RESOLUTION - ACTION REQUESTED 2015-543

MEETING: November 17, 2015

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Amend Policies and Regulations for Mining Permitting

RECOMMENDATION AND JUSTIFICATION:
PUBLIC HEARING to Consider Adoption of Resolution with Findings Approving General Plan/Zoning Amendment No. 2015-126 to Establish and Implement New Policies and Regulations for Mining Permitting.

Recommended action is based on Board direction given July 14, 2015.

Please see the attached staff report for additional information.

BACKGROUND AND HISTORY OF BOARD ACTIONS:


March 17, 2015: Extended reporting period for PC’s review to April 28, 2015.

April 14, 2015: Public Hearing to consider AAC and PC’s recommendations. Considered Option 1 (ZA No. 2014-078) and Option 2 (new General Plan policies for mining permitting and Zoning Ordinance amendments to implement new policies). Directed staff to public summary ordinance for Option 2. Continued hearing to April 28, 2015.

April 28, 2015: Continued Public Hearing. Directed staff to take Option 3 back
through review process.

**July 14, 2015:** Directed staff to complete the processing for Option 2.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

**Negative Action:** Do not adopt resolution.
Consequences: Zoning Ordinance regulations will remain inconsistent with General Plan policies.

**Alternative:** Direct staff to process different project. Processing will be re-started, including need to solicit Advisory Committee and Planning Commission recommendations.

**FINANCIAL IMPACT:**
None

**ATTACHMENTS:**
1 151117 Staff Report  (DOC)  
2 150714 BOS Minute Order Processing Direction (PDF)  
3 151117 Draft Board Resolution  (DOC)  
4 151117 Draft Board NOE  (DOC)  
5 151017 Letter from Lowell Young  (PDF)  
6 151105 Letter from T Henry Stoel Rives LLP  (PDF)  
7 151106 Email from Ron Judice  (PDF)  
8 151112 Email from David Ardell  (MSG)  
9 151111 Email from Ruth Smiley  (MSG)  
10 151111 Email from Jill Harry  (MSG)  
11 151112 Email from Anne Brock  (MSG)  
12 Public Notice_Posted_Mining Code (PDF)  
13 15105 Public Notice_Newspaper_Mining Code  (PDF)  
14 151112 Published Ordinance Summary_Mining Code (DOC)  
Comments from Cathi Boze regarding CUP for mining issue  (PDF)  
Letter from Shirley Smelzer regarding CUP for mining issue  (PDF)  
Follow Up from Shirley Smelzer regarding her earlier letter  (PDF)  
Letter from Richard Hill  (PDF)  
Letter from Margaret Udell Williams  (PDF)  
Email from Evie Wilson  (PDF)  
Letter from AMRA regarding CUP on mining(PDF)  
Email from Judy Frew  (PDF)  
Email from Robin Trumbull  (PDF)  
Email from R Dozier  (PDF)  
Email from Thomas Mitchell  (PDF)  
Email from Richard Parker  (PDF)  
Email from Gay Richardson  (PDF)  
Email from Tom and Sharon Chambers  (PDF)  
Email from James Karl  (PDF)  
Email from Janine Hatchett  (PDF)  
Email from Karin Fielding-Bickford  (PDF)
Email from Chris Watson (PDF)
Email from Tom Turner (PDF)
Email from Kevin Ryan (PDF)
Email from Brad Carter (PDF)
Letter from Janette Gamble (PDF)
Email from Dale A. Myer (PDF)
Email from Connie Clements (PDF)
Email from Carol Hart (PDF)
Email from Todd Cox (PDF)
Letter from Mariposa County Farm Bureau (PDF)
Fax from Mary Ann Visher (PDF)
Fax from Pat Pirtle (PDF)
Email from John McPherson (PDF)
Comments from Bob Borchard (PDF)
Email from Harry Strawbridge (PDF)
Email from Joe Waldhaus (PDF)
Email No. 2 from Evie Wilson (PDF)
Email from Mike Wendling (PDF)

**CAO RECOMMENDATION**
Requested Action Recommended

**Mary Hodson**
Mary Hodson, CAO 11/11/2015

**RESULT:**  **ADOPTED [3 TO 1]**
**MOVER:**  John Carrier, District V Supervisor
**SECONDER:** Rosemarie Smallcombe, District I Supervisor
**AYES:** Rosemarie Smallcombe, Kevin Cann, John Carrier
**NAYS:** Merlin Jones
**RECUSED:** Marshall Long
Resolution
No 2015-543  A Resolution Approving General Plan/Zoning Amendment No.
2015-126, an Amendment to General Plan Policies and Zoning
Ordinance Regulations for Mining Permitting

WHEREAS, on June 24, 2014, Resolution No. 2014-306 was adopted by the Board of
Supervisors, initiating amendments to the Mariposa County Zoning Ordinance
(County Code, Title 17) to implement General Plan provisions for mining permitting
and to make text in the Zoning Ordinance consistent with text in the State Surface
Mining and Reclamation Act (SMARA) and the Mariposa County Mining Ordinance
(County Code, Title 18, Chapter 18.02; and

WHEREAS, this project was known as Zoning Amendment No. 2014-078 (ZA No. 2014-078,
also referred to as Option 1); and

WHEREAS, ZA No. 2014-078 was reviewed by the Agricultural Advisory Committee at two
publicly noticed meetings on July 31, 2014 and January 22, 2015; and

WHEREAS, at their most recent meeting on January 22, 2015, the Agricultural Advisory
Committee recommended abandoning ZA No. 2014-078. The Agricultural Advisory
Committee recommended initiating and approving new amendments to the General
Plan and Zoning Ordinance to establish and implement new policies for mining
permitting (referred to as Option 2); and

