to the satisfaction of the County to accommodate the approved, defined mining area.
- 17.) During the life of the mine, periodic inspections by County staff to ensure compliance with all conditions and mitigations may be conducted at the discretion of the County. The mine operator is responsible for reimbursing the County for the staff and travel costs of these inspections and shall reimburse the County for these costs within thirty (30) days of being submitted an invoice. In the event that violations of any condition or mitigation measure be documented, the County may pursue revocation proceedings for non-compliance.
- 18.) The required Regional Water Quality Control Board permits shall be obtained prior to commencement of operations and shall include the required BMP's per the Mitigation Monitoring and Reporting Program Condition #12.

DATE

APPROVED: December 2, 2009

DATE

ISSUED: 12/15/2009


Greg Plucker, Secretary
Siskiyou County Planning Commission

cc: James and Katherine Burney, Trustees

UP-09-07

APN 041-070-010

James G. Bray, Civil Engineering
Building Department
Health Department
Public Works Department



COUNTY OF SISKIYOU

PUBLIC HEALTH & COMMUNITY DEVELOPMENT DEPARTMENT
Building ♦ Environmental Health ♦ Office of Emergency Services
Personal Health ♦ Planning
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TERRY BARBER
DIRECTOR

STEPHEN PERLMAN, M.D.
HEALTH OFFICER

October 21, 2011

James Burney
7630 Copco Road
Hornbrook, CA 96044

Re: James Burney Use Permit and Reclamation Plan UP-09-07/RP-09-02

Dear Mr. Burney:

The above-listed project was approved by the Siskiyou County Planning Commission on December 2, 2009. In review of the approved use permit, it appears that Conditions No. 2 and 11 have not been met, and therefore, the project has not vested. In order to vest your use permit and reclamation plan, you must obtain written verification from Cal Fire that the appropriate standards for fire protection have been met, and you must submit your New Mine Report, together with the applicable fees, to the Department of Conservation, Office of Mine Reclamation.

The approval of your project is due to expire on **December 2, 2011**. You may at this time request a two-year time extension. If you wish to have your approval extended, we must receive an application requesting the two-year time extension of your Use Permit and Reclamation Plan on or before December 1, 2011 together with the \$250.00 permit extension fee. Your request for an extension of the approval of your Use Permit and Reclamation Plan will be set for hearing before the Planning Commission on the next available Agenda. However, if you are able to complete the conditions of approval prior to December 2nd, a permit extension will not be required.

If you have any questions, please contact Planning.

Sincerely,
**COUNTY OF SISKIYOU PUBLIC HEALTH &
COMMUNITY DEVELOPMENT DEPARTMENT**

Terry Barber, Director

Rowland Hickel, Associate Planner

RH/vt

Enclosures

cc: James G. Bray, RCE

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Exhibit B

SISKIYOU COUNTY PLANNING COMMISSION
REGULAR MEETING

COUNTY OF SISKIYOU

STATE OF CALIFORNIA

JANUARY 18, 2012

PRESENT: Commissioners Jeff Fowle, Mike McMahon, and Tony Melo

AT ROLL CALL

ABSENT: Commissioners Blair Hart and Dusty Veale

ALSO PRESENT: Greg Plucker, Deputy Director of Planning; Rowland Hickel, Associate Planner; Vurl Trytten, Senior Board Clerk; Brian Morris, Deputy County Counsel; Dana Barton, Deputy County Counsel; and Bill Navarre, Land Use Division Manager

Commissioner Hart joined the meeting at 9:04 a.m.

Commissioner Hart left the meeting at 9:09 a.m. due to his declared conflict of interest for Item 1 Use permit and Reclamation Plan Extension UP-09-07-1M/RP-09-02-1M for James and Katherine Burney.

PUBLIC HEARINGS:

GENERAL RULE EXEMPTION / USE PERMIT AND RECLAMATION PLAN EXTENSION UP-09-07-1M / RP-09-02-1M FOR JAMES AND KATHERINE BURNEY (Hornbrook)

Proposed 2-year time extension for a previously approved Use Permit (UP-09-07) and Reclamation Plan (RP-09-02) that allowed the applicant to extract, process, crush, stockpile and export approximately 360,000 cubic yards of rock over a 20-year time frame. Quarry operations would be concentrated within a 9-acre open-pit rock quarry situated within a 168-acre parcel of land. The project site is located in northern Siskiyou County, north of Copco Road, approximately 6 miles east of Interstate 5, on the north side of the Klamath River; T47N, R5W, Sec. 17; MDB&M; APN: 041-070-100.

**GENERAL RULE EXEMPTION
USE PERMIT**

**APPROVED
APPROVED**

STAFF REPORT:

The previously circulated Staff Report was reviewed by the Commission and a presentation of the project was provided by Associate Planner Hickel.

Chair Melo confirmed with staff that no further correspondence had been received since the staff reports were mailed to the Commissioners.

Deputy Director of Planning Plucker informed the Commission that Mr. Burney had to be out of town and was unable to attend the Planning Commission Meeting.

AGENCY INPUT: None

Chair Melo opened the Public Hearing.

PUBLIC INPUT: None

There being no further input, the Chair closed the Public Hearing.

Discussion by Commission:

Commissioner Fowle commented that the request was logical, that he understood the uncertainty, and had no objection to the extension.

Mr. Plucker commented for the record that this was the final extension and that there would be no more extensions for this use permit.

MOTION: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner McMahon that pursuant to CEQA Section 15061(b)(3), we make the finding that the proposed project is exempt from an environmental review, and that we grant approval of the time extension for the Klamath Ranch Quarry Use Permit (UP-09-07) and Reclamation Plan (RP-09-02).

VOTED upon and the Chair declared the motion carried unanimously with Commissioners Hart and Veale absent.

STATE OF CALIFORNIA
COUNTY OF SISKIYOU

I, Vurl Trytten, Board Clerk of the Siskiyou County Planning Commission, do hereby certify the foregoing to be a full, true and correct copy of the Minute Order of said Siskiyou County Planning Commission passed on January 18, 2012.

/s Vurl Trytten
SISKIYOU COUNTY PLANNING COMMISSION
STATE OF CALIFORNIA

Resolution PC 2024-016

**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 Klamath Ranch Quarry by Revoking Use Permit
UP-09-07 and Determine the Project Exempt from the California Environmental
Quality Act (CEQA)**

Whereas, Use Permit UP-09-07 was approved for the Klamath Ranch Quarry by the Planning Commission on December 2, 2009 for an open-pit rock quarry; and

Whereas, the commercial mine associated with use permit UP-09-07 was not established; and

Whereas, use permit UP-09-07 was not vested as Conditions of Approval were not met; and

Whereas, use permit UP-09-07 was never vested as commercial mining operations never commenced, as identified in Condition of Approval #13 ; and

Whereas, revocation of use permit UP-09-07 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-09-07 and hearing notices were mailed first class to all property owners of the properties associated with Use Permit UP-09-07; and

Whereas, the Planning Division presented its oral and written staff report on the revocation of UP-09-07 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-09-07 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-09-07, prior to reaching its decision; and

Whereas, the Planning Division recommended that the revocation of UP-09-07 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-09-07:

1. The Planning Commission recommends that the Board of Supervisors find pursuant to Siskiyou County Code 10-6.1402 that UP-09-07 is no longer effective and should be revoked.
2. The Planning Commission recommends that the Board of Supervisors revoke use permits UP-09-07.
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-2024-016 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