

ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING CHAPTER 20.134
(MP- MINERAL PROCESSING COMBINING DISTRICTS) WITHIN DIVISION I
(INLAND MENDOCINO COUNTY ZONING CODE) OF TITLE 20 OF THE MENDOCINO COUNTY
CODE**

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Chapter 20.134 of Division I of Title 20 of the Mendocino County Code is established to read as follows:

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, ~~but~~and ~~is not~~ 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 miles 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 surface mining activities that have vested rights or a permit to mine from the County.

- (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 20.152.025(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.

This ordinance shall become effective 30 days from the date of its adoption.

The above ordinance was introduced by Supervisor _____, seconded by Supervisor _____, and PASSED AND ADOPTED this _____ day of _____, 2012, by the following vote of the Board of Supervisors of the County of Mendocino, State of California:

AYES:
NOES:
ABSENT:

JOHN MCCOWEN
Chairman of said Board of Supervisors

ATTEST: CARMEL J. ANGELO
Clerk of the Board

By _____

APPROVED AS TO FORM:
JEANINE B. NADEL, COUNTY COUNSEL

By _____