WHEREAS, ZA No. 2014-078 was reviewed by the Planning Commission at four publicly
noticed and/or continued public hearings on September 5, 2014, October 17, 2014,
March 6, 2015 and March 20, 2015; and

WHEREAS, at their most recent hearing on March 6, 2015, continued to March 20, 2015,
the Planning Commission recommended abandoning ZA No. 2014-078 (Option 1). The
Planning Commission supported the Agricultural Advisory Committee’s
recommendation and recommended initiating and approving new amendments to the
General Plan and Zoning Ordinance (Option 2); and

WHEREAS, in consideration of California Government Code Section 65857, the staff report
packet for the Planning Commission’s public hearing and continued hearing in March,
2015 included the full text of both ZA No. 2014-078 (Option 1) and the full text of the
new amendments to the General Plan and Zoning Ordinance (Option 2); and

WHEREAS, ZA No. 2014-078 was reviewed and discussed by the Board of Supervisors at
four publicly noticed and/or continued public hearings on November 25, 2014,
December 16, 2014, April 14, 2015 and April 28, 2015 and at three publicly noticed
meetings on June 24, 2014, March 17, 2015 and July 14, 2015; and

WHEREAS, the new amendments to the General Plan and Zoning Ordinance (Option 2)
were reviewed by the Board of Supervisors at three publicly noticed public hearings or
continued hearings on April 14, 2015, April 28, 2015 and November 17, 2015 and at one publicly noticed meeting on July 14, 2015; and

WHEREAS, in consideration of California Government Code Section 65857, the staff report packet for the Board of Supervisors’ public hearing and continued hearing in April, 2015 included the full text of both ZA No. 2014-078 (Option 1) and the full text of the new amendments to the General Plan and Zoning Ordinance (Option 2); and

WHEREAS, at a noticed meeting on July 14, 2015, based on Supervisor Long’s recusal, the Board of Supervisors reconsidered the 2015 recommendations of the Agricultural Advisory Committee and the Planning Commission, took public input, and directed staff to complete the processing of new amendments to the General Plan and Zoning Ordinance (Option 2); and

WHEREAS, following the Board’s action on July 14, 2015, the new amendments to the General Plan and Zoning Ordinance (Option 2) became known as General Plan/Zoning Amendment No. 2015-126 (GP/ZA No. 2015-126); and

WHEREAS, a 90-day tribal consultation period for the General Plan Amendments proposed by GP/ZA No. 2015-126 was provided to the four Native American Contacts provided to Planning staff by the Native American Heritage Commission; and

WHEREAS, consultation was not requested within this 90-day period; and

WHEREAS, based on a request from the Midpines Planning Advisory Committee Chair, the Midpines Planning Advisory Committee considered GP/ZA No. 2015-126 at their noticed meeting on October 14, 2015. The Midpines Planning Advisory Committee did not have concerns regarding the project and did not make a recommendation to the Board of Supervisors; and

WHEREAS, based on a request from the Catheys Valley Planning Advisory Committee at their August meeting, the Catheys Valley Planning Advisory Committee considered GP/ZA No. 2015-126 at their noticed meeting on October 29, 2015. The Catheys Valley Planning Advisory Committee recommended that the Board of Supervisors approve GP/ZA No. 2015-126; and

WHEREAS, the Mariposa County General Plan Introduction, Section 1. The General Plan’s Purpose, states,

“The California Supreme Court calls the General Plan the “constitution” of a County, and it serves as more than a document regulating land use. Although zoning is the more commonly known land use regulation tool, the General Plan is distinct and more fundamental in its role. The General Plan provides the long-range vision and policy direction defining what the County is and wants to become.

The General Plan comprises the written adopted policies of the Board of Supervisors with input from County residents. It represents a commitment to the County’s future. The General Plan creates a business plan for the County of Mariposa. For Mariposa County, the General Plan’s implementation is the foundation for the future, guiding the County’s growth and development for the next 20 years.”; and
WHEREAS, the Mariposa County General Plan, Section 4.3 Amending the General Plan, states,

"California law permits General Plan amendments four times each calendar year..."; and

WHEREAS, the Mariposa County General Plan, Section 4.3 Amending the General Plan, states,

"Amending the General Plan is a policy-based process, rather than a zoning process..."; and

WHEREAS, County needs and priorities change over time, in response to changing local and regional conditions. The Mariposa County General Plan should always reflect current County needs and priorities, necessitating that the General Plan be amended from time to time, as necessary, to reflect these changes; and

WHEREAS, the Board of Supervisors’ decision to approve a General Plan amendment must be supported by findings of fact, which are the rationale for making a decision to approve an amendment; and

WHEREAS, a duly noticed Board of Supervisors public hearing was scheduled for GP/ZA No. 2015-126 on November 17, 2015; and

WHEREAS, the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS, a Staff Report packet was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS, the Board of Supervisors did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report packet, testimony presented by the public, the Advisory Committees’ recommendations, the Planning Commission’s recommendation and the proposed environmental determination.

NOW BE IT THEREFORE RESOLVED THAT, the Board of Supervisors does hereby adopt this resolution approving General Plan/Zoning Amendment No. 2015-126, which establishes policies and regulations as recommended by the Agricultural Advisory Committee and Planning Commission. The project includes text amendments to the General Plan, including amendments to the following:

- Section 5.2 General Plan Implementation,
- Section 5.3.02 Residential land Use Classification,
- Section 5.3.04 Agriculture/Working Landscape Land Use Classification,
- Section 5.3.05 Natural Resource Land Use Classification,
- Section 11.1.03 Mineral Resources, and
• Section 11.2 General Plan Implementation.

