



# PLANNING AND BUILDING DEPARTMENT

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**Date:** May 19, 2020

**From:** Tiffany Schmid, Director, Planning and Building Department

**Subject:** Director Interpretation - Zoning Ordinance Section 130.30.050.F  
(Special Setbacks for Mineral Resource Protection)

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**INTERPRETATION:**

The Special Setbacks for Mineral Resource Protection section of the Zoning Ordinance (130.30.050.F) requires that for incompatible uses (see "Incompatible Uses: Mining" in Section 130 Article 8 Glossary) adjacent to lands located in the Mineral Resources (-MR) Combining Zone that the County apply a setback of 250 feet on lots 10 acres or greater and a setback of 150 feet on lots less than 10 acres in size. Based on historic application of development standards within the -MR Combining Zone (aka Mineral Resource (MR) Districts), and the intent of General Plan Policies related to conservation of mineral resources and the -MR Overlay Designation, the setbacks identified in Section 130.30.050.F were intended to apply to incompatible uses on parcels adjacent to parcels containing existing approved mining operations within the -MR Combining Zone, and not to all parcels within or adjacent to the -MR Combining Zone.

Chapter 130.30, Section 130.30.050.F (Special Setbacks for Mineral Resource Protection) shall be interpreted as follows:

1. *Notwithstanding any other provision of this Title, where incompatible uses, as defined in Article 8 (Glossary: see "Incompatible Uses: Mining") of this Title, adjacent to lands located in the -MR Combining Zone containing existing approved mining operations, the following setbacks shall apply on those lots containing the incompatible use:*
  - a. 250 feet on lots 10 acres or greater.
  - b. 150 feet on lots less than 10 acres in size.
2. *The required setbacks in Subsection F.1 above in this Section, may be administratively reduced under an Administrative Permit, in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver) in Article 5 (Planning Permit Processing) of this Title by not more than 50 percent when the property owner affected by the setback has demonstrated to the Director that the mineral resource is at least 250 feet from the*

*property line and mining activities are not likely to be carried on within 250 feet of the property line.”*

**DISCUSSION:**

Chapter 130.30, Section 130.30.050.F (Special Setbacks for Mineral Resource Protection) contains the following provisions:

1. *Notwithstanding any other provision of this Title, where incompatible uses, as defined in Article 8 (Glossary: see “Incompatible Uses: Mining”) of this Title, adjacent to lands located in the -MR Combining Zone, the following setbacks shall apply on those lots containing the incompatible use:
  - a. 250 feet on lots 10 acres or greater.
  - b. 150 feet on lots less than 10 acres in size.*
2. *The required setbacks in Subsection F.1 above in this Section, may be administratively reduced under an Administrative Permit, in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver) in Article 5 (Planning Permit Processing) of this Title by not more than 50 percent when the property owner affected by the setback has demonstrated to the Director that the mineral resource is at least 250 feet from the property line and mining activities are not likely to be carried on within 250 feet of the property line.”*

The provisions of Section 130.30.050.F, as currently written and interpreted, apply to incompatible uses adjacent to parcels located within the –MR Combining Zone, including parcels containing the incompatible uses that are within the –MR Combining Zone. The application and over utilization of the setbacks identified in Subsection F.1 has severely impacted development potential (e.g. residential and commercial) on parcels within or adjacent to the -MR Combining Zone that are not adjacent to existing approved mining operations. This includes some areas within Rural Centers and Community Regions.

General Plan Policy 7.2.2.3 identifies that the County shall “require that new nonmining land uses adjacent to existing mining operations be designed to provide a buffer sufficient to protect the mining operation between the new development and mining operation(s).” Current application of this General Plan Policy to all parcels within the -MR Combining Zone through Zoning Ordinance section 130.30.050.F is inconsistent, and should be focused on those parcels adjacent to existing mining operations.

General Plan Policy 7.2.3.1 states that the “extraction of mineral resources within the County shall only be allowed following the approval of a special use permit and a reclamation plan conforming to the California Surface Mining Reclamation Act (SMARA). Further, General Plan Policy 7.2.3.3 identifies that existing development (commercial, residential, and public facilities), as well as undeveloped private lands shall be protected from significant adverse environmental effects caused by mining through use permit conditions, mitigation measures, and Noise Element standards.

Zoning Ordinance Section 130.29.080. (Measure A Initiative Ordinance) states that it is the policy of the County that “use conflicts between rural and rural residential uses and mining uses must be minimized by the creation of adequate buffer zones between such potentially conflicting uses. Furthermore, it is essential to the County to preserve the rural residential and residential character of the County and that mining and exploration for mining be allowed to proceed only with adequate buffering between mining and residential uses.” It also provides direction on implementation of the section to include that “all projects for any kind of open pit mining or strip mining for purposes of exploration or extraction which require the removal of overburden in the total amount of more than 1,000 cubic yards on any lot shall require issuance of a Conditional Use Permit. However, prior to issuing the Conditional Use Permit, in addition to any other necessary findings, the review authority shall make the finding that all boundaries of the proposed project for open pit mining or strip mining shall be greater than a linear distance of 10,000 feet from any existing residential, hospital, church, or school use.”

Prior to adoption of the 2015 Targeted General Plan Amendment-Zoning Ordinance Update, which included minor revisions to General Plan Policy 7.2.1.3 related to using the most recent State Department of Conservation assessment of the location and value of non-metallic mineral materials, setbacks for residential properties within Mineral Resource Districts were identified in Zoning Ordinance Section 130.46.050 as being 60 feet for front and rear yards; 30 feet for side yards except that the side yard would be increased one foot for each additional foot of building height in excess of 25 feet. For other uses, the setbacks were identified as 25 feet from public road right-of-way and 10 feet from side and rear property lines in which no disturbance of existing terrain shall occur, and mining and agricultural structures had a 50-foot setback.

The intent of Section 130.30.050.F was to apply increased setbacks to incompatible uses adjacent to existing approved mining operations, and provide relief from those setbacks under certain circumstances, consistent with the General Plan policies identified above. The intent was not to apply this setback to all parcels within or adjacent to the –MR Combining Zone, but rather to allow the setbacks from the underlying zone (e.g. R1A, RE, or C) to apply to parcels within or adjacent to the –MR Combining Zone that are not adjacent to existing approved mining operations.

Attachments:

1. Current Mineral Resources Related Zoning Ordinance Sections (Chapter 130.29, Section 130.30.050.F, and Incompatible Uses Definition)
2. Current Mineral Resources Related General Plan Policies
3. Superseded Mineral Resources Related Zoning Ordinance Sections (Chapter 130.14 and 130.46)

**CHAPTER 130.29 — MINERAL RESOURCE (-MR) COMBINING ZONE:  
EXPLORATION, MINING, RECLAMATION, AND PROTECTION**

**Sections:**

130.29.010	Mineral Resource (– MR) Combining Zone Established
130.29.020	Definitions
130.29.030	Applicability
130.29.040	Exemptions
130.29.050	General Requirements
130.29.060	Minimum Lot Size
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130.29.090	Mining and Reclamation
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**130.29.010 Mineral Resource (–MR) Combining Zone Established**

The County recognizes that the extraction of minerals is essential to the continued economic well-being of the County and to the needs of society, and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. The County also recognizes that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation projects and their operational specifications may vary accordingly. This Chapter:

- A. Identifies those areas that are designated as Mineral Resource Zone 2 (MRZ 2xx) on the State Classification Reports, where the likely extraction of the resource through surface mining methods will be compatible with surrounding uses, in compliance with General Plan Policies 2.2.2.7 (Overlay Land Use Designations: Mineral Resource (-MR) and 7.2.2.2 (Protection of important mineral resources from incompatible development);
- B. Provides standards and regulations that promote and ensure the continued availability and development of the County’s important mineral resources;
- C. Provides erosion control, groundwater protection, and otherwise protection of the environment;
- D. Regulates surface mining operations as required by the State of California to ensure that mined lands are reclaimed to a usable condition that is readily adaptable for alternative uses; and
- E. Protects the public health, safety, and welfare from residual hazards due to surface and sub-surface mining operations.

**130.29.020 Definitions**

As used within this Chapter, the terms below will mean the following:

**“Mined Lands”** shall mean an area in which surface mining operations will be, are being, or have been conducted, including private roads appurtenant to any such area, land excavations, workings, mining waste, groundwater resources, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from or are used in surface mining operations are located.

**“Surface Mining Operations”** shall mean all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine.

**130.29.030 Applicability**

The regulations in this Chapter shall be combined with those of the base zone and shall apply to all public and private lands within the County designated as the Mineral Resource (–MR) Combining Zone on the zoning maps. All uses and development standards of the base zone shall apply in the combining zone except when they are incompatible with or modified by the uses and development standards set forth in this Chapter. Removing the (–MR) Combining Zone from the base zone shall be considered by the County only when specific studies similar in nature to State Classification Reports prove that a significant mineral deposit no longer exists (General Plan Policy 7.2.3.12: Environmental/Land Use Compatibility).

**130.29.040 Exemptions**

The following activities are exempt from the requirements of this Chapter:

- A. Agricultural grading permit issued by the Agriculture Department.
- B. On-site and-off site excavation and grading activities under an approved grading permit or that are exempt from the requirement for a grading permit. These exempt activities may include processing of materials generated by the grading operation, including rock crushing, stockpiling, aggregate washing, screening and drying.
- C. Operation of a plant site for mineral processing, including associated on-site structures, equipment, machines, tools, or other materials; and on-site stockpiling and recovery of mined materials, subject to all of the following conditions:
  - 1. The plant site is located on lands designated Industrial or Commercial in the General Plan.

