



**MENDOCINO COUNTY BOARD OF SUPERVISORS**  
**ONLINE AGENDA SUMMARY**

**BOARD AGENDA # 5(c)**

-Arrangements for public hearings and timed presentations must be made with the Clerk of the Board in advance of public/media noticing  
-Agenda Summaries must be submitted no later than *noon* Monday, 15 days prior to the meeting date (along with electronic submittals)  
-Send 14 complete sets (original, single-sided+13 copies) – Items must be signed-off by appropriate departments and/or County Counsel  
-Transmittal of electronic Agenda Summaries and associated records must be emailed to: [bosagenda@co.mendocino.ca.us](mailto:bosagenda@co.mendocino.ca.us)  
-Electronic Agenda Transmission Checklist: ☐ Agenda Summary ☐ Records ☐ If applicable, list other online information below  
-Executed records will be returned to the department within one week. Arrangements for expedited processing must be made in advance

**TO:** Board of Supervisors **DATE:** March 27, 2012

**FROM:** Planning and Building Services **MEETING DATE:** April 9, 2012

**DEPARTMENT RESOURCE/CONTACT:** Roger Mobley **PHONE:** 4281 Present ☒ On Call ☐  
John Speka **PHONE:** 4281

Consent Agenda ☐ Regular Agenda ☒ Noticed Public Hearing ☒ Time Allocated for Item: 3 hours

■ **AGENDA TITLE:** Public Hearing to Review and Possibly Certify the Final Environmental Impact Report (FEIR) as well as Possible Action on Zoning Code Amendment and Rezone #OA 1-2007/R 4-2011.

■ **PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** Past hearings related to the subject project include the following:

- **November 4, 2004-** The Planning Commission denied Development Review #DR 1-2004 for the establishment of a permanent asphalt plant on North State Street in a General Industrial (I-2) zoning district. On **January 25, 2005**, the Board heard an appeal to this decision and, while no action was taken, the applicant chose to withdraw the request after direction was given to Planning staff to prepare an ordinance amendment that would allow for the requested use to instead be developed at the Harris Quarry site.
- **May 19, 2005-** The Planning Commission recommended adoption of a Negative Declaration for and approval of Ordinance Amendment #OA 1-2005 expanding the Mining and Processing Use type to allow for permanent asphalt and concrete plant facilities associated with mining operations. On **June 14, 2005**, the Board denied the proposed amendment without prejudice.
- The Planning Commission held public hearings on a Draft Environmental Impact Report (DEIR) for the original version of the proposal on **January 17, 2008** and again on **February 7, 2008**. Hearings were again held for a Revised DEIR before the Planning Commission on **June 16, 2011** and **July 21, 2011**.
- **March 22, 2012-** The Planning Commission recommended to the Board approval of Ordinance Amendment and Rezoning (#OA 1-2007 and #R 4-2011), finding that the EIR presented adequate information to make an informed decision.

■ **SUMMARY OF REQUEST:** An ordinance amendment to the County's Inland Zoning Code (Title 20 Division I) creating a new Mineral Processing (MP) Combining District allowing for the processing of mineral resources near the site of extraction. Processing would include the operation of asphalt and/or concrete batch plants. Also requested is a concurrent rezone adding the combining district to an 18-acre portion of a larger property which includes an active hillside quarry to accommodate a proposed onsite asphalt facility.

**At this meeting the Board will be asked to:**

1) Certify the Final Environmental Impact Report (FEIR) including:

**BOARD ACTION (DATE: \_\_\_\_\_):** ☐ Approved ☐ Referred to \_\_\_\_\_ ☐ Other \_\_\_\_\_

**RECORDS EXECUTED:** ☐ Agreement: \_\_\_\_\_ ☐ Resolution: \_\_\_\_\_ ☐ Ordinance: \_\_\_\_\_ ☐ Other \_\_\_\_\_



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- i. Adopt the Water Supply Assessment (WSA) included within the FEIR;
  - ii. Adopt the required Findings of Fact, including the adoption of a Statement of Overriding Considerations;
  - iii. Adopt the Mitigation Monitoring and Reporting Program (MMRP);
- 2) Adopt the four amendments to the Inland portion of the Zoning Ordinance (Title 20- Division I)
- 3) Adopt a rezoning to apply the newly created overlay district to a portion of the subject property

Approval of the requested ordinance amendment and rezone does not include an entitlement for the proposed Harris Quarry Expansion Project, which will entail a separate hearing before the Planning Commission. However, that later hearing will depend on the outcome of the Board decision to determine which of several alternatives could be allowed for the overall project.

■ **SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:** [www.co.mendocino.ca.us/planning](http://www.co.mendocino.ca.us/planning)

■ **ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):** ☒

FISCAL IMPACT:			
Source of Funding	Current F/Y Cost	Annual Recurring Cost	Budgeted in Current F/Y
None	None	None	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

■ **SUPERVISORIAL DISTRICT:** 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ All ☐ **VOTE REQUIREMENT:** Majority ☒ 4/5<sup>th</sup> ☐

■ **RECOMMENDED ACTION/MOTION:**

- **First:** Review the Final EIR and its incorporated Water Supply Assessment, Findings of Fact, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program and certify by resolution that the FEIR adequately addresses the environmental impacts of the project in compliance with the requirements of the California Environmental Quality Act (CEQA); and
- **Second:** Review the proposed ordinance amendments and rezoning and adopt by ordinance as listed below:
- 1) The Board of Supervisors adopts Ordinance No. \_\_\_\_\_ amending Chapter 20.040.010 of Division I of Title 20 of the Mendocino County Code.
  - 2) The Board of Supervisors adopts Ordinance No. \_\_\_\_\_ amending Chapter 20.036.010 of Division I of Title 20 of the Mendocino County Code.
  - 3) The Board of Supervisors adopts Ordinance No. \_\_\_\_\_ amending Division I of Title 20 of the Mendocino County Code by adding a newly created Chapter 20.134.
  - 4) The Board of Supervisors adopts Ordinance No. \_\_\_\_\_ amending Chapter 20.152.025 of Division I of Title 20 of the Mendocino County Code.
  - 5) The Board of Supervisors adopts Ordinance No. \_\_\_\_\_ approving the rezoning of a portion of Assessor's Parcel Number 147-140-07 from RL-160 to RL-160:MP.

■ **ALTERNATIVES:** Upon certification of the FEIR, the Board of Supervisors denies #OA 1-2007/#R 4-2011 finding the request inconsistent with the General Plan relative to the compatibility of land uses with the project as proposed.

■ **CEO REVIEW (NAME):** Steve Dunncliff

**PHONE:** 463-4441

**RECOMMENDATION:** Agree ☐ Disagree ☐ No Opinion ☐ Alternate ☐ Staff Report Attached ☐

**BOARD ACTION**

- ☐ Approved \_\_\_\_\_
- ☐ Records Executed \_\_\_\_\_

**Date of Meeting .**

- ☐ Referred to \_\_\_\_\_
- ☐ Other \_\_\_\_\_