

ORDINANCE NO. 4451

ORDINANCE AMENDING SECTION 20.036.010 (MINING AND PROCESSING) OF CHAPTER 20.036 (EXTRACTIVE USE TYPES) OF DIVISION 1 (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:

Section 1: The Board of Supervisors of the County of Mendocino (the "Board") finds and determines, based on the evidence in the record, that:

- A. The zoning amendment has undergone environmental review pursuant to the California Environmental Quality Act ("CEQA"). The County completed a Draft EIR in December of 2007 ("2007 DEIR") and prepared a Revised Draft EIR in May of 2011 ("2011 RDEIR"). The County released a Final EIR in February of 2012 ("2012 FEIR"), which was certified in April of 2012.
- B. On March 22, 2012, the Mendocino County Planning Commission recommended to the Board approval of the Ordinance Amendment (OA 1-2007), which included the proposed amendment to Section 20.036.010 of Chapter 20.036 of Division 1 of Title 20 of the Mendocino County Code set forth in Section 2 below.
- C. The County was directed to set aside and vacate certification of the EIR and Project approvals pursuant to litigation in *Keep the Code v. County of Mendocino*, Case No. SC UK CVPT 1260196, affirmed by the Court of Appeal in *Keep the Code, Inc. v. County of Mendocino* (Nov. 30, 2018, No. A140857) [nonpub. opn].
- D. The County released a Final EIR on December 6, 2019 ("2019 FEIR").
- E. On December 16, 2019, the Board conducted a duly noticed public hearing and received and considered evidence concerning the zoning change, 2019 RDEIR and 2019 FEIR (collectively "2019 Revised EIR").
- F. By Resolution adopted as part of the same agenda item as this Ordinance, the Board certified the 2019 Revised EIR, adopted CEQA Findings of Fact and a Statement of Overriding Considerations, and adopted a Mitigation Monitoring and Reporting Program.
- G. The zoning amendments are consistent with, and implement, policies of the County of Mendocino's General Plan.
- H. The zoning amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

Section 2: Section 20.036.010 of Division I of Title 20 of the Mendocino County Code is amended to read as follows:

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.

Section 3: This ordinance supersedes Ordinance no. 4293, which was rescinded.

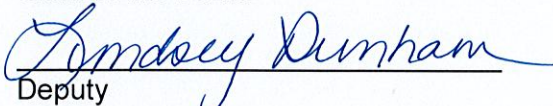
This ordinance shall become effective 30 days from the date of its adoption.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, on this 16th day of December 2019, by the following roll call vote:

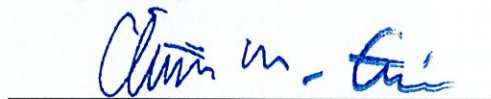
AYES: Supervisors Brown, McCowen and Gjerde
NOES: Supervisors Haschak and Williams
ABSENT: None

WHEREUPON, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: CARMEL J. ANGELO
Clerk of the Board


Deputy

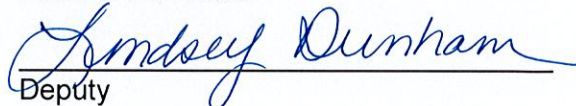
APPROVED AS TO FORM:
CHRISTIAN M. CURTIS,
Acting County Counsel




CARRE BROWN, Chair
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO
Clerk of the Board


Deputy