2. The plant site is located on lands zoned for industrial or commercial use, or on land subject to an active Conditional Use Permit for mineral processing.
  3. None of the minerals being processed are being extracted on-site.
  4. All reclamation work has been completed pursuant to the approved reclamation plan for any mineral extraction activities that occurred on-site after January 1, 1976.
- D. Emergency excavations or grading conducted by the State Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.
- E. Excavations or grading for the exclusive purpose of obtaining materials for road construction and maintenance for timber or forest operations with an approved timber harvest plan, if:
1. The land is owned by the same person or entity; and
  2. The excavation is conducted adjacent to timber or forest operation roads.
- This exemption is only available if slope stability and erosion are controlled in accordance with Board regulations. Upon closure of the site, the person closing the site shall implement necessary revegetation measures and post-closure uses in consultation with the State Department of Forestry and Fire Protection. This exemption does not apply to on-site excavation or grading that occurs within 100 feet of a Class One watercourse or within 75 feet of a Class Two watercourse, or to excavations for materials that are or have been sold for commercial purposes.
- F. Excavations, grading, or other earthmoving activities in an oil or gas field that are integral to, and necessary for, ongoing operations for the extraction of oil or gas that comply with all of the following conditions:
1. The operations are consistent with the General Plan and zone requirements of the site;
  2. The operations are being conducted in accordance with the California Public Resources Code Division 3, Section 3000 et seq;
  3. The earthmoving activities are within oil or gas field properties under a common owner or operator; and
  4. No excavated materials are sold for commercial purposes.
- G. Recreational mining or prospecting, as defined in Article 8 (Glossary: See “Mining”) of this Title.

**130.29.050 General Requirements**

- A. **Reclamation Plan and Financial Assurances.** All mining operations, as defined in Article 8 (Glossary: See “Mining”) of this Title, whether existing or proposed after the effective date of this ordinance, shall be subject to the provisions of this Title, along with the California Surface Mining and Reclamation Act of 1975 [California Public Resources Code Section 2710 et seq., as amended, (hereinafter referred to as “SMARA”)], California Public Resources Code Section 2207 relating to annual reporting requirements, and State Mining and Geology Board regulations (hereinafter referred to as “State regulations”) for surface mining and reclamation practice (California Code of Regulations, Title 14, Division 2, Section 8, Subsection 1, Section 3500 et seq.).
- B. **Statute Incorporation by Reference.** The provisions of SMARA, California Public Resources Code Section 2207, and State regulations, as may be amended from time to time, are made a part of this Chapter by reference, with the same force and effect as if the provisions therein were specifically and fully set out herein. When the provisions of this Chapter are more restrictive than correlative State provisions, this Chapter shall prevail.
- C. **Vested Rights.** No person who has established a vested right to conduct surface mining operations as a nonconforming use in conformance with State regulations prior to January 1, 1976, shall be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have been made in the operation except in accordance with SMARA, State regulations, applicable State law, and this Chapter. Where a person with vested rights has continued surface mining in the same area subsequent to January 1, 1976, said person shall obtain County approval of a reclamation plan and financial assurances covering the mined lands disturbed by such subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre- and post-Act mining, the reclamation plan shall call for reclamation proportional to that disturbance caused by the mining after the effective date of January 1, 1976. All other requirements of State law and this Subsection shall apply to vested mining operations.

**130.29.060 Minimum Lot Size.** *(Setbacks and relief provisions have been moved to Chapter 130.30 (Setback Requirements and Exceptions), Subsection 130.30.030.F (Special Setbacks for Mineral Resource Protection) in Article 3 (Site Planning and Project Design Standards) of this Title.*

The information required under this Section for lands within the –MR Combining Zone shall be forwarded to the State Geologist in compliance with SMARA Sections 2762-2763. The subdivision of lands within or adjacent to the –MR Combining Zone into lots less than 20 acres shall be prohibited, except when the following occurs:

- A. The applicant has submitted to the County an evaluation of the area in order to ascertain the significance of the mineral resources located on the subject property;
- B. The review authority finds that the proposed subdivision will not threaten the potential to extract minerals in the area; and
- C. The review authority shall specifically state the reasons for permitting the proposed subdivision, and how it will not adversely affect the ability to utilize the resource, including its effect on the regional market for the mineral resource.

**130.29.070 Mineral Exploration**

- A. Exploration for economic mineral or ore deposits shall be allowed in compliance with Chapter 110.14 (Grading, Erosion, and Sediment Control) of Title 110 (Buildings and Construction) in the County Code of Ordinances when applicable and the permit requirements in Table 130.29.070.1 (Mineral Exploration and Mining) below in this Section, subject to the levels of disturbance in Subsection B below in this Section.

**Table 130.29.070.1 – Mineral Exploration and Mining**

For zone nomenclature, refer to Chapters 130.21 through 130.25.	A	Administrative Permit required (130.52.010)	
	CUP	Conditional Use Permit required (130.52.021)	
	—	Use not allowed in zone	
Zones	Level A	Level B	Level C
RM, R1, R1A, R2A, R3A, CPO, CL, CM	A	—	—
RE, RL, AE, AP, PA, AG, FR, TPZ	A	CUP	CUP
IL, R&D, CC, CR, CG, RFL, RFH, TC, OS	A	CUP	CUP
IH	A	A	CUP

- B. For the purpose of this Chapter, the levels of disturbance for mineral exploration are defined as follows:
  - 1. **Level A.**
    - a. Methods of geological survey, geophysical, or geochemical prospecting are used;
    - b. Bore holes and trial pits not exceeding 100 cubic yards of overburden or other mineral disturbance may be created; and
    - c. No explosives shall be used, and no drifting, tunneling, de-watering, or water discharge shall be allowed.



2. **Level B.**
    - a. One thousand cubic yards or less of overburden or mineral deposits are disturbed;
    - b. The operation disturbs one acre or less in any one location; and
    - c. No de-watering will occur and water will not be discharged from the site as a result of the operation.
  
  3. **Level C.**
    - a. More than 1,000 cubic yards of overburden or mineral deposits are disturbed;
    - b. The operation disturbs more than one acre in any one location; or
    - c. De-watering will occur or water will be discharged from the site as a result of the operation.
- C. Level C operations are considered mining under criteria (3.a) and (3.b) above, and shall be subject to the approval of a reclamation plan under the requirements of Section 130.29.090 (Mining and Reclamation) below in this Chapter and SMARA, as well as buffer requirements in compliance with Section 130.29.080 (Measure A Initiative Ordinance) below in this Chapter.

**130.29.080 Measure A Initiative Ordinance**

- A. **Policy.** It is the policy of the County that use conflicts between rural and rural residential uses and mining uses must be minimized by the creation of adequate buffer zones between such potentially conflicting uses. Furthermore, it is essential to the County to preserve the rural residential and residential character of the County and that mining and exploration for mining be allowed to proceed only with adequate buffering between mining and residential uses. It is a further policy of the County that managing these conflicting uses will aid in deterring adverse environmental impacts, including, but not limited to, wildlife, groundwater, flora, fauna, traffic, dust, air quality, and adverse impacts on public health, safety, and welfare and will result in mutual benefit to both future mining and residential uses.
  
- B. **Implementation.** In addition to any other requirements set forth in any applicable zone, all projects for any kind of open pit mining or strip mining for purposes of exploration or extraction which require the removal of overburden in a total amount of more than 1,000 cubic yards on any lot shall require issuance of a Conditional Use Permit. However, prior to issuing the Conditional Use Permit, in addition to any other necessary findings, the review authority shall make the finding that all

boundaries of the proposed project for open pit mining or strip mining shall be greater than a linear distance of 10,000 feet from any existing residential, hospital, church, or school use, including, but not limited to, nursery or day care uses or any residential, hospital, church or school use as designated in the General Plan or any community or specific plan, or as allowed by this Title. This finding shall not apply to a detached, single-unit residential dwelling located on the lot for which the Conditional Use Permit is sought.

- C. **Exception.** An exception to this Section shall be granted only under limited circumstances after a public hearing properly noticed to all land owners within 10,000 feet of the proposed project boundaries and upon findings by the review authority on the basis of substantial evidence in the record that: (1) the proposed project will not have any adverse impact on the environment or upon public health, safety, and/or welfare; and that (2) the project will not discourage residential use so designated in the General Plan or any community or specific plan or as allowed by this Title within 10,000 feet of the project boundaries.
- D. **Incorporation of These Policies into the General Plan Text and Maps.** Upon passage of the ordinance codified in this Section, the County shall amend the General Plan text and maps to incorporate and conform to the provisions of this Section.
- E. **Implementation and Consistency.** Upon passage of the ordinance codified herein, the General Plan and this Title shall be interpreted so as to give effect to the provisions of this Section. The provisions of this Section shall prevail over any revisions to the General Plan and any specific plans. Any amendments to the General Plan and this Title made subsequent to the passage of the ordinance codified in this Section shall be consistent with the provisions of this Section.
- F. **Referendum.** This Section may be amended or repealed only by a majority of the voters of El Dorado County.
- G. **Severability.** If any portion of this Section is declared invalid, the remaining portions are to be considered valid. (Adopted 11/20/84)

### **130.29.090 Mining and Reclamation**

- A. Subsurface mining shall be allowed in any zone subject to issuance of a Conditional Use Permit, and only after impacts to the environment and affected surface uses have been adequately reviewed and found to be in compliance with the California Environmental Quality Act (CEQA). Of particular importance shall be the impact of the operation on surface uses, water quantity and quality, and noise and vibration impacts associated with surface access.

