BUTTE COUNTY PLANNING COMMISSION
AGENDA

October 23, 2014

TIME: 9:00 a.m.
PLACE: Board of Supervisors' Room
County Administration Center
25 County Center Drive
Oroville, CA 95965

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL - Commissioners Donati, Kennedy, White, Wilson and Chair Nelson.

III. ACCEPTANCE OF AGENDA - Commission members and staff may request additions, deletions or changes in the Agenda order.

IV. BUSINESS FROM THE FLOOR ON ITEMS NOT ALREADY ON THE AGENDA
(Presentations will be limited to five minutes. The Planning Commission is prohibited by State Law from taking action on any item presented if it is not listed on the Agenda).

V. PUBLIC HEARINGS/TIME CERTAIN ITEMS - The Chair will call for a presentation of the report of staff. The hearing or time certain item will then be opened to the public for proponents, opponents, comments and rebuttals. The hearing will be then be closed to the public and discussion confined to the members of the Planning Commission and staff. The Commission will then make a motion and vote on the item. It is requested that individual public comments be addressed to the Chair and limited to a maximum of 5 minutes so that all interested parties will have an opportunity to address the Commission. Following your presentation, please print your name and address on the speakers sheet so that the record will be accurate.

A. Amendments to Butte County Code Chapter 24., Zoning Ordinance, to Ban Hydraulic Fracturing

Name: Zoning Code Amendment ZCA14-0002 (Butte County)
Planner: Stacey Jolliffe, Principal Planner
Location: Applies to all of unincorporated Butte County
Proposal: Consideration of a Proposed Ordinance Amending Chapter 24, Zoning, to Prohibit Well Stimulation Treatment (Fracking*)

1) **Article 4 Agriculture Zones.** Table 24-13-1 of section 24-13 entitled ‘Land Use Regulations for Agricultural Zones’ is amended to add “Oil and Gas Extraction, Well Stimulation Treatment.” The land use table does not allow the use in the Agriculture zones and references supplemental use regulations in section 24-167.1

2) **Article 5. Natural Resource Zones.** Section Table 24-16-1 of section 24-16 entitled ‘Land Use Regulations for Natural Resource Zones’ is amended to add “Oil and Gas Extraction, Well Stimulation Treatment.” The land use table does not allow this use in Natural Resource zones and references supplemental use regulations in section 24-167.1

3) **Article 6. Residential Zones.** Section Table 24-19-1 of section 24-19 entitled ‘Land Use Regulations for Residential Zones’ is amended to add “Oil and Gas Extraction, Well Stimulation Treatment.” The land use table does not allow this use in Residential zones and references supplemental use regulations in section 24-167.1

4) **Article 7. Commercial Zones.** Section Table 24-22-1 of section 24-22 entitled ‘Land Use Regulations for Commercial Zones’ is amended to add “Oil and Gas Extraction, Well Stimulation Treatment.” The land use table does not allow this use in Commercial zones and references supplemental use regulations in section 24-167.1

5) **Article 8. Industrial Zones.** Section Table 24-26-1 of section 24-26 entitled ‘Land Use Regulations for Industrial Zones’ is amended to add “Oil and Gas Extraction, Well Stimulation Treatment.” The land use table does not allow this use in Industrial zones and references supplemental use regulations in section 24-167.1

6) **Article 9. Special Purpose Zones.** Section Table 24-28-1 of section 24-28 entitled ‘Land Use Regulations for Special Purpose Zones’ is amended to add “Oil and Gas Extraction, Well Stimulation Treatment.” The land use table does not allow this use in Special Purpose zones and references supplemental use regulations in section 24-167.1

7) **Article 25. Supplemental Use Regulations.** Section 24-167.1 Oil and Gas Extraction – Well Stimulation Treatments Prohibited is added to the Zoning Ordinance including Section 24-167.1C Prohibited Uses: “Well stimulation treatment, including but not limited to hydraulic fracturing and acidizing, are not permitted methods oil and gas extraction in Butte County. In addition, no well stimulation byproducts of any form or of any nature may be stored in, or disposed of in, the boundaries of Butte County.”

8) **Article 42 Glossary, Section 24-304** is amended to add definitions of “Acidizing,” “Hydraulic Fracturing,” and “Well Stimulation Treatment.”

9) **Other amendments** of a minor nature relating to corrections and clarifications, including minor modifications to the Purpose sections of affected zones.

**Staff Recommendations:** Staff recommends that the Planning Commission recommend to the Board of Supervisors the approval of amendments to Butte County Code Chapter 24, Zoning Ordinance

**VI. GENERAL BUSINESS -** This section of the agenda is to be utilized by the Planning Commission and Director of Development Services on items of interest, general discussion, or items for which staff have been directed to do research and bring back to the Commission. Items may not always be addressed at every hearing, but will always be listed as part of the agenda.

**A. Directors’ Report**
• Report on Zoning Administrator Activity

B. General Plan Follow-up and Implementation Program

C. Update on Recent Board of Supervisors’ Actions

D. Legislative Case Law Update

E. Planning Commission Concerns

VII. COMMUNICATIONS - Communications received and referred. (Copies of all communications are available in the Planning Division Office.)

VIII. MINUTES
None

IX. ADJOURNMENT

• Items will be heard in the order listed on the agenda unless the Planning Commission rearranges the order of the agenda or the item is to be continued.

• Applicants/Agents are expected to be present to represent their items when they come up on the agenda. In the absence of representation, the Planning Commission will decide whether to act on the item or continue it to a future date.

• Any questions pertaining to individual projects should be directed to the designated planner.

• In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this hearing, please contact Development Services at (530) 538-6571 at least 72 hours prior to the hearing.

• Conduct of Public Hearings – the public is encouraged to participate in the hearing process. An agenda item is first introduced by the Chair and then presented by a staff member. The Administrator then opens the public hearing and provides an opportunity for the proponent to address the item. Following the proponents statement, if any, the Zoning Administrator will invite any other interested party in support of the item to address the matter. Following the testimony of the proponent and supporters, opponents are given an opportunity to present testimony regarding the item. After the opponents have completed testifying, the proponent is given time to offer rebuttal. At the conclusion of testimony, the Administrator will close the hearing.

• In the interest of everyone concerned, we request that you do not repeat what has already been discussed by someone prior to your turn. After a speaker has presented his/her views, if you are in agreement and wish to go on record, state your name and address and acknowledge your agreement with the speaker. This will enter your name into the record. Please limit presentations to a maximum of 3 minutes or other time limit as determined by the Planning Commission so that all interested parties will have opportunity to speak. Following your presentation, please print your name and address on the speaker's sheet, in order to obtain correct spelling and maintain accurate records.

• Any person or persons dissatisfied with a Planning Commission decision may appeal that decision to the Planning Commission within 10 calendar days along with a fee of $400 filed with Development Services (unless otherwise noted in the agenda item). In accordance with Government Code 65009, if any person(s) challenges the action of the Zoning Administrator, said person(s) may be limited to raising only those issues that were raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Administrator at, or prior to, the public hearing.

• Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Development Services Department at 7 County Center Drive, Oroville, CA 95965 from 8:00 a.m. to 3:00 pm.

• Meetings are recorded and the audio file will be placed on the Department website: www.buttecounty.net/dds