

Mendocino County Memorandum

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Date: 3/28/2012

To: Board of Supervisors

From: Planning and Building Services

**Re: Harris Quarry Expansion Project
Certification of Final Environmental Impact Report (FEIR)
Ordinance Amendment #OA 1-2007/Rezone #R 4-2011**

As discussed in the March 15 staff report to the Planning Commission, the above referenced project involves several review steps which will need to be addressed sequentially prior to final approval.

The first review step includes certification of the Final Environmental Impact Report (FEIR) and adoption of the zoning ordinance amendments and rezone. The subject request was considered by the Planning Commission in hearings held on March 15 and March 22, 2012. On March 22, the Planning Commission unanimously recommended approval of the ordinance amendment and rezoning finding that the FEIR presented adequate information to make an informed decision. The April 9, 2012 hearing before the Board will entail review of the FEIR and possible action regarding certification, including adoption of the incorporated Water Supply Assessment (WSA), Findings of Fact, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program.

The primary amendment to the zoning ordinance involves the addition of the "Mineral Processing" Combining District. As originally proposed, the "intent" of the combining district was "to allow, in limited circumstances, the processing of mineral resources near the site of extraction" and that "[p]rocessing includes, but is not limited to, operation of asphalt and/or concrete batch plants." Due to concerns raised over potential interpretations of what "processing" could entail, the Planning Commission recommended revising the language of the intent portion of the amendment to read, "Processing includes, but and is not limited to, operation of asphalt and/or concrete batch plants." This restriction was believed to limit potential future interpretations of processing from including such unexamined activities as "fracking."

The following lists the ordinance amendments now proposed for approval as recommended by the Planning Commission. Underlined areas are newly proposed revisions to the zoning code.

Proposed Amended Language to:

Sec. 20.040.010 Combining Districts.

In addition to the districts enumerated in Section 20.040.005 combining districts may be established and designated as follows:

"AH" Special Airport Height Combining District;
"C" Cluster Combining District;
"FP" Special Flood Plain Combining District;
"IS" Isolated Service Combining District;
"L" Special Minimum Lot Size Combining District;
"MP" Mineral Processing Combining District;
"PD" Planned Development Combining District;
"P" Plan Combining District;
"SH" Special Hazards Combining District;

Sec. 20.036.010 Mining and Processing.

The mining and processing use type refers to places or plants primarily devoted to surface or subsurface mining of metallic and nonmetallic materials, geothermal development, oil or gas together with essential processing of only nonmetallic mineral products. Except where conducted within a Mineral Processing Combining District, and subject to the requirement for a major use permit, all such processing shall be of a temporary nature and carried on in conjunction with, and only for the duration of a specific construction project (except that portable screening and crushing equipment need not be related to a specific construction project). The sale of additional materials may be allowed for other off-site uses where such materials do not exceed ten percent (10%) of that volume specified for the primary construction project. Typical places or uses include borrow pits, gravel bars, rock quarries, oil and gas drilling rigs, or portable crushing, screening, washing, and mixing plants. (Ord. No. 3639 (part), adopted 1987)

Proposed Addition to County Code:

CHAPTER 20.134

“MP” MINERAL PROCESSING COMBINING DISTRICT

Sec. 20.134.005 Intent

This combining district is intended to allow, in limited circumstances, the processing of mineral resources near the site of extraction. Processing includes, and is limited to, operation of asphalt and/or concrete batch plants. Since mineral extraction must take place on the physical site where the minerals naturally occur, special controls are needed to minimize conflicts with other land uses. The Mineral Processing Combining District functions as an “overlay district” to be applied to the area where mineral processing activities will take place.

Sec. 20.134.010 Regulations for “MP” Mineral Processing Combining District.

- (A) Objectives: The operation of asphalt and concrete batch plants shall be allowed on properties within the Mineral Processing Combining District, subject to the issuance of a major use permit. “Asphalt and concrete batch plants” are defined as machinery used to process raw gravel, sand, and other materials into either hot asphalt or ready—mix concrete.
- (B) Locational Requirements: The Mineral Processing Combining District shall only be applied to areas with an R-L zoning designation (See Chapter 20.060) within one-half mile of a legally established and active mining or mineral extraction operation. The Mineral Processing Combining District shall not be applied to:
 - (1) Land within any area of special flood hazard established in Section 20.120.010(A).
 - (2) Land incorporated into Agricultural Preserves under Williamson Act contract.
- (C) Designation: The Mineral Processing Combining District shall be designated by the symbol (MP) on the County Land Use Plan.
- (D) Development Standards:
 - (1) The operation of asphalt and concrete batch plants shall be limited to areas within one-half mile of a legally established and active mining or mineral extraction operation.
 - (2) The general building height limitations for R-L districts shall not apply to mineral processing equipment located within a Mineral Processing Combining District. Instead, asphalt silos and other mineral processing equipment are subject to the seventy-five (75) foot height limitation provided in Section 20.1 52.025(C).

- (3) When mining activity ceases, the mineral processing use must cease within one year.
- (4) The batch plant site shall be reclaimed subject to a Reclamation Plan approved as part of the Use Permit approval provided for in Section 20.134.015.
- (E) Required Information: A Mining/Reclamation Plan describing the phasing of reclamation, in relation to the phases of the mining operation, shall be submitted for land areas which are to be included within a Mineral Processing Combining District. When approving an MP use permit the County may include a condition of approval requiring the permittee to remove the MP zoning overlay upon expiration of the mining use permit.

Sec. 20.134.015 Uses Subject to a Use Permit.

In addition to the use types specified as uses subject to a use permit by the zoning district with which the "MP" combining district is combined, the onsite use of asphalt and concrete batch plants shall also be permitted upon issuance of a major use permit.

Proposed Amended Language to:

Sec. 20.152.025 Height Exceptions.

- (A) Radio and television aerials and antennae, and similar utility structures and necessary mechanical appurtenances for private reception, may be built and used to a height not more than twenty-five (25) feet above the height limit established for the district in which the structures are located, provided, however, that no such structure in excess of the allowable building height shall be used for any commercial or advertising purposes or any communication transmissions. Wind generators and their associated towers may be built and used to a height of one hundred (100) feet as measured from the ground to the highest point of the system.
- (B) Additional heights for public utility structures may be permitted upon approval by the Planning Commission. Height limitations provided herein shall not apply to electric transmission lines and towers.
- (C) Asphalt silos, and other mineral processing equipment located within Mineral Processing Combining Districts may be built and used to a height not more than seventy-five (75) feet as measured from the ground to the highest point of the equipment.
- (D) The above height limitations shall be subject to laws and regulations of the State and Federal Government. And in no case may the height of any of the above structures exceed the airport height restrictions set forth in the "A-H" zoning district. (Ord. No. 3639 (part), adopted 1987)