- B. Surface access to subsurface mines shall only be allowed in those zones which permit Levels B and C activities under Table 130.29.070.1 (Mineral Exploration and Mining) above in this Chapter, subject to a Conditional Use Permit.
- C. Vent and escape shafts may be allowed in any zone subject to an Administrative Permit.
- D. A Conditional Use Permit for mining activities shall consider the following:
  - 1. Natural vegetation and topography for buffering;
  - 2. Central location of processing equipment and equipment storage;
  - 3. Dust control;
  - 4. Circulation and construction standards for access roads;
  - 5. Erosion control;
  - 6. Revegetation and re-establishment of natural appearing features on the site following mining activities;
  - 7. Hours of operation;
  - 8. Night lighting;
  - 9. Security fencing;
  - 10. Noise impacts on adjacent and nearby lands, and control of noise pursuant to standards adopted in the General Plan;
  - 11. Protection of water quality, sensitive wildlife habitat, and/or sensitive plant communities;
  - 12. Phased reclamation that proceeds concurrently with surface mining; and
  - 13. Ultimate uses.
- E. Applications for a Conditional Use Permit and/or reclamation plan for surface mining or land reclamation projects shall be made on forms provided by the Department. Said applications shall be filed in accordance with Sections 130.52.021 (Conditional Use Permit) in Article 5 (Planning Permit Processing) of this Title, and 130.29.100 (Standards for Reclamation) below in this Chapter. The forms for reclamation plan applications shall require, at a minimum, each of the elements required by SMARA (Sections 2772 and 2773) and State regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed reclamation plan, as established at the discretion of the Director.

- F. For surface mining operations that are exempt from a Conditional Use Permit in compliance with this Chapter, the reclamation plan application shall include the following:
1. All information concerning the mining operation that is required by the Director for processing the reclamation plan. All documentation for the reclamation plan shall be submitted to the County at one time.
  2. The person submitting the reclamation plan shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the reclamation plan. Said response shall be kept by the Department in the mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed and notarized statement of responsibility to the Department for placement in the permanent record.
- G. Within 30 days of accepting a Conditional Use Permit application as complete for a surface mining operation and/or a reclamation plan, the Department shall notify the State Department of Conservation of the filing of the application in compliance with SMARA Section 2774(d).
- H. The Director shall review the reclamation plan and financial assurance cost estimate (Subsection 130.29.100.B, Financial Assurances, below in this Chapter) within 60 days. Said review shall be limited to whether the reclamation plan and financial assurance cost estimate substantially meets the applicable requirements of SMARA (Sections 2772, 2773, and 2773.1), the State regulations (Sections 3500 through 3505, and Sections 3700 through 3713), and this Chapter. The operator shall have 60 days to submit the revised reclamation plan and financial assurance cost estimate addressing the identified deficiencies to the County for review and approval.
- I. Upon completion of the environmental review procedure and filing of all documents required by the Director, consideration of the Conditional Use Permit and/or reclamation plan for the proposed or existing surface mine shall be completed in compliance with State regulations at a public hearing pursuant to SMARA Section 2774. The Commission shall be the review authority of original jurisdiction for the Conditional Use Permit or reclamation plan, or when multiple applications such as a reclamation plan, Conditional Use Permit, and/or zone change are filed.
- J. The Conditional Use Permit application and/or reclamation plan shall be subject to review by State as follows:
1. In compliance with SMARA Section 2774(d), the State Department of Conservation shall be given 30 days to review and comment on the reclamation plan and 45 days to review and comment on the financial assurance. The Commission shall evaluate written comments received, if any, from the State Department of Conservation during the comment periods.

2. Whenever mining operations are proposed in the 100-year floodplain of any stream, shown as Special Flood Hazard Areas on the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any State highway bridge, the Department shall also notify the State Department of Transportation.
  3. The Department shall prepare a written response describing the disposition of the major issues raised by the State for the Commission's approval. In particular, when the Commission's position is at variance with the recommendations and objections raised in the State's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the Commission shall be promptly forwarded to the operator/applicant.
- K. Subsequent to the appropriate environmental review, the Department shall prepare a staff report with recommendations for consideration by the Commission. The Commission shall hold at least one public hearing on the Conditional Use Permit application and/or reclamation plan.
- L. Prior to rendering a decision to approve the Conditional Use Permit application and/or reclamation plan and in addition to making findings of consistency with the requirements and standards of this Title, including those under Subsection 130.52.020.C (Specific Findings for Conditional/Minor Use Permits) in Article 5 (Planning Permit Processing) of this Title, the Commission shall make the following findings:
1. Conditional Use Permit approvals for surface mining operations shall include a finding that the project complies with the provisions of the SMARA, as amended, and the State regulations.
  2. For reclamation plans, the following findings shall be required:
    - a. The reclamation plan complies with SMARA Sections 2772 and 2773; and the applicable requirements of the State regulations (Sections 3500 through 3505, and Sections 3700 through 3713).
    - b. The reclamation plan restores the mined lands to a usable condition that is readily adaptable to alternative uses pursuant to the plan consistent with this Chapter, the General Plan, and any applicable specific plan or community plan.
    - c. The reclamation plan is not considered detrimental to the public health, safety, and welfare.

- d. The County's written response to the State Department of Conservation has been prepared and considered by the decision-making body. Said response adequately describes the disposition of major issues raised by the Department of Conservation and where the County's position is at variance with the recommendations and objections raised by the State Department of Conservation the County's response addresses, in sufficient detail, why the recommendations and objections were not accepted.
- M. Prior to final approval of a reclamation plan or any amendments to the reclamation plan, the Commission shall certify to the State Department of Conservation that the reclamation plan complies with the applicable requirements of State law, and shall submit the plan, or amendments to the State Department of Conservation for review.
1. If a Conditional Use Permit application is being processed concurrently with the reclamation plan, the Commission may also simultaneously conceptually approve the Conditional Use Permit. However, the Commission may defer action on the Conditional Use Permit until taking final action on the reclamation plan.
  2. If necessary to comply with permit processing deadlines, the Commission may conditionally approve the Conditional Use Permit so that it shall not become effective until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the reclamation plan and financial assurances by the County. The Commission shall then take action to approve, conditionally approve, or deny the Conditional Use Permit and/or reclamation plan pursuant to SMARA Section 2770(d).
- N. Time limits may be set on any Conditional Use Permit for mining operations based on a determination by the review authority that such a time limit is necessary to protect the public health and safety, and to protect the welfare of nearby property owners. Said time limit shall be set on a case-by-case basis, based on the reasonably expected life of the mine and potential conflicts with neighboring uses.
- O. The Department shall forward a copy of each approved Conditional Use Permit for the mining operations and/or approved reclamation plan, and a copy of the approved financial assurances to the State Department of Conservation within 30 days following the approval. By July 1 of each year, for each active or idle mining operation, the Department shall submit to the State Department of Conservation a copy of the Conditional Use Permit or reclamation plan amendments, as applicable, or a statement that there have been no changes during the previous year.
- P. Amendments to an approved reclamation plan may be submitted detailing proposed changes from the original plan. Substantial deviations from the approved reclamation plan shall not be undertaken until the amendment has been filed with, and approved

by, the Commission. Minor deviations from the approved reclamation plan may be approved by the Director where a finding can be made that the minor deviation substantially conforms to the approved reclamation plan.

- Q. Each Conditional Use Permit for a mining operation shall be reviewed periodically for compliance with the requirements of the permit. The costs of said review shall be funded by the holder of the Conditional Use Permit. The time period for said review shall be set by a condition of approval, but in no case shall it exceed five years.
- R. Recordation on property titles of the presence of important mineral resources within the (-MR) Combining Zone may be a condition of approval for any development project in the impacted area. Prior to approving a use that would otherwise be incompatible with mineral resource protection, conditions of approval may be applied to encroaching development projects to minimize potential conflicts.

**130.29.100 Standards for Reclamation**

- A. **Compliance with Regulations.** All reclamation plans shall comply with the provisions of SMARA Sections 2772 and 2773, and State regulations (Sections 3500 through 3505). Reclamation plans approved after January 15, 1993, reclamation plans for proposed new mining operations, and any substantial deviations to previously approved reclamation plans, shall also comply with the requirements for reclamation performance standards under State regulations (Sections 3700 through 3713).
  - 1. **Additional Standards.** The Commission may impose additional performance standards developed either in review of individual projects, as warranted, or through the formulation and adoption of county-wide performance standards.
  - 2. **Phasing.** Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the County. Each phase of reclamation shall be specifically described in the reclamation plan and shall include:
    - a. The beginning and expected ending dates for each phase;
    - b. All reclamation activities required;
    - c. Criteria for measuring completion of specific reclamation activities; and
    - d. Estimated costs for completion of each phase of reclamation.

- B. **Financial Assurances.** To ensure that reclamation will proceed in accordance with the approved reclamation plan, the County shall require security, as a condition of approval, which shall be released upon satisfactory performance. The applicant may post security in the form of a surety bond, a trust fund, cash deposits, escrowed negotiable securities, or an irrevocable letter of credit from an accredited financial institution in a form and manner acceptable to the County and the State Mining and Geology Board as specified in State regulations. In reviewing the method of security, the County shall make a reasonable determination of its adequacy to perform reclamation in accordance with the surface mining operation's approved reclamation plan. Financial assurances shall be made payable to the County and the State Department of Conservation.
1. **Compliance Required.** Financial assurances will be required to ensure compliance with all elements of the approved reclamation plan, including, but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, removal of structures and equipment, and other measures if necessary.
  2. **Cost Estimates.** Cost estimates for the financial assurance shall be submitted to the Department for review and approval prior to the operator securing financial assurances. The Director shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the State Department of Conservation does not comment within 45 days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the County has reason to determine that additional costs may be incurred. The Director shall have the discretion to approve the financial assurance if it meets the requirements of this Chapter, SMARA, and State regulations.
  3. **Basis for Assurance Amount.** The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved reclamation plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities since January 1, 1976, and new lands to be disturbed by surface mining activities in the upcoming year.
    - a. Cost estimates should be prepared by a California licensed professional engineer and/or other similarly licensed and qualified professional retained by the operator and approved by the Director.
    - b. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the approved reclamation plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs.