The project also includes text amendments to the Zoning Ordinance, including amendments to the following chapters of Mariposa County Code:

• Chapter 17.20 Mountain Home Zone,
• Chapter 17.24 Mountain Transition Zone,
• Chapter 17.28 Mountain General Zone,
• Chapter 17.32 General Forest Zone,
• Chapter 17.36 Mountain Preserve Zone,
• Chapter 17.40 Agriculture Exclusive Zone,
• Chapter 17.48 Industrial Mining Zone,
• Chapter 17.108 Supplementary Standards, and
• Chapter 17.148 Definitions.

The approved General Plan and Zoning Ordinance text amendments are as shown in Attachments 1 through 10 of this Resolution.

BE IT FURTHER RESOLVED THAT, all other text in the Mariposa County General Plan and all other text in the Zoning Ordinance shall remain unchanged.

BE IT FINALLY RESOLVED THAT, this approval action is based on the following findings supported by substantial evidence in the public record:

1. Finding: The General Plan and Zoning Ordinance amendments are in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace, and welfare.

Evidence: The public will benefit by having the text in the General Plan and Zoning Ordinance consistent with text in the State Surface Mining and Reclamation Act (SMARA) and Mining Ordinance, Mariposa County Code, Chapter 18.02. The amendments reflect current Board of Supervisors' policy and will have no effect on the general public health, safety, peace, and welfare. The amendments will modify required permitting for mining projects to require a discretionary permit or Conditional Use Permit for all mining projects. The amendments establish a process and standards to apply to small scale mining or exploratory mining.

2. Finding: The amendment is desirable for the purpose of improving the Mariposa County General Plan with respect to providing a long term guide for county development and a short term basis for day-to-day decision making.

Evidence: These amendments will improve the Mariposa County General Plan by ensuring that Mariposa County policies reflect current County needs and priorities,
and that Mariposa County Zoning Ordinance regulations implement specific policies of the General Plan and do not conflict with it. It is important for adopted county policies and codes to be internally consistent.

These amendments will address “Overarching General Plan Issues” identified in Section 2.3 of the General Plan:

“2.3.04 Caring For The Land
Issue: During public discussions, it was clear that both residents and visitors value the County’s varied landscape greatly. With character and economy central to the General Plan, policies ensuring stewardship of the land are necessary.

Both the County’s character and economy fundamentally depend on the land—air, water, soil, and physical and ecological processes that together sustain the County’s human, plant, and animal communities. Therefore, land stewardship is the basis of conservation and development. Accepted practices of stewardship vary among using the land in different ways. Whether these are agriculture uses, timber harvesting, mining, wildlife habitat protection, or recreation use, stewardship is the watchword for land use and protection."  

“2.3.05 Decision-making and Neighboring Properties
Issue: County landowners and residents seek assurances that the use of a neighbor’s property will be compatible with the health, safety, welfare, and preservation of property values, the economy, and County’s character. Therefore, facilitating land development and land use must balance a property owner’s right of reasonable use and the impact of that use on neighboring property owners.

“Balance,” “options,” and “opportunities”—these words appear throughout the General Plan. The Plan defines a property owner’s rights and responsibilities and provides a policy framework allowing neighbors and others to understand the objectives of how property owners and residents can use their land. General Plan policies also establish a series of thresholds below which neighbors are assured of development acceptability. When these thresholds are crossed, neighbors become participants in the decision-making process.”

3. Finding: That such an amendment conforms to the requirements of state law and county policy.

Evidence: This project has been processed in accordance with State Law. There were significant opportunities provided through the process for public input. The project and the amended policies in the General Plan reflect the public input received through the public hearing process. The project ensures the text of the Zoning Ordinance implements the General Plan.

4. Finding: This project to amend the General Plan and Zoning Ordinance is exempt from environmental review pursuant to the General Rule Exemption, Section 15061, of CEQA Guidelines. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

The project will amend the Mariposa County General Plan and Mariposa County Zoning Ordinance to make future mining operations of all sizes subject to a discretionary review process. The discretionary review is an action taken by Mariposa County to assure an appropriate review process for mining, which enables
consideration of both project specific and site specific aspects of a project. The mining permit, reclamation plan, and discretionary review process are all subject to environmental review pursuant to CEQA; the project and site specific environmental impacts of each future mining project will be thoroughly reviewed. New development standards for small scale or exploratory mining operations are included in Mariposa County Zoning Ordinance.

5. **Finding:** Existing legally established mining operations and small scale mining operations will be “grandfathered” uses relative to permitting requirements, upon the effective date of these amendments. Continued maintenance, operation and expansions of these operations will be subject to the Nonconforming use provisions established by Mariposa County Code, Section 17.08.020, as well as any other applicable law, regulation or policy.

6. **Finding:** It is intended that the newly established regulations for small scale mining be applied to operations which exceed the thresholds established for a Grading Permit by the Building Department (2 feet or more of cut, 2 feet of more of fill, 5,000 square feet or more of surface area disturbed and/or 50 cubic yards or more of material disturbed), but which are below the thresholds established by SMARA for a mining permit.

7. **Finding:** Requiring a conditional use permit for mining operations is not a prohibition on mining operations in Mariposa County. The purpose of the conditional use permit is to ensure that there is an opportunity to apply special conditions to an operation to ensure compatibility with surrounding land uses. Requiring a conditional use permit for mining is appropriate because a mining operation may have unusual site development features or operating characteristics requiring special consideration and conditions to ensure it is designed, located and operated compatibly with neighboring properties.

