

**BUTTE COUNTY PLANNING COMMISSION
AGENDA REPORT – FEBRUARY 22, 2007**

Applicant:	Baldwin Contracting Company (Rene Vercruyssen, representative)	Location:	The Project is located on a portion of the M&T Chico Ranch, approximately 1.5 miles east of the Sacramento River, and approximately 5 miles southwest of the City of Chico.
Owner:	Pacific Realty		
File #:	MIN 96-03	Parcel Size:	Lease Area: 627 acres Project Site: 235 acres Mined Area: 193 acres Equipment Area: 40 acres Topsoil Stockpile: 2 acres
Request:	Certification of Environmental Impact Report; adoption of a Mitigation and Monitoring Program; approval of a Use Permit and Reclamation Plan; approval of Financial Assurances Cost Estimate; and adoption of Statement of Overriding Considerations for a 193-acre long-term off-channel mining operation to extract high quality construction aggregate over an estimated 20-30 year period.	Supervisor District:	1
General Plan:	Orchard and Field Crops	Planner:	Pete Calarco Assistant Director Dan Breedon, AICP Principal Planner
Zoning:	A-40 (Agricultural, 40 acre minimum parcel size)	Attachments:	A: Resolution Certifying the Final EIR, and Adopting Mitigation Monitoring and Reporting Program B: Resolution Approving Use Permit, Reclamation Plan and Financial Assurances Cost Estimate, Adopting a Statement of Overriding Considerations, and Approving Conditions of Approval
APN:	039-530-015 & 018		

RECOMMENDATION

1. Adopt the attached resolution (1) certifying the Final Environmental Impact Report (EIR) as consistent with the requirements of the California Environmental Quality Act (CEQA) and (2) adopting a Mitigation Monitoring and Reporting Program.
2. Adopt the attached resolution (1) approving the Mining Permit 96-03, Reclamation Plan, and Financial Assurances Cost Estimate, (2) adopting a Statement of Overriding Considerations, and (