- c. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved reclamation plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, reasonable profit by a commercial operator other than the permittee, and inspections and administration by the County and/or persons under contract by the County.
    - d. A contingency factor of 10 percent shall be added to the cost of financial assurances.
  - 4. **Abandonment of Operations.** In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, as a consequence, the County or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.
  - 5. **Effective Period.** The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed, including any maintenance required.
  - 6. **Annual Adjustment.** The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the operator may not claim credit for reclamation scheduled for completion during the coming year.
  - 7. **Revisions.** Revisions to financial assurances shall be submitted to the Director each year prior to the anniversary date for approval of the financial assurances. Said revisions shall be forwarded to the State Department of Conservation for review in accordance with this Chapter. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain in written detail why revisions are not required.
- C. **Public Records.** Reclamation plans, reports, applications, and other documents submitted in compliance with this Chapter are public record, unless it can be demonstrated to the satisfaction of the lead agency that the release of the information, or part thereof, would reveal production, reserves, or rate of depletion, and title to protection as proprietary information. The review authority shall identify such proprietary information as a separate part of the application. Proprietary information

shall be made available only to the State Department of Conservation and to persons authorized in writing by the operator.

- D. **Documents Furnished to State.** A copy of all reclamation plans, reports, applications, and other documents submitted in compliance with this Chapter shall be furnished to the State Department of Conservation by the review authority upon request.
- E. **Succession of Interest.** Whenever one operator succeeds to the interest of another in any uncompleted surface mining operation by sale, assignment, transfer, conveyance, exchange, or other means, the successor shall be bound by the provisions of the approved Conditional Use Permit and/or reclamation plan and the provisions of this Chapter.
- F. **Appeals.** Any person shall have the right to appeal to the Board an act or determination of the Department or the Commission in the exercise of the authority granted in this Section, in compliance with Section 130.52.090 (Appeals) in Article 5 (Planning Permit Processing) of this Title.
- G. **Violations and Penalties.** If the Director determines, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, that a surface mining operation is not in compliance with this Chapter, an approved Conditional Use Permit, and/or approved reclamation plan, the County shall follow the procedures set forth in SMARA Sections 2774.1 and 2774.2 concerning violations and penalties, such as administrative fines, as well as procedures for revocation of the Conditional Use Permit (Section 130.54.090, Revocation or County Mandated Modification of a Permit) in Article 5 (Planning Permit Processing) of this Title, which is not preempted by SMARA.

### **130.29.110 Interim Management Plans**

- A. Within 90 days of a surface mining operation becoming idle, the operator shall submit to the Department a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA including, but not limited to, all Conditional Use Permit approval conditions and measures the operator will implement to maintain the site in a stable condition for public health and safety. The proposed IMP shall be submitted on forms provided by the Department, and shall be processed as an amendment to the reclamation plan. IMPs shall not be considered a project pursuant to CEQA.
- B. Financial assurances for idle operations shall be maintained as though the operation were active.

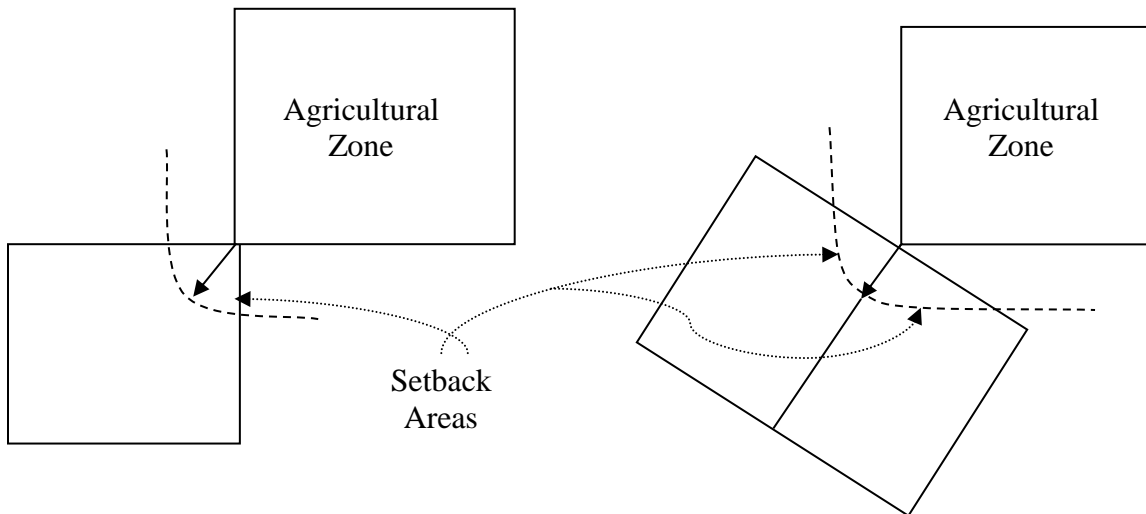
- C. Upon receipt of a complete proposed IMP, the Department shall forward the IMP to the State Department of Conservation for review. The IMP shall be submitted to the State Department of Conservation at least 30 days prior to approval by the Director.
- D. Within 60 days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Director and the operator, the Director shall review and approve or deny the IMP in accordance with this Section. The operator shall have 30 days, or a longer period mutually agreed upon by the operator and the Director, to submit a revised IMP. The Director shall approve or deny the revised IMP within 60 days of receipt.
- E. The IMP may remain in effect for a period not to exceed five years, at which time the Director may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in accordance with its approved reclamation plan.
- F. The approved Conditional Use Permit shall be considered active and not subject to Subsection 130.54.060.C (Permit Expiration) in Article 5 (Planning Permit Processing) of this Title on operations for which an IMP has been approved by the Director or submitted to the Director for review.

**130.29.120 Annual Report Requirements**

- A. Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the Department on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within 30 days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report.
- B. The Department shall arrange for an inspection of a surface mining operation within six months of receipt of the annual report to determine whether the surface mining operation is in compliance with the approved Conditional Use Permit conditions and/or reclamation plan, approved financial assurances, and State regulations. In no event shall less than one inspection be conducted in any calendar year. Said inspections may be made by a State-registered geologist, State-registered civil engineer, State-licensed landscape architect, or State-registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous 12 months, or by other qualified specialists, as selected by the Director. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.

1. The Department shall notify the State Department of Conservation within 30 days of completion of the inspection that said inspection has been conducted and shall forward a copy of said inspection notice and any supporting documentation to the mining operator.
2. The operator shall be solely responsible for the reasonable cost of such inspection, including the cost of persons under contract to the County to perform such inspections.
3. Failure by the operator to allow such required inspections by the Department or other responsible County agency shall constitute grounds for revocation of the Conditional Use Permit or termination of the vested mining activity.

**Figure 130.30.050.C Examples: Tangential Setbacks**



4. **Administrative Relief.** Administrative relief from the setback requirements established in Subsections E.1 through E.3 above in this Section may be granted by the Ag Commission or the Director under an Administrative Permit (Section 130.52.010, Administrative Permit, Relief, or Waiver) in Article 5 (Planning Permit Processing) of this Title in compliance with criteria set forth by resolution of the Board, as amended from time to time.

**F. Special Setbacks for Mineral Resource Protection.**

1. Notwithstanding any other provision of this Title, where incompatible uses, as defined in Article 8 (Glossary: see “Incompatible Uses: Mining”) of this Title, adjacent to lands located in the -MR Combining Zone, the following setbacks shall apply on those lots containing the incompatible use:
  - a. 250 feet on lots 10 acres or greater.
  - b. 150 feet on lots less than 10 acres in size.
2. The required setbacks in Subsection F.1 above in this Section, may be administratively reduced under an Administrative Permit, in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver) in Article 5 (Planning Permit Processing) of this Title by not more than 50 percent when the property owner affected by the setback has demonstrated to the Director that the mineral resource is at least 250 feet from the property line and mining activities are not likely to be carried on within 250 feet of the property line.

**Hunting/Fishing Club or Farm (Use Type).** Privately operated areas for the pursuit of fish and game species.

**Hunting/Fishing Club or Farm Facility (Use Type).** Privately operated areas and facilities for the pursuit of fish and game species that include day uses and overnight accommodations.

**Incompatible Uses.**

**Agricultural.** Those uses of land including, but not limited to, residential structures, nursing homes, schools, playgrounds, swimming pools, daycare centers, spas, ponds, and churches, which are apt to conflict with agricultural uses such as sprays, dust, odors, and noise. It also means those uses which are apt to cause conflict and threaten the viability of agricultural uses due to trespass, vandalism, theft, complaint, and dog-related problems. (See also Subsection 130.30.030.E: Special Setbacks for Agricultural and Timber Resource Protection, in Article 3: Site Planning and Project Design Standards, of this Title).

**Mining.** Uses that are inherently incompatible with mining or that require public or private investment in structures, land improvements, and landscaping and that may prevent or limit mining because of the greater economic value of the land and its improvements. It includes, but is not limited to, residential and commercial structures, schools, and playgrounds. (See also Subsection 130.30.030.F: Special Setbacks for Mineral Resource Protection, in Article 3: Site Planning and Project Design Standards, of this Title).

**Industrial:**

**General (Use Type).** Manufacturing, processing, assembling, or fabricating from raw materials to include any use involving an incinerator, blast furnace, or similar industrial process and any industrial process conducted wholly or partially outdoors. It includes, but is not limited to lumber mills; batch plants; truss manufacturing; co-generation plants; food and byproducts processing plants; and fabric, textile, and carpet mills.

**Specialized (Use Type).** Establishments engaged in activities that generate noise, vibration, odor, dust, or smoke that may extend beyond the confines of the property boundaries; that involve special safety or public health considerations; or that do not clearly fit within another industrial use classification. It includes, but is not limited to bulk storage of gasoline, propane, or other flammable fuel sources, and material recovery facilities.