**BE IT FURTHER RESOLVED THAT,** this action on GP/ZA No. 2015-126 is based upon all of the information contained in all of the Staff Report packets provided to the Board of Supervisors for GP/ZA No. 2015-126 and for ZA No. 2014-078, and all previously adopted resolutions of the Planning Commission and Board of Supervisors, which are hereby incorporated into this resolution by reference.

**BE IT FINALLY RESOLVED THAT,** if any section, subsection, sentence, clause, word, phrase or finding of this resolution is held to be unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remainder of this resolution. The Board of Supervisors hereby declares each section, subsection, sentence, clause, word, phrase or finding is severable.

**ON MOTION BY** Supervisor Carrier, seconded by Supervisor Smallcombe, this resolution duly passed and adopted this 17th day of November, 2015 by the following vote:

**AYES:** SMALLCOMBE, CANN, CARRIER

**NOES:** JONES

**RECUDED:** LONG
ABSTAIN:  NONE

Merlin Jones, Chair
Mariposa County Board of Supervisors

Attest:

René LaRoche
Clerk of the Board of Supervisors

Approved as to Form:

Steven W. Dahlem
County Counsel
ATTACHMENT 1

Amendments to General Plan

5 LAND USE

5.2 General Plan Implementation

Goal 5–5: Designate land areas to maintain the County’s agricultural/working landscape.

Policy 5-5a: Maintenance of the agricultural/working landscape shall recognize the economic use of these lands, as well as their scenic and open space functions.

Implementation Measure 5-5a(1): The Land Use element shall identify lands within which the economic uses for the production, extraction, or harvesting of food, fiber, and timber; and minerals shall be the primary purpose.

Timing: Short-term
Responsibility: Mariposa County Planning Department.
Fiscal Impact: Ongoing.
Consequences: This Measure enables the Agriculture/Working Landscape land use classification.

5.3 LAND USE CLASSIFICATIONS

5.3.02 RESIDENTIAL LAND USE CLASSIFICATION

A. Purpose

The Residential land use classification identifies lands for single family dwellings in a rural setting outside the Planning Area land use classification.

B. Extent of Uses

Residential land uses include single-family dwellings, vacation homes, and agriculture. Typical accessory uses are related to personal recreation, home-based business activities, other uses related to agriculture, and uses consistent with rural character. Churches and mining are allowed subject to a discretionary permit.

C. Zoning Consistency

The following zoning districts are consistent with the purpose of the Residential land use classification:

Agriculture Exclusive
Mountain General
Mountain Home
Mountain Transition
Public Domain
Public Sites
General Forest

The Board of Supervisors has determined that for parcels within the Residential Land Use Classification on the Land Use Diagram, the existing zoning assigned to that parcel, as of December 1, 2006, is consistent with the Residential land use classification.

5.3.04 AGRICULTURE/WORKING LANDSCAPE LAND USE CLASSIFICATION

A. Purpose

The Agriculture/Working Landscape land use classification defines lands for the production or harvesting of food, fiber, and timber, and minerals on large parcels of 160 acres or greater in size. These lands and their historically and economically important activities are a major contributing factor to the County’s character. The Agriculture/Working Landscape classification incorporates both the County’s traditional ranch lands and timberlands at the mid-elevations of the County west of Yosemite National Park. This land use classification identifies lands where the primary use is the production of agriculture, or timber, or mining for economic benefit, which incidentally have scenic value and appear as open space areas. Agriculture/Working Landscape lands are different from lands in public ownership and lands primarily used for resource protection, which are identified in the Natural Resources land use classification.

B. Extent of Uses

The primary uses in the Agriculture/Working Landscape land use classification include single-family dwellings on large parcels, agritourism uses in conjunction with the primary agriculture production use of the property, agriculture, and timber production and harvesting, and mining activities requiring large acreages for production activities, and processing. Secondary or accessory uses which may be permitted with an appropriately-noticed public review process include feed lots, lumber mills, mining and other uses associated with the primary uses that are known to have characteristics which require site specific compatibility review. Lands under Williamson Act contract are subject to the terms and conditions of the contract.

In addition to the traditional uses within the classification, the County permits through a discretionary review (conditional use permit) churches and organizational camps. In addition, the County permits through a discretionary review (conditional use permit) the creation of resort or visitor uses, which are secondary to the primary uses of agriculture, and timber, and mining production. Agritourism is a permitted use when in conjunction with the primary agriculture production use of the property. Such agritourism uses support the County’s goal of encouraging agriculture and regional visitor businesses. Review criteria for the agritourism use will include but not be limited to biosecurity, compatibility for neighboring agriculture uses, and availability of proper infrastructure. A reclassification to Rural Economic/Resort is required to approve a resort or visitor-oriented ranch as the primary use in the Agriculture/Working Landscape land use classification. Agritourism uses in the Agriculture/Working Landscape should be compatible with the surrounding primary uses.
F. Criteria for New Lands to Be Included

This section shall not be considered in the processing of a General Plan Amendment application to transfer agriculture land within the Agriculture/Working Landscape land use designation for lands within other land use classifications pursuant to General Plan Goal 10-2, Policy 10-2a, and Implementation Measure 10-2a(4), and pursuant to adopted criteria.

Lands proposed for Agricultural use: The application must be presented with a recommendation by the Agricultural Advisory Committee indicating the proposed agricultural use requires the policy protections of the Agriculture/Working Landscape classification and, if applicable, meets standards for Williamson Act contracts.

