



# MARIPOSA COUNTY

Planning · 209-966-5151



## **ORDINANCE 2015-1114**

MEETING: December 15, 2015  
TO: The Board of Supervisors  
FROM: Sarah Williams, Planning Director  
RE: Amend Zoning Ordinance Regulations for Mining Permitting

---

### **RECOMMENDATION AND JUSTIFICATION:**

Waive the second reading and adopt an Ordinance amending the Zoning Ordinance to implement new regulations for mining permitting pursuant to General Plan/Zoning Amendment (GP/ZA) No. 2015-126.

Recommended action is based on the Board of Supervisors' action on November 17, 2015.

### **BACKGROUND AND HISTORY OF BOARD ACTIONS:**

**June 24, 2014:** Resolution 2014-306 initiating Zoning Amendment (ZA) No. 2014-078, an amendment to the Zoning Ordinance to implement current General Plan policies.

**November 25, 2014:** Public Hearing on ZA No. 2014-078. Resolution No. 2014-610 approving ZA No. 2014-078 with amended text. Waiver of First Reading/Introduction of Ordinance. Continued hearing to December 16, 2014.

**December 16, 2014:** Continued Public Hearing on ZA No. 2014-078. Resolution 2014-660 and Resolution 2014-661, rescinding Resolution No. 2014-610 and Waiver of First Reading/Introduction of Ordinance. Referred project back to Agricultural Advisory Committee (AAC) and Planning Commission (PC). Extended reporting period for PC to March 17, 2015.

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

**April 14, 2015:** Public Hearing to consider AAC's 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.

**November 17, 2015:** Public Hearing on GP/ZA No. 2015-126. Resolution No. 2015-543, approving General Plan/Zoning Amendment No. 2015-126. Waiver of First Reading/Introduction of Ordinance. Continued hearing to December 15, 2015.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

Alternative: Rescind actions on November 17, 2015.

Negative Action: The Zoning Ordinance amendment portion of this process will not be completed, and Zoning Ordinance regulations will be inconsistent with the General Plan policies.

**ATTACHMENTS:**

**Final Board Ordinance (DOC)**

**Final Ordinance Summary (DOC)**

**Comments from Cathi Boze on Ordinance on Mining Permitting (PDF)**

**Email from George Chynoweth (PDF)**

**Letter to BOS from Janette Gamble 12.6.15 (PDF)**

**Letter from Margaret Udell Williams rcvd 12-10-15 (PDF)**

**CAO RECOMMENDATION**

Requested Action Recommended

  
Mary Hodson, CAO 11/11/2015

**RESULT: ADOPTED [3 TO 1]**

**MOVER:** Rosemarie Smallcombe, District I Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Rosemarie Smallcombe, Kevin Cann, John Carrier

**NAYS:** Merlin Jones

**RECUSED:** Marshall Long

**STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
BOARD OF SUPERVISORS**

**MARIPOSA COUNTY ORDINANCE NO. 1114**

**AN ORDINANCE AMENDING TITLE 17 OF THE MARIPOSA COUNTY CODE**

**WHEREAS**, as a result of discussions about General Plan policies regarding mining, the Agricultural Advisory Committee and the Planning Commission recommended that the Board of Supervisors approve a General Plan/Zoning Ordinance Amendment to establish policies and regulations to make all mining in the county subject to either a Conditional Use Permit or an Administrative Use Permit; and

**WHEREAS**, this project is known as General Plan/Zoning Amendment No. 2015-126; and

**WHEREAS**, the Planning Commission reviewed and considered the full text of General Plan/Zoning Amendment No. 2015-126 at a duly noticed public hearing on the 6<sup>th</sup> day of March 2015, continued to the 20<sup>th</sup> day of March 2015; and

**WHEREAS**, the Board of Supervisors directed staff to complete the processing of General Plan/Zoning Amendment No. 2015-126 on the 14<sup>th</sup> day of July 2015; and

**WHEREAS**, the Board of Supervisors held a duly noticed public hearing on General Plan/Zoning Amendment No. 2015-126 on the 17<sup>th</sup> day of November 2015 in accordance with State law and County Code; and

**WHEREAS**, environmental review has been conducted on the General Plan and Zoning Ordinance amendments in accordance with CEQA and a Notice of Exemption has been prepared for the project.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIPOSA ORDAINS AS FOLLOWS:**

**Section I: Chapter 17.20 of Title 17 of the Mariposa County is amended to read as follows:**

**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. (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).

**Section II: Chapter 17.24 of Title 17 of the Mariposa County is amended to read as follows:**

**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).

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 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).

**Section III: Chapter 17.28 of Title 17 of the Mariposa County is amended to read as follows:**

**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; 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).

**Section IV: Chapter 17.32 of Title 17 of the Mariposa County is amended to read as follows:**

**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; 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).

**Section V: Chapter 17.36 of Title 17 of the Mariposa County is amended to read as follows:**

**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; 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).

**Section VI: Chapter 17.40 of Title 17 of the Mariposa County is amended to read as follows:**

**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; 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...

*(remainder of text in this section unchanged, with exception of numbering convention for the following)*

- 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 Section 17.108.180, 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)*

**Section VII: Chapter 17.48 of Title 17 of the Mariposa County is amended to read as follows:**

**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).

**Section VIII:** Chapter 17.108, Section 17.108.110 of Title 17 of the Mariposa County is amended to read as follows:

**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.

**Section IX:** Chapter 17.148 of Title 17 of the Mariposa County is amended to read as follows:

**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.

**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.

**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.

**SECTION X: Severability**

If any provision of this ordinance is held to be unconstitutional, preempted by federal law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

**SECTION XII: Effective Date**

This ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.

**BE IT FINALLY ORDAINED THAT**, this action is based on the following findings:

1. **Finding:** The General Plan and Zoning 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 County Code Title 17 consistent with text in the State Surface Mining and Reclamation Act (SMARA) and County Code Title 18, Chapter 18.02. The amendments reflect current Board policy and will have no effect on the general public health, safety, peace, and welfare.

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 county policies are current, and that county zoning 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.

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. The project and the amended policies in the General Plan, reflect 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 General Plan and County Code to make future mining operations of all sizes subject to a discretionary review process. The discretionary review is an action taken by the county to assure an appropriate review process for mining, which enables consideration of both project specific and site specific aspects of the 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 mining operations are included in code.

**PASSED AND ADOPTED** on this 15<sup>TH</sup> day of December, 2015, by the following vote:


AYES: SMALLCOMBE, CANN, CARRIER  
NOES: JONES  
RECUSED: LONG  
EXCUSED:

  
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