**Intermodal Facility (Use Type).** Facilities to support the transportation of persons, such as bus and train stations.

**Junkyard.** See “Salvage and Wrecking Yard”

**Long Term Care Facility.** Facilities that provides 24 hour supervised care serving seven or more persons. Typical uses include skilled nursing facilities, and extended and intermediate care facilities licensed by the State Department of Health Services.

**Medical Office.** See “Offices: Medical”

**Mineral Exploration (Use Type).** Prospecting and exploratory activities for mineral resources where less than 1,000 cubic yards of material is disturbed.

**Mineral Production (Use Type).** The processing of mineral resources extracted on-site or off-site. Processing includes rock crushing, stockpiling, aggregate washing, screening and drying facilities, and wholesale or retail distribution of mineral products.

**Mining (Use Type).** The act or process of extracting resources, such as rock, sand, gravel, ores, coal, oil, clay, hydrocarbons, or mineral from the earth. The term also includes quarrying; excavating; drilling; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the mine site or as part of a mining activity. Mining excludes any activity associated with grading, excavation, or construction of public or private improvements. Mining does not include “recreational mining/prospecting” as defined below. Mining use types are divided into the following categories:

**Recreational Mining/Prospecting.** The extraction of minerals for personal recreation and the use of such devices as pans, rockers, and dredges with intakes eight inches in diameter or less.

**Subsurface Mining.** The act of mining operations that are conducted below the surface of the ground except for surface access, and vent and escape shafts.

**Surface Mining.** All, or any part of mining operations that involve the removal of overburden and mining directly from the mineral deposit, open-pit mining of naturally exposed mineral, mining by the auger method, dredging and quarrying, or surface work related to a subsurface mine. (See also Chapter 130.29: Mineral Resource (-MR) Combining Zone, Exploration, Mining, Reclamation, and Protection, in Article 2 (Zones, Allowed Uses, and Zoning Standards, in this Title).

**Mixed Use Development.** Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A "single site" may include contiguous properties, and shall include separate lots created for commercial and residential components. (See also Section 130.40.180: Mixed Use Development, in Article 4: Specific Use Regulations, of this Title).

**Mobile/Manufactured Home Park (Use Type).** Any site that is improved to accommodate two or more mobile or manufactured homes used for residential purposes, on which the underlying land is rented or leased. This term excludes a single-unit residential lot on which a mobile/manufactured home is placed either as a primary dwelling, secondary dwelling, or

The -PL overlay designation may also be applied to lands historically zoned with a commercial zone district combined with the Commercial (C) land use designation.

- A. Parcels within the -PL overlay designation shall not be permitted to subdivide to a size smaller than the minimum parcel size allowed by the base land use designation.
- B. -PL district boundaries shall not be modified to include additional parcels for the purpose of allowing subdivision of those additional parcels.

Policy 2.2.2.4

The purpose of the Ecological Preserve (-EP) overlay designation is to identify those properties in public or private ownership which have potential to be established or have been established as habitat preserve areas for rare or endangered plant and animal species and/or critical wildlife habitat and/or natural communities of high quality or of Statewide importance and/or Stream Environment Zones (SEZ) as established in the Tahoe Basin. Ecological preserves may be established by private contract and/or memoranda of understanding affecting interested public agencies.

- A. The Ecological Preserve overlay designation shall be combined with a basic land use designation that is appropriate for the area. The overlay will enable the land use densities or building intensities for a discretionary project to be transferred to other lands, clustered, or otherwise mitigated to maintain the Preserve.
- B. The implementation strategies for the designated Ecological Preserve overlay lands shall be developed and approved by the Board of Supervisors prior to the designation taking effect. Implementation strategies shall not change the base land use designation.
- C. Within the Tahoe Basin, the Ecological Preserve overlay shall apply to SEZ as established by Section 37.3 of the Tahoe Regional Planning Agency Code of Ordinances.

Policy 2.2.2.5

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Policy 2.2.2.7

The purpose of the Mineral Resource (-MR) overlay designation is to identify those areas that are designated as Mineral Resource Zone 2 (MRZ 2xx) on the State Classification Reports. The -MR overlay shall only be considered appropriate with the following base land use designations:

- Natural Resource (NR)
- Agricultural Land (AL)



- Open Space (OS)
- Industrial (I)
- Commercial (C)
- Public Facilities (PF)
- Rural Residential (RR)
- Low-Density Residential (LDR)

If appropriate, said properties shall also be similarly zoned with Mineral Resource (-MR) combining zone district in conformance with Policy 7.2.1.2.

Before authorizing any land uses within the -MR overlay zone that will threaten the potential to extract minerals in the affected area, the County shall prepare a statement specifying its reasons for considering approval of the proposed land use and shall provide for public and agency notice of such a statement consistent with the requirements of Public Resources Code section 2762. Furthermore, before finally approving any such proposed land use, the County shall balance the mineral values of the threatened mineral resource area against the economic, social, or other values associated with the proposed alternative land uses. Where the affected minerals are of regional significance, the County shall consider the importance of these minerals to their market region as a whole and not just their importance to the County. Where the affected minerals are of Statewide significance, the County shall consider the importance of these minerals to the State and Nation as a whole. The County may approve the alternative land use if it determines that the benefits of such uses outweigh the potential or certain loss of the affected mineral resources in the affected regional, Statewide, or national market.

Policy 2.2.2.8 The Important Biological Corridor (-IBC) overlay shall be as set forth in Policy 7.4.2.9. Where the -IBC Overlay is applied to lands that are also subject to the Agricultural District (-A) overlay or that are within the Agricultural Lands (AL) designation, the land use restrictions associated with the -IBC policies will not apply to the extent that the agricultural practices do not interfere with the purposes of the -IBC overlay.

### **OBJECTIVE 2.2.3: PLANNED DEVELOPMENTS**

**Provide for innovative planning and development techniques and further fulfill the Plan Strategy by encouraging balanced growth to better reflect the character and scale of the community in which it occurs while minimizing impacts on the surrounding areas, to provide more efficient utilization of land, and to allow for flexibility of development while providing for general public benefits.**

- Policy 7.1.2.2 Discretionary and ministerial projects that require earthwork and grading, including cut and fill for roads, shall be required to minimize erosion and sedimentation, conform to natural contours, maintain natural drainage patterns, minimize impervious surfaces, and maximize the retention of natural vegetation. Specific standards for minimizing erosion and sedimentation shall be incorporated into the Zoning Ordinance.
- Policy 7.1.2.3 Enforce Grading Ordinance provisions for erosion control on all development projects and adopt provisions for ongoing, applicant-funded monitoring of project grading.
- Policy 7.1.2.4 Cooperate with and encourage the activities of the three Resource Conservation Districts in identifying critical soil erosion problems and pursuing funding sources to resolve such problems.
- Policy 7.1.2.5 The Department of Transportation, in conjunction with the Resource Conservation Districts and Soil Conservation District, shall develop a road-side maintenance program to manage roads in a manner that maintains drainage and protects surface waters while reducing road-side weed problems.
- Policy 7.1.2.6 The County shall encourage the Soil Conservation Service to update the 1974 Soil Survey and to digitize all soils mapping units on the Geographic Information System (GIS).
- Policy 7.1.2.7 The County shall require agricultural grading activities that convert one acre or more of undisturbed vegetation to agricultural cropland to obtain an agricultural permit through the Agricultural Commissioner’s office which may require approval of the Agricultural Commission. All erosion control measures included in the agricultural permit would be implemented. All agricultural practices, including fuel reduction and fire protection, that do not change the natural contour of the land and that use “best management practices” as recommended by the County Agricultural Commission and adopted by the Board of Supervisors shall be exempt from this policy.

**CONSERVATION OF MINERAL RESOURCES**

**GOAL 7.2: MINERAL RESOURCES**

**Conservation of the County’s significant mineral deposits.**

**OBJECTIVE 7.2.1: IDENTIFY MINERAL RESOURCES**

**Identification of the County’s important mineral resources.**

Policy 7.2.1.1 In accordance with California Code of Regulations, Sections 3675-3676, the County shall maintain all Mineral Land Classification reports produced by the State Department of Conservation, California Geological Survey, which pertain to El Dorado County. El Dorado County hereby recognizes, accepts, and adopts by reference those State Classification Reports as they currently exist and as may be amended, or supplemented, in the future. These reports are as follows:

1. Kohler, S.L. 1983. Mineral Land Classification of the Georgetown 15' Quadrangle, El Dorado, and Placer Counties, California. Open File Report 83-35. Prepared for the California Department of Conservation.
2. Kohler, S.L. 1984. Mineral Land Classification of the Auburn 15' Quadrangle, El Dorado and Placer Counties, California. Open File Report 83-37. Prepared for the California Department of Conservation.
3. Loyd, R.C., T.P Anderson, and M.M Bushnell.1983. Mineral Land Classification of the Placerville 15' Quadrangle, El Dorado, and Amador Counties, California. Open File Report 83-29. Prepared for the California Department of Conservation.
4. Loyd, R.C. 1984. Mineral Land Classification of the Folsom 15' Quadrangle, Sacramento, El Dorado, Placer, and Amador Counties, California. Open File Report 84-50. Prepared for the California Department of Conservation.
5. Loyd, R.C., and S.L. Kohler. 1987. Mineral Land Classification of the Camino and Mokelumne Hill 15' Quadrangles, El Dorado, Amador, and Calaveras Counties, California. Open File Report 87-02. Prepared for the California Department of Conservation.
6. Busch, Lawrence L. 2001. Mineral Land Classification of El Dorado County, California. Open File Report 2000-03. Prepared for the California Department of Conservation.

Policy 7.2.1.2 Areas designated as Mineral Resource (-MR) overlay on the General Plan Land Use Map shall be identified by the Mineral Resource (-MR) combining zone district on the zoning maps when the likely extraction of the resource through surface mining methods will be compatible with adjacent land uses as determined by Policy 7.2.2.2.