Lands proposed for timber Management: Minimum 160 acres and compliance with state regulation.

Lands proposed for mineral resource production: The proposal must be accompanied by either an application an application for a mining mineral resource permit, reclamation plan, and Conditional Use permit, or a report from the California State Geologic Survey showing the land area is within a CSGS mineral resource classification rated 1 or 2.

5.3.05 NATURAL RESOURCE LAND USE CLASSIFICATION

A. Purpose

The Natural Resource land use classification defines lands for open space, recreation, ecosystem conservation, watershed protection, environmental protection, conservation of natural resources, and protection of public health and safety.

B. Extent of Uses

The primary uses in the Natural Resource land use classification include lands in public ownership, single-family dwellings on large parcels of 40 acres or greater in size, ranches, farms, vineyards, public access, timber management and harvesting, natural resource-compatible recreation access, and land conservation uses or easements. An ecotourism resort or mining project may be permitted with a discretionary approval. Churches and organizational camps are allowed subject to a discretionary permit.

C. Zoning Consistency

The following base zoning districts are consistent with the purpose of the Natural Resource land use classification:

- Agriculture Exclusive
- General Forest
- Mountain General
- Public Domain
- Public Sites
The Board of Supervisors has determined that parcels within the Natural Resource Land Use Classification on the Land Use Diagram, the existing zoning assigned to that parcel, as of December 1, 2006, is consistent with the Natural Resources land use classification.

11 CONSERVATION AND OPEN SPACE

11.1.03 Mineral Resources

Mariposa County is situated astride the southern extreme of the mineralized fault belt running through the Central Sierra Mountains, which is commonly referred to as the “Mother Lode.” While it is generally recognized that the richest portion of the Mother Lode Fault System is north of Mariposa County, the County has a historic record of precious metal mining production and it is believed that valuable deposits of ore still exist in the County.

Mariposa County has one two active slate quarries — Bear Creek Slate Quarry, located on Old Toll Road and Yosemite Slate Quarry, located off of Highway 140 on Agua Fria Road. With the exception of sand and gravel extraction and processing, most mines in the County are now closed or only intermittently active.

There is a need for mining of construction materials and the resources are available in the County. As residential development occurs, the County is going to need more local sources for slate, gravel, sand, and other construction material.

11.2 General Plan Implementation

Goal 11-3: Provide for the reasonable development of mineral resources.

Policy 11-3a: Mining occurs in balance with adjoining uses and resources compatibility.

Implementation Measure 11-3a(1): Require a conditional use permit for mining activity except where a land use designation permits such use and allow small scale mining through an administrative use permit.

Timing: Short-term
Responsibility: Mariposa County Planning Department.
Fiscal Impact: None.
Consequences: Code revision.

Implementation Measure 11-3a(2): Incorporate standards for the exploration, development, and reclamation activities associated with mineral resource projects.

Timing: Intermediate-term
Responsibility: Mariposa County Planning Department.
Fiscal Impact: Allocation of Staff resources.
Consequences: Code revision.
ATTACHMENT 2
Amendments to Mariposa County Code Chapter 17.20

Chapter 17.20

MOUNTAIN HOME ZONE (MHZ)

Sections:

17.20.010 Mountain home zone (MHZ).

17.20.010 Mountain home zone (MHZ).
The MHZ as designated on the Mariposa County land use map, is applied to land best suited for moderate residential densities based upon suitability of terrain, location adjacent to population centers and services areas. This land use classification is provided to accommodate the major portion of the rural homesite growth of the county.

A. Development standards for MHZ. Development standards for the MHZ shall be as follows:

1. Uses:
   a. Permitted uses: Residential and those applicable uses listed under Chapter 17.108 of this Title. (Ord. 704 Sec.1, 1988).

   b. Administrative Use Permit uses: Small scale mining in compliance with applicable standards and regulations pursuant to Section 17.108.110.

   c. Conditional uses: Churches, subject to parking standards as required in Section 17.108.120(F) of this Title; private schools, except as permitted by Section 17.108.060(I); and mining, which may include mineral or construction material processing, in conformance with the State Surface Mining and Reclamation Act and County Code. Mineral or construction material processing, quarrying or aggregate processing shall be allowed by use permit issued for one (1) year. The permit shall be renewed if conditions are met and the site is maintained in accordance with the Surface Mining Act, Mariposa County Code and Water Quality Control Board Standards and renewal of the use permit does not significantly interfere with residential uses. Processed, stockpiled material can be removed after permit to process has expired provided that terms of the reclamation plan are met. (Ord. 816 Sec.V, 1991).

   c. Prohibited uses: All uses listed in section 17.108.200 of this Title and other uses not listed above are prohibited, except similar uses in compliance with Section 17.108.120 and 17.108.030 of this Title. (Ord. 1086 Sec.I, 2011; Ord. 912 Sec.II, 1997).

2. Minimum parcel or lot size: No parcel of real property shall be divided or split into two (2) or more parcels by voluntary transfer, court action or other conveyance, where any one (1) of the parcels so created will be less than five (5) acres in gross area.
3. **Density**: One (1) single family residence per five (5) acres. (Ord. 704 Sec.1, 1988).
ATTACHMENT 3
Amendments to Mariposa County Code Chapter 17.24

Chapter 17.24

MOUNTAIN TRANSITION ZONE (MTZ)

Sections:

17.24.010 Mountain Transition Zone (MTZ).

17.24.010 Mountain transition zone (MTZ).
The Mountain Transition Zone (MTZ) as designated on the Mariposa County land use map, is applied to lands with limited development potential.