Policy 7.2.1.3 The County shall utilize the most recent State Department of Conservation assessment of the location and value of non-metallic mineral materials. The County shall zone them and the surroundings to allow for mineral resource management.

## **OBJECTIVE 7.2.2: PROTECTION FROM DEVELOPMENT**

**Protection of important mineral resources from incompatible development.**

Policy 7.2.2.1 The minimum parcel size within, or adjacent to, areas subject to the -MR overlay shall be twenty (20) acres unless the applicant can demonstrate to the approving authority that there are no economically significant mineral deposits on or adjacent to the project site and that the proposed project will have no adverse effect on existing or potential mining operations. The minimum parcel size adjacent to active mining operations which are outside of the -MR overlay shall also be twenty (20) acres.

Policy 7.2.2.2 The General Plan designations, as shown on the General Plan land use maps, which are considered potentially compatible with surface mining shall include:

- Natural Resource (NR)
- Agricultural Land (AL)
- Open Space (OS)
- Industrial (I)
- Public Facilities (PF)
- Rural Residential (RR)
- Commercial (C)
- Low-Density Residential (LDR)

All other General Plan designations are determined to be incompatible for surface mining. Industrial uses shall be limited to those compatible with mineral exploration.

Policy 7.2.2.3 The County shall require that new nonmining land uses adjacent to existing mining operations be designed to provide a buffer sufficient to protect the mining operation between the new development and the mining operation(s).

**OBJECTIVE 7.2.3: ENVIRONMENTAL/LAND USE COMPATIBILITY**

**Regulation of extraction of mineral resources to ensure that environmental and land use compatibility issues are considered.**

Policy 7.2.3.1 The extraction of mineral resources within the County shall only be allowed following the approval of a special use permit and a reclamation plan conforming to the California Surface Mining and Reclamation Act (SMARA).

Policy 7.2.3.2 In analyzing the environmental effects of mining operations, the County shall consider, at a minimum, the following issues in granting a new permit:

- A. Natural vegetation and topography for buffering;
- B. Central location of processing equipment and equipment storage;
- C. Dust control;
- D. Circulation and construction standards for access roads;
- E. Erosion control;
- F. Revegetation and re-establishment of natural appearing features on the site following mining activities;
- G. Ultimate land use;
- H. Hours of operation;
- I. Night lighting;
- J. Security fencing;
- K. Noise impacts;
- L. Protection of water quality, sensitive wildlife habitat and/or sensitive plant communities; and
- M. Phased reclamation that proceeds concurrently with surface mining.

Policy 7.2.3.3 Existing development (commercial, residential, and public facilities), as well as undeveloped private lands, shall be protected from significant adverse environmental effects caused by mining through use permit conditions, mitigation measures, and the Noise Element standards.

Policy 7.2.3.4 Surface access to subsurface mining is conditionally permitted only in compatible General Plan designations as defined in these policies. However, vent and escape shafts are permitted in incompatible General Plan designations where surface disturbance is minimal.

Policy 7.2.3.5 The County shall require satisfactory forms of accessible security including irrevocable letters of credit, cash deposits, escrowed negotiable securities, or performance bonds for all mining projects to cover all damages which may stem from the projects and to make sure that all reclamation is carried out. These securities shall be reviewed annually to ensure that there are sufficient funds available to repair potential damage at current costs.

Policy 7.2.3.6 Time limits for special use permits for each project shall be established on a case-by-case basis. Time limits shall be based on the reasonably expected life of the mining operation and potential conflicts with future neighboring land uses. Each project shall have a periodic review for compliance with the use permit. In no case shall such review time period exceed five years. Said review shall be funded by the applicant.

- Policy 7.2.3.7 Exploration for economic mineral or ore deposits is permitted in compatible General Plan designations as defined in these policies. A special use permit shall be required if:
- A. Overburden or mineral deposits in excess of 1,000 cubic yards are disturbed; or
  - B. The operation in any one location disturbs one acre or more in size; or
  - C. De-watering will occur or water will be discharged from the site as a result of the operation.
- Policy 7.2.3.8 Exploration for economic mineral or ore deposits is permitted in incompatible General Plan designations, provided that:
- A. Methods of geological survey, geophysical, or geochemical prospecting are used; or
  - B. Bore holes and trial pits not exceeding 100 cubic yards of overburden or other mineral disturbance may be created; and
  - C. No explosives may be used; there may be no drifting or tunnelling; and de-watering or water discharge is not allowed.
- Policy 7.2.3.9 All exploratory operations shall require a reclamation plan and a bond to ensure its completion if:
- A. Overburden or mineral deposits in excess of 1,000 cubic yards are disturbed; or
  - B. The operation in any one location disturbs one acre or more in size.
- Policy 7.2.3.10 In those instances where a reclamation plan is not required, an erosion control plan shall be required for those operations in which over 50 cubic yards or more of overburden are disturbed.
- Policy 7.2.3.11 Recreational mining, which is the extraction of minerals for recreation on a seasonal basis and the use of such devices as pans, rockers, and dredges with intakes eight inches in diameter or less, shall not require a special use permit. However, certain Federal or State regulations and local building and sanitation regulations may apply.
- Policy 7.2.3.12 Except as provided for in Policy 2.2.2.7, zone changes removing the -MR Combining Zone District from the base zone district shall be considered by the County only when specific studies similar in nature to State Classification Reports prove that a significant mineral deposit no longer exists.

- Policy 7.2.3.13 Regardless of the General Plan designation, subsurface mining shall be conditionally permitted throughout the County. Said mining shall be allowed only after impacts to the environment and affected surface land uses have been adequately reviewed and found to be in compliance with CEQA. Of particular importance shall be the impact of the operation on surface land uses, water quantity and quality, and noise and vibration impacts associated with surface access. All other related impacts shall also be addressed.

## **CONSERVATION AND PROTECTION OF WATER RESOURCES**

### **GOAL 7.3: WATER QUALITY AND QUANTITY**

**Conserve, enhance, and manage water resources and protect their quality from degradation.**

#### **OBJECTIVE 7.3.1: WATER RESOURCE PROTECTION**

**Preserve and protect the supply and quality of the County's water resources including the protection of critical watersheds, riparian zones, and aquifers.**

- Policy 7.3.1.1 Encourage the use of Best Management Practices, as identified by the Soil Conservation Service, in watershed lands as a means to prevent erosion, siltation, and flooding.
- Policy 7.3.1.2 Establish water conservation programs that include both drought tolerant landscaping and efficient building design requirements as well as incentives for the conservation and wise use of water.
- Policy 7.3.1.3 The County shall develop the criteria and draft an ordinance to allow and encourage the use of domestic gray water for landscape irrigation purposes. (See Title 22 of the State Water Code and the Graywater Regulations of the Uniform Plumbing Code).

#### **OBJECTIVE 7.3.2: WATER QUALITY**

**Maintenance of and, where possible, improvement of the quality of underground and surface water.**

- Policy 7.3.2.1 Stream and lake embankments shall be protected from erosion, and streams and lakes shall be protected from excessive turbidity.
- Policy 7.3.2.2 Projects requiring a grading permit shall have an erosion control program approved, where necessary.

- Policy 7.6.1.3 The County shall implement Policy 7.6.1.1 through zoning regulations and the administration thereof. It is intended that certain districts and certain requirements in zoning regulations carry out the purposes set forth in Policy 7.6.1.1 as follows:
- A. The Open Space (OS) Zoning District is consistent with and shall implement the Open Space designation of the General Plan land use map and all other land use designations.
  - B. The Agricultural and Timberland Production zoning districts are consistent with Policy 7.6.1.1 and serve one or more of the purposes set forth therein.
  - C. Zoning regulations shall provide for setbacks from all flood plains, streams, lakes, rivers and canals to maintain Purposes A, B, C, and D set forth in Policy 7.6.1.1.
  - D. Zoning regulations shall provide for maintenance of permanent open space in residential, commercial, industrial, agricultural, and residential agricultural zone districts based on standards established in those provisions of the County Code. The regulations shall minimize impacts on wetlands, flood plains, streams, lakes, rivers, canals, and slopes in excess of 30 percent and shall maintain Purposes A, B, C, and D in Policy 7.6.1.1.
  - E. Landscaping requirements in zoning regulations shall provide for vegetative buffers between incompatible land uses in order to maintain Purpose E in Policy 7.6.1.1.
  - F. Zoning regulations shall provide for Mineral Resource Combining Zone Districts and/or other appropriate mineral zoning categories which shall be applied to lands found to contain important mineral deposits if development of the resource can occur in compliance with all other policies of the General Plan. Those regulations shall maintain Purposes A, B, C, D, and E of Policy 7.6.1.1.
- Policy 7.6.1.4 The creation of new open space areas, including Ecological Preserves, common areas of new subdivisions, and recreational areas, shall include wildfire safety planning.

## **IMPLEMENTATION PROGRAM**

### **MEASURE CO-A**

Review the Zoning Ordinance (Title 17 of the El Dorado County Code) to identify revisions that accomplish the following:

- A. Incorporate tree canopy coverage standards outlined in Policy 7.4.4.4;



**Light (duty) Rail Transit (LRT)** “Street cars” or “trolley cars” that typically operate entirely or substantially in mixed traffic and in non-exclusive, at-grade rights-of-way. Passengers typically board vehicles from the street level (as opposed to a platform that is level with the train) and the driver may collect fares. Vehicles are each electrically self-propelled and usually operate in one- and two-car trains.

**Liquefaction** A process by which water-saturated granular soils transform from a solid to a liquid state during strong ground shaking events.

**Local Agency Formation Commission (LAFCO)** A five- or seven-member commission within each county that reviews and evaluates all proposals for formation of special districts, incorporation of cities, annexation to special districts or cities, consolidation of districts, and merger of districts with cities. Each county’s LAFCO is empowered to approve, disapprove, or conditionally approve such proposals. The LAFCO members generally include two county supervisors, two city council members, and one member representing the general public. Some LAFCOs include two representatives of special districts.

**Lot of Record** A lot that is part of a recorded subdivision or a parcel of land that has been recorded at the County Recorder’s Office containing property tax records.

**Low-Income Household** A household with an annual income usually no greater than 80 percent of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.

**Manufactured Housing** Residential structures that are constructed entirely in the factory, and which since June 15, 1976, have been regulated by the federal Manufactured Home Construction and Safety Standards Act of 1974 under the administration of the U.S. Department of Housing and Urban Development (HUD). (See also “Mobile Home” and “Modular Unit”)

**Mass Transit** See “Transit, Public.”

**Maximum Allowable Density** The highest number of dwelling units per acre within a specific land use designation.

**Mello-Roos Bonds** Locally issued bonds that are repaid by a special tax imposed on property owners within a “community facilities” district established by a governmental entity. The bond proceeds can be used for public improvements and for a limited number of services.

**Microclimate** The climate of a small, distinct, and often somewhat restricted area, such as a small valley, an individual field, a city street, or a building courtyard; that can be favorably altered through functional landscaping, architecture, or other design features.

**Minerals** Any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum. Gold, sand, gravel, clay, crushed stone, limestone, diatomite, salt, borate, potash, etc. are examples of minerals.

**Mineral Resource Zone** Land on which known deposits of commercially viable mineral or aggregated deposits exist. This designation is applied to sites determined by the State Division of Mines and Geology as being a resource of regional significance, and is intended to help maintain the quarrying operations and protect them from encroachment of incompatible land uses.

**Mining** The act or process of extracting resources, such as coal, oil, or mineral from the earth. The term also includes quarrying; well operation; milling, such as crushing, screening, washing and floatation; and other preparation customarily done at the mine site or as part of a mining activity.

## Chapter 130.14

### MISCELLANEOUS DEVELOPMENT REQUIREMENTS

#### Sections:

#### I. GENERALLY

- 130.14.010 Future right-of-way line use.
- 130.14.020 Front setback reduction for slope.
- 130.14.030 Setback variation for private garage.
- 130.14.040 Setback along developed roads.
- 130.14.050 Encroachment into required yards.
- 130.14.060 Stables.
- 130.14.070 Public utility distribution, transmission lines and/or facilities.
- 130.14.080 Leasing motorcycles.
- 130.14.085 Lot line adjustments.
- 130.14.090 Interior lot lines.
- 130.14.095 Mineral resource development.
- 130.14.100 Waste water treatment plans.
- 130.14.110 Parcel size exception - Parcels conveyed to government agency.
- 130.14.120 Parcel size exception.
- 130.14.130 Architectural supervision.
- 130.14.140 Zoning permits.
- 130.14.150 Height limits and exceptions.
- 130.14.160 Recycling collection facilities.
- 130.14.170 Outdoor lighting
- 130.14.180 Cellular communications facilities.
- 130.14.190 Ranch marketing.
- 130.14.200 Wineries.
- 130.14.210 Communication facilities, wireless.
- 130.14.220 Bed and breakfast inns.
- 130.14.230 Mixed-use development.
- 130.14.240 Wind energy conversion systems.
- 130.14.250 Medical marijuana distribution facilities.
- 130.14.260 Outdoor cultivation of medical marijuana.

#### I. GENERALLY

130.14.010 Future right-of-way line use. Where the board of supervisors has adopted an official map establishing the future right-of-way of a street or highway, the minimum yard or building setback line shall be measured from the future right-of-way line. (Prior code §9430(b))

130.14.020 Front setback reduction for slope. Where the average slope of the front half of any building site is over one foot rise or drop in four feet, the required distance between the main building and the property line at the highway or county road may be reduced by fifty percent. (Prior code §9430(c))

130.14.030 Setback variation for private garage. Where the elevation at the required building line is more than six feet above or below the street elevation at the edge of the roadway, the required distance between a single story private garage and the property line may be reduced by up to fifty percent. (Prior code §9430(d))

130.14.040 Setback along developed roads. Where more than twenty-five percent of the building sites along any road have been improved, the required distance between any building and the property line at the highway and the county road shall be the average of the improved building sites but not more than that set forth in this article for the district in which the building site is located. (Prior code §9430(f))

130.14.050 Encroachment into required yards.

- A. Uncovered and unenclosed patios or terraces, cornices, canopies, eaves, bay windows (which do not qualify as habitable area under the Uniform Building Code), attached heating and air conditioning equipment or similar architectural features may extend into any required yard by not more than fifty percent (50%) of the required width or depth.
- B. Front yards may have the following encroachments:
  - 1. Solid fences and walls not exceeding 40 inches in height;
  - 2. Fences which are 50 percent open or more, not exceeding seven feet in height;
  - 3. Other structures not exceeding 30 inches in height.
  - 4. Bear Resistant Garbage Can Containers shown on the “Approved Bear Resistant Garbage Can Enclosures” list maintained by Environmental Management Department, not exceeding 62 inches in height. A minimum setback of 10 feet from the road shall be provided to be measured from the edge of the curb-face or pavement if no curbing exists. In no event shall a container be placed within the road right-of-way or easement. On corner lots, containers shall not be located within a triangular area at the intersection, measured 25 feet along the lot line extending from the lot corner as noted in the exhibit shown in Section 130.14.155.A.3. In no event shall a container be placed within 25 feet of any road intersection. (Ord. 4614, 2002)
- C. Additional yard encroachments and/or minimum setbacks may occur for uses specified as follows as long as there is no encroachment into utility easements;

Swimming Pools (below ground)

Front: Setback required by zone district

Side: 5 feet minimum

Rear: 5 feet minimum

Propane Tanks

Front: Setback required by zone district

Side: 10 feet, or as required by Uniform Fire Code

Rear: 10 feet, or as required by Uniform Fire Code

Portable Sheds (less than 120 square feet)

- Front: Setback required by zone district
- Side: 5 feet minimum
- Rear: 5 feet minimum

Chimneys

- Front: Encroach not more than 3 feet into yard
  - Side: Encroach not more than 3 feet into required yard, but in no situation shall the yard be less than 3 feet.
  - Rear: Encroach not more than 3 feet into required yard.
- (Ord. 4236, 1992)

130.14.060 Stables. Stables shall be located at least thirty feet from any building used for residential purposes on the same or adjoining building site, in any district, and at least twenty-five feet from any property line. No horse shall be kept on a building site of less than one acre in any district. (Ord. 3159 §1, 1981: Prior code §9430(h))

130.14.070 Public utility distribution, transmission lines and/or facilities. Public utility distribution, transmission lines and/or facilities, both overhead and underground shall be allowed in all except AA zone districts; provided, that the routes and site locations of the proposed transmission lines and/or facilities shall be submitted to the planning commission or the zoning administrator for site plan review or special use permit during the preliminary planning stages and prior to the adoption of the routes and site locations(s) or acquisition of right-of-way therefore.

- A. Public utility distribution, transmission lines, and/or facilities shall for the purposes of this section, mean:
  - 1. Public utility towers and/or structures supporting power lines of fifty thousand volts potential and over,
  - 2. Trunk telephone lines, supporting structures and saucers,
  - 3. Sewer and water lines twelve inches or more inside diameter,
  - 4. Natural gas pipe six inches or more inside diameter,
  - 5. Sewer and water lift stations, telephone equipment buildings, and natural gas storage and distribution facilities;
- B. Public utility distribution, transmission lines and/or facilities as described above are permitted by right without planning commission or zoning administrator review when said facilities do not exceed fifteen feet more than the height limitation of the zone district and setbacks of the zone district, and do not create potential safety and health hazards to adjacent property owners, present or future.
  - 1. Notwithstanding, in all cases where construction is proposed in an AA zone district, site plan review and approval is required.
- C. Site plan review required:
  - 1. All cases where the public utility distribution transmission lines and/or facilities exceed height limitations of the zone district as set forth in subsection B of this section and less than one hundred fifty feet in height or do not comply with setback requirements, shall be subject to site plan approval before the planning commission or zoning administrator.

2. Notice of the site plan review hearing shall be provided to all property owners within five hundred feet of the proposed location. Said notice shall be provided ten days prior to the scheduled hearing.
- D. Special use permit required:
1. All cases where the construction of the public utility distribution transmission lines and/or facilities creates, as determined by the planning commission or zoning administrator, potential safety or health hazard to adjacent property owners, present or future, shall require a special use permit;
  2. All cases where the construction of the public utility distribution, supporting structures and/or facilities exceed one hundred fifty feet in height shall require a special use permit;
  3. The foregoing shall apply within the limitations of state and federal law preemption. (Ord. 3471 §2, 1984)

130.14.080 Leasing motorcycles. It is unlawful for any person to lease a motorcycle in any zoning district in the county without having a valid unexpired and unrevoked special use permit therefore issued by the county planning commission. For the purpose of this section, "motorcycle" means any motor vehicle, other than a tractor, having a seat or saddle for the use of the rider, and designed to travel on not more than three wheels in contact with the ground, and weighing less than one thousand five hundred pounds, including any motordriven cycle, motor scooter and bicycle with a motor attached thereto. For the purpose of this section, "lease" means any oral or written agreement, lease or bailment by which the owner of a motorcycle permits another to use it for any period less than one year for compensation. (Prior code §9430(m))

130.14.085 Lot Line Adjustments. The requirements under this section are located under Chapter 120.53 of the El Dorado County Subdivisions Ordinance. (Ord. 4810 §2, 2009)