A. Development standards for MTZ. Development standards for the MTZ shall be as follows:

1. Uses:
   a. Permitted uses: Residential, and those applicable uses listed under Chapter 17.108. (Ord. 704 Sec.1, 1988).
   b. Administrative Use Permit uses: Small scale mining in compliance with applicable standards and regulations pursuant to Section 17.108.110.
   c. Conditional uses: Churches, subject to parking standards as required in Section 17.108.120(F) of this Title; private schools, except as permitted by section 17.108.060(I); and mining, which may include mineral or construction material processing, in conformance with the State Surface Mining and Reclamation Act and County Code. (Ord. 816 Sec.VI, 1991).
   d. Prohibited uses: All uses listed in section 17.108.200 of this Title and other uses not listed above are prohibited, except similar uses in compliance with Section 17.108.120 and 17.108.030 of this Title. (Ord. 1086 Sec.I, 2011; Ord. 912 Sec.II, 1997).

2. Minimum parcel or lot size: No parcel of real property in the MTZ shall be divided or split into two (2) or more parcels by voluntary transfer, court action, or other conveyance where any one (1) of the parcels so created will be less than twenty (20) acres or one-half of one legal quarter-quarter section in gross area.

3. Density: One (1) single family residence per twenty (20) acres or one-half of a legal quarter-quarter section. (Ord. 704 Sec.1, 1988).
ATTACHMENT 4

Amendments to Mariposa County Code Chapter 17.28

Chapter 17.28

MOUNTAIN GENERAL ZONE (MGZ)

Sections:

17.28.010 Mountain general zone (MGZ).

17.28.010 Mountain general zone (MGZ).
The Mountain General Zone (MGZ) as designated on the Mariposa County land use map, is applied to lands characterized by terrain that is less suitable for moderate or high residential densities or intense use, or is remote from established service centers. Due to the requirement for larger parcel sizes, diverse uses with minimum potential for use conflicts are possible within this classification.

A. Development standards for MGZ.

Development standards for the MGZ shall be as follows:

1. Uses:
   a. Permitted uses: Residential, non-commercial recreation; mining and rock processing in conformance with Surface Mining Act, county code and those applicable uses listed under Chapter 17.108 of this Title. (Ord. 704 Sec.1, 1988).
   b. Administrative Use Permit uses: Small scale mining in compliance with applicable standards and regulations pursuant to Section 17.108.110.
   c. Conditional uses: Churches, subject to parking standards as required in Section 17.108.120(F) of this Title; private schools, except as permitted by Section 17.108.060(I); membership or public parks and camps which require no permanent facilities; guest ranches, hunting clubs, public stables and riding trails; and mining, which may include mineral or construction material processing, when conducted in conformance with the State Surface Mining and Reclamation Act and County Code. (Ord. 816 Sec.VII, 1991).
   c. Prohibited uses: All uses listed in section 17.108.200 of this Title and other uses not listed above are prohibited, except similar uses in compliance with Section 17.108.120 and 17.108.030 of this Title. (Ord. 1086 Sec.I, 2011; Ord. 912 Sec.II, 1997).

2. Minimum parcel or lot size: No parcel of real property in the MGZ shall be divided or split into two (2) or more parcels by voluntary transfer, court action or other conveyance where any one (1) of the parcels so created will be less than forty (40) acres or a legal quarter-quarter section in gross area.

3. Density: Two (2) single family residences per forty (40) acres or a legal quarter-quarter section. (Ord. 704 Sec.1, 1988).
ATTACHMENT 5
Amendments to Mariposa County Code Chapter 17.32

Chapter 17.32

GENERAL FOREST ZONE (GFZ)

Sections:

17.32.010 General forest zone (GFZ).

17.32.010 General forest zone (GFZ).
The General Forest Zone (GFZ) as designated on the Mariposa County land use map, is applied to lands under private ownership located primarily within the boundaries of national forest lands that are best suited for low density residential, timber management, agriculture and mining.

A. Development standards for GFZ.

1. Uses:

a. Permitted uses: Residential, sustained yield timber management; mining; rock and mineral processing in compliance with the Surface Mining Act and county code; non-commercial recreation, and those applicable uses listed under Chapter 17.108 of this Title. (Ord. 704 Sec.1, 1988).

b. Administrative Use Permit uses: Small scale mining in compliance with applicable standards and regulations pursuant to Section 17.108.110.

C. Conditional uses: Employee housing; churches, subject to parking standards as required in Section 17.108.120(F) of this Title; private schools, except as permitted by section 17.108.060(I); membership or public parks and camps which require no permanent facilities; guest ranches, hunting clubs, public stables, and riding trails; and mining, which may include mineral or construction material processing, in conformance with the State Surface Mining and Reclamation Act and County Code. (Ord. 816 Sec.VIII, 1991).

c. Prohibited uses: All uses listed in section 17.108.200 of this Title and other uses not listed above are prohibited, except similar uses in compliance with Section 17.108.120 and 17.108.030 of this Title. (Ord. 1086 Sec.I, 2011; Ord. 912 Sec.II, 1997).

2. Minimum parcel or lot size: No parcel of real property in the GFZ shall be divided or split into two (2) or more parcels by voluntary transfer, court action or other conveyance where any one (1) of the parcels so created will be less than forty (40) acres or a legal quarter-quarter section in gross area.

3. Density: Two (2) single family residences per forty (40) acres or a legal quarter-quarter section. (Ord. 704 Sec.1, 1988).
ATTACHMENT 6
Amendments to Mariposa County Code Chapter 17.36

Chapter 17.36

MOUNTAIN PRESERVE ZONE (MPZ)

Sections:

17.36.010 Mountain preserve zone (MPZ).

17.36.010 Mountain preserve zone (MPZ).
The Mountain Preserve Zone (MPZ) as designated on the Mariposa County land use map, is applied to lands that are suitable for extremely low density residential development due to terrain and lack of accessibility. These lands are under private ownership within or adjacent to publicly owned lands, with brush and grass cover, and some timber.

A. Development standards for the MPZ. Development standards for the MPZ shall be as follows:

1. Uses:
   a. Permitted uses: Residential, non-commercial recreation; mining, milling or mineral processing when in conformance with the Surface Mining Act and county code, and those applicable uses listed under Chapter 17.108. (Ord. 704 Sec.1, 1988).
   b. Administrative Use Permit uses: Small scale mining in compliance with applicable standards and regulations pursuant to Section 17.108.110.
   c. Conditional uses: Employee housing; private schools, except as permitted by section 17.108.060(I); and mining, which may include mineral or construction material processing, in conformance with the State Surface Mining and Reclamation Act and County Code. (Ord. 816 Sec.IX, 1991).
   c. Prohibited uses: All uses listed in section 17.108.200 of this title and other uses not listed above are prohibited, except similar uses in compliance with section 17.108.120 and 17.108.030 of this title. (Ord. 1086 Sec.I, 2011; Ord. 912 Sec.II, 1997).

2. Minimum parcel or lot size: No parcel of real property in the MPZ shall be divided or split into two (2) or more parcels by voluntary transfer, court action or other conveyance where any one (1) of the parcels so created will be less than one hundred sixty (160) acres or a legal quarter section in gross area.

3. Density: Two (2) single family residences per one hundred sixty (160) acres or a legal quarter section. (Ord. 704 Sec.1, 1988).
ATTACHMENT 7

Amendments to Mariposa County Code Chapter 17.40

Chapter 17.40

AGRICULTURE EXCLUSIVE ZONE (AEZ)

Sections:

17.40.010 Agriculture exclusive zone (AEZ).

17.40.010 Agriculture exclusive zone (AEZ).
The Agriculture Exclusive Zone (AEZ) as designated on the Mariposa County land use map, is applied to land considered to be most desirable for agriculture use. The purpose is to preserve the agricultural industry of Mariposa County as a viable economic activity.

A. Development standards for the AEZ. Development standards for the AEZ shall be as follows, with the express provision that any agritourism or agri-nature tourism use shall comply with all federal, state and local laws and regulations. In this code, agritourism and agri-nature tourism are subject to the same standards and regulations:

1. Uses:

   a. Permitted uses: Ranching and commercial vineyards and orchards, nurseries, greenhouses, wineries, processing plants for products grown on-site (not including dairies), seasonal sale of agricultural products grown on-site from roadside stands or produce stands, permanent facilities for sale of and /or tasting rooms for agricultural products produced or processed on-site in accordance with the standards established by Section 17.108.070, u-pick operations, collaborative sales of agricultural products in accordance with state and federal standards, agricultural homestays in accordance with standards established by Section 17.40.010.A.4 and in conjunction with the primary agriculture production use of the property, Bed and Breakfasts and Transient Rentals which are managed by permanent on-site managers in accordance with the standards of section 17.108.180; collaborative agri-nature tourism events, horseback riding as an agritourism use, commercial row crops and other similar agricultural uses when conducted in a manner consistent with proper and accepted customs, standards, and practices, except those listed as administrative or conditional uses below; low density residential and employee housing in accordance with the density standards of this chapter; accessory buildings and accessory uses, barns, private stables, farm equipment shelters, and other out buildings; home enterprises, rural home industry, public schools, public parks and other public facilities, such as volunteer fire departments, utility transmission and distribution lines, towers, poles and substations; mining, rock and mineral processing when in compliance with the Surface Mining and Reclamation Act; private airstrips and heliports for personal use by the property owner; and agricultural activities...
associated with a 4-H and/or FFA project or projects; and those applicable uses listed under Chapter 17.108. Limited agritourism and agri-nature tourism uses and activities pursuant to the definitions for agritourism and agri-nature tourism and in accordance with the development standards established by Section 17.40.010.A.4 shall be permitted......

(remainder of text in this section unchanged)

b. Administrative Use Permit uses:
   i. Small scale mining in compliance with applicable standards and regulations pursuant to Section 17.108.110.
   ii. Larger and more frequent agritourism and agri-nature tourism uses...
      • A daily use...
      • The use or activity...
      • Submittal of...

(remainder of text in this section unchanged)

c. Conditional uses: Intensive commercial agricultural uses including but not limited to the following: commercial hog ranches, livestock feed lots when confinement is for the purpose of finishing livestock for market, and commercial poultry farming; fertilizer plants or yards; animal sales yards; dairies; dairy processing plants; experimental agricultural operations determined by the planning director that the operation could impact other agricultural operations in the county, including, but not limited to, those associated with the agri-biotech industry and genetic technologies; dormitory style housing facilities for employees; slaughter houses; mining, which may include mineral or construction material processing, in conformance with the State Surface Mining and Reclamation Act and County Code; very large and frequent agritourism uses and activities pursuant to the definition for agritourism for groups of 36 or more persons per day for ongoing activities up to more than 250 people per week and in accordance with the development standards established by Section 17.40.010.A.4; commercial hunting, hunting dog trials when fire arms are discharged, and game bird clubs; commercial target or shooting ranges, including archery; dude or guest ranches, riding clubs, commercial stables or animal boarding facilities and similar activities (which are not established as part of an agritourism operation or as a Rural Home Industry operation and meeting the standards and provisions listed in Section 17.108.080 and pertinent standards in 17.108.070); private schools, except as permitted by Section 17.108.060(I); churches; and recreational camps or religious organization camps; Transient Rentals with no on-site manager in accordance with the standards of Section 17.108.180; Glamping in accordance with the standards established by Section17.108.180, except as modified by the standards herein. In addition to other conditions placed on them by the planning commission, slaughter houses shall have a minimum setback of fifteen hundred (1500) feet from state highways and adjacent higher density
land use classifications or property lines. Agricultural activities associated with a 4-H and/or FFA project or projects shall not be subject to a conditional use permit.

(remainder of text in this section unchanged)
ATTACHMENT 8
Amendments to Mariposa County Code Chapter 17.48

Chapter 17.48

INDUSTRIAL MINING ZONE (IMZ)

Sections:

17.48.010 Industrial mining zone (IMZ).

17.48.010 Industrial mining zone (IMZ).
The Industrial Mining Zone (IMZ) as designated on the Mariposa County zoning map, is applied to land areas where mining operations have been developed on a large scale. This classification is also applied to land having significant mineral re-sources.

A. Development standards for the IMZ. Development standards for the IMZ shall be as follows:

1. Uses:
   a. Permitted uses: Residential; and those applicable uses listed under Chapter 17.108 of this Title.
   b. Administrative Use Permit uses: Small scale mining in compliance with applicable standards and regulations pursuant to Section 17.108.110.
   c. Conditional uses: Employee housing; and mining, which may include mineral or construction material processing, in conformance with the State Surface Mining and Reclamation Act and County Code.
   c. Prohibited uses: All uses listed in section 17.108.200 of this title and other uses not listed above are prohibited. (Ord. 1086 Sec. II, 2011).

2. Minimum parcel or lot size: No parcel of real property in the IMZ shall be divided or split into two (2) or more parcels by court action or other conveyance where any one (1) of the parcels so created will be less than twenty (20) acres or a legal one-half of a quarter-quarter section in gross area.

3. Density: One (1) single family residence per twenty (20) acres or a legal one half (1/2) quarter-quarter section. (Ord. 704 Sec.1, 1988).
ATTACHMENT 9
Amendments to Mariposa County Code Chapter 17.108

Chapter 17.108

SUPPLEMENTARY STANDARDS

17.108.110 Mineral or construction material processing site standards

A. The following standards shall apply to all mining and small scale mining:

1. Minimum setback required: Processing may not be established on a site that is less than five hundred (500) feet from an adjacent property line unless otherwise approved under the provisions of a conditional use permit. Minimum setback requirements may be waived by the planning commission where a processing plant is located within either an MPZ or an AEZ. The planning commission shall require written notification of contiguous property owners prior to waiving any setback requirements as provided above.

2. Nothing in this section should be construed to be in conflict with the applicable surface mining regulations of federal and state law or county ordinance. (Ord. 704, Sec.1, 1988).

B. The following standards shall apply to all small scale mining, through an Administrative Use Permit:

1. Small scale mining shall obtain all county, state and federal agency permits required, based on the characteristics of the project, prior to commencement of work on-site.

2. Erosion and sediment control shall be proposed and maintained during all phases of the project.

3. The boundaries of the approved work area shall be marked on-site prior to commencement of work; shall be inspected and documented by staff; and shall be maintained for the life of the project.

4. The project shall be subject to regular inspections by staff; the interval of which may be as often as quarterly and no less than annually.

5. Written reporting shall be submitted to staff, to document quantities of material processed; the interval for required reporting may be as often as monthly and no less than annually.

6. Upon completion of work, the work site area shall be reclaimed. Reclamation shall include re-grading and re-contouring of the disturbed site to blend with surrounding natural topography. Following re-grading work, the site shall be re-vegetated (minimum seeding and straw)

7. All costs associated with processing of the Administrative Use Permit, including conduct of inspections and review of reporting, shall be the responsibility of the project proponent.

8. If a small scale mining site is abandoned prior to completion of the required reclamation, the property owner shall be responsible for completing the required reclamation work.
ATTACHMENT 10
Amendments to Mariposa County Code Chapter 17.148

Chapter 17.148
DEFINITIONS

Sections:

17.148.010 Definitions of terms and phrases.

Mineral or construction material processing:
The mechanized crushing, classifying, or processing of mined materials ores for the purpose of extracting and producing materials, earth or construction materials on a site or lot.

Mining:
The removal of minerals, earth or construction materials from the earth, by methods including pits, tunnels, quarries, shafts, drifts, stopes, adits, winzes, cross-cuts, raises, overburden removal, mining by the auger method, dredging, etc., and all necessary appurtenances thereto, for the purpose of resource extraction where the operation involves either the removal of more than one thousand (1,000) cubic yards of mineral, ores, and overburden, or involves the disturbance of more than one (1) acre of surface area. Mining includes a surface exploration activity; a surface mining operation; a sub-surface mining operation; or a sand, gravel (aggregate), or cobble mining operation which exceeds the thresholds established herein. Mining includes surface work incidental to a surface or sub-surface mine, in-place distillation or retorting or leaching, and the production and disposal of mining waste.

Mineral or construction material processing:
The mechanized crushing, classifying, or processing of mined materials ores for the purpose of extracting and producing materials, earth or construction materials on a site or lot.

Mining, small scale:
Prospecting for, or the extraction of minerals for commercial purposes and the removal of mineral, ores and overburden in total amounts of less than one thousand (1,000) cubic yards in any one location of one acre or less when conducted in compliance with all applicable regulations and permits.