130.14.090 Interior lot lines. In all districts allowing hotels, motels, multifamily, industrial or commercial structures by right they may be built across interior lot lines of lots under common ownership; provided, that all structures so erected shall be so constructed as to have at least one bearing wall a distance of not less than one foot beyond the normal setback requirements for the zone or six feet beyond interior lot, whichever is the greater distance. (Prior code §9430(n))

130.14.095 Mineral resource development.

- A. Policy. It is the policy of the county that land use conflicts between rural and rural-residential uses and mining uses must be minimized by the creation of adequate buffer zones between such potentially conflicting land uses. Furthermore, it is essential to the county to preserve the rural- residential and residential character of the county and that mining and exploration for mining be allowed to proceed only with adequate buffering between mining and residential uses. It is a further policy of the county that managing these conflicting land uses will aid in deterring adverse environmental impacts, including, but not limited to, wildlife, groundwater, flora, fauna, traffic, dust, air quality, and adverse impacts on public health, safety and welfare and will result in mutual benefit to both future mining and residential land uses.
- B. Implementation. In addition to any other requirements set forth in any applicable zoning district, all projects for any kind of open pit mining or strip mining for purposes of exploration or extraction which require the removal of overburden in a total amount of more

than one thousand cubic yards on any parcel shall require issuance of a special use permit. However, prior to issuing the special use permit, in addition to any other necessary findings, the approving authority (board of supervisors or planning commission) shall make the finding that all boundaries of the proposed project for open pit mining or strip mining shall be greater than a linear distance of ten thousand feet from any existing residential use, hospital use, church use or school use, including, but not limited to, nursery or day care uses or any residential, hospital, church or school use as designated in the El Dorado County general plan or any community or specific plan, or as permitted by the zoning code of El Dorado County. This finding shall not apply to a single-family detached dwelling located on the parcel for which the special use permit is sought.

- C. Exception. An exception to this section shall be granted only under limited circumstances after a properly noticed public hearing to all land owners within ten thousand feet of the proposed project boundaries and upon findings by the planning commission or board of supervisors on the basis of substantial evidence in the record that: (1) the proposed project will not have any adverse impact on the environment or upon public health, safety and/or welfare; and that (2) the project will not discourage residential use (if so designated in the El Dorado County general plan or any community or specific plans or as permitted by the zoning code of El Dorado County) within ten thousand feet of the project boundaries.
- D. Incorporation of These Policies into the General Plan Text and Maps. Upon passage of the ordinance codified in this section, the county shall amend the general plan and general plan maps to incorporate and conform to the provisions of this section.
- E. Implementation and Consistency. Upon passage of the ordinance codified herein, the general plan and the county zoning code shall be interpreted so as to give effect to the provisions of this section. The provisions of this section shall prevail over any revisions to the general plan and any specific plans. Any amendments to the general plan and the county zoning ordinance made subsequent to the passage of the ordinance codified in this section, shall be consistent with the provisions of this section.
- F. This section may be amended or repealed only by a majority of the voters of El Dorado County.
- G. If any portion of this section is declared invalid, the remaining portions are to be considered valid. (Initiative Ord. adopted 11/20/84)

#### 130.14.100 Waste water treatment plans.

- A. Any zoning proposal that is to be served by a public water and sewer entity shall be exempt from the requirements of this section. The following criteria shall be applied to residential zoning or the equivalent. Industrial and commercial zonings shall be assessed upon an individual basis using criteria established by the county health department.
- B. Sufficient information shall be submitted to permit the assessment and feasibility of waste water discharge concurrently with the filing of any petition to change zoning boundaries allowing the minimum residential parcel size of two acres or less. Local conditions as determined by the planning director may require the submission of this information upon a parcel or parcels in excess of two acres. This provision includes but is not limited to R1, R1A, R2A, R20,000, MP, R2, RM, RT and U, and all commercial/industrial zones, regardless of proposed parcel acreage, if public water and sewer are not available. The information required shall be submitted in the form of maps, text or such a combination of both as is necessary to satisfy the requirements as determined by the planning and health departments. (Prior code §9430(o))

## Chapter 130.46

### MINERAL RESOURCE (MR) DISTRICTS

#### Sections:

- 130.46.010 Purpose.
- 130.46.020 Applicability.
- 130.46.030 Uses permitted by right.
- 130.46.040 Uses requiring special use permit.
- 130.46.050 Development standards.

130.46.010 Purpose. The purpose of the MR districts is to provide for the orderly development and protection of lands containing mineral resources and to provide for the protection from encroachment of unrelated and incompatible land uses tending to have adverse effects on the development or use of these so designated lands. (Prior code §9437(a))

130.46.020 Applicability. All lands contained within mineral resource districts (MR) shall be subject to the regulations of this chapter as well as the provisions of Chapters 8.36, 130.14, 130.16 and 130.18. (Prior code §9437(b))

130.46.030 Uses permitted by right. The following uses are allowed by right, without special use permit:

- A. One single-family detached dwelling:
  - 1. Accessory uses and structures including, but not limited to, garage, swimming pool, pumphouse, boathouse,
  - 2. The renting of one room within the dwelling,
  - 3. One guest house, not for rent or lease, and not to an existing dwelling. No guest house shall contain kitchen facilities;
- B. Home occupations such as accountant, advisor, appraiser, architect, artist, attorney, author, broker, dressmaker, draftsman, dentist, engineer, handicrafts, insurance, photographer, physician, therapist, musician, teacher and other similar occupations conducted on the premises or by mail or telephone where the activities do not create a traffic problem; provided, that instruction is not given to groups in excess of four and concerts or recitals are not held, and no display of goods is visible from the outside of the property; such use must be carried on in the residence and be incidental to the residential use of the premises and be carried on by a resident thereon;
- C. Two unlighted signs in view of the public roadway, not exceeding twelve square feet of display area on any one sign, and not more than twenty-four square feet total display area, and not more than twelve feet above ground level, advertising authorized agriculture activities on the premises;

- D. Prospecting for, and the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than one thousand cubic yards on any parcel where the excavation will not create significant erosion and/or pollution;
- E. Raising and grazing of livestock and other domestic animals;
- F. Growing and harvesting of trees, fruits, vegetables, flowers, grains and other crops;
- G. Packing and processing of agricultural products produced on the premises without changing the nature of the products;
- H. Sale on the premises of products produced thereon;
- I. Any structure or use incidental or accessory to any of the foregoing uses, including the drilling of water wells. (Ord. 3606 §58, 1986; Ord. 3364 §39, 1983; prior code §9437(c))

130.46.040 Uses requiring special use permit. The following uses are allowed only after obtaining a special use permit therefor from the planning commission:

- A. Mining, quarrying, excavating, concentrating, exploring, drilling, processing and stockpiling of rock, sand, gravel, decomposed granite, lignite, coal, clay, gypsum, limestone, metallic ores, nonmetallic ores, hydrocarbons and similar materials, and the reclamation of resultant excavations with inert materials in accordance with recognized standards and requirements of public agencies responsible for public health, fire, safety and the protection of water resources;
- B. Exploring, drilling, storing and transporting of gas, oil and other hydrocarbons;
- C. Using wells, pumps, compressors, condensate separators, pipelines, field storage tanks, refineries and their related facilities necessary to production and transportation of oil, gas and other hydrocarbons and their products;
- D. Constructing and using rock crushing plants, aggregate washing, screening and drying facilities and equipment, and concrete batching plants;
- E. Constructing and using ore reduction plants and plants for processing and manufacturing of mineral-related products;
- F. Retail and wholesale distributing of materials produced on site and accessory uses including:
  - 1. Garaging and/or parking of trucks and equipment in present use in the operation,
  - 2. Storage of materials and machinery in present use in the operation,
  - 3. Scales and weighing equipment,
  - 4. Offices and maintenance shop structures,
  - 5. Residences for caretakers or watchpersons and their families; provided, that there shall be no more than one residence per forty acres or one residence per preexisting parcel of less than forty acres;
- G. The packing and processing of agricultural or wood products and the necessary buildings and structures required therefor where the nature of the product is changed;
- H. The commercial slaughtering of animals;
- I. The deposition onto land, into the atmosphere, or into water, of solid waste as defined by Public Resources Code Section 40191, as from time to time amended, or the operation of a solid waste facility as defined by Public Resources Code Section 40194, as from time to time amended, or the operation of a load screening program as required by applicable state law, or the operation of a household hazardous waste collection program as required by applicable state law;
- J. The construction of fire stations and public utility buildings;
- K. Other sign sizes and applicable general provisions as itemized in Chapters 130.14, 130.16 and 130.18. (Ord. 4169 §3, 1991: prior code §9437(d))



130.46.050 Development standards. The following area and building provisions shall apply unless a variance is obtained from the planning commission:

- A. Minimum parcel size:
  - 1. The minimum size for parcels to be included in the MR zone is ten acres, with the exception of patented and/or historical mines for which there is not minimum,
  - 2. The minimum size for parcels to be created in the MR zone is ten acres;
- B. Minimum lot width, three hundred thirty feet;
- C. Minimum yard setbacks:
  - 1. Residential uses, front and rear yards, sixty feet (60'); side yards, thirty feet (30'), except the side yard shall be increased one foot for each additional foot of building height in excess of twenty-five feet (25'). (Ord. 4236, 1992)
  - 2. Mining and agricultural structural uses, fifty feet on all yards,
  - 3. Setbacks shall be a minimum of twenty-five feet from the public road right-of-way and ten feet from the side and rear property lines in which no disturbance of existing terrain shall occur;
- D. Height limitation, buildings and structures shall not exceed thirty-five feet (35') in height from the ground floor except that water tanks, head frames and mill buildings, silos, granaries, barns and similar structures or necessary mechanical appurtenances may exceed thirty-five (35') feet in height; provided they do not violate the height regulations imposed by any AA airport approach districts; (Ord. 4236, 1992)
- E. Maximum building coverage, none;
- F. Minimum dwelling unit size, six hundred square feet. (Prior code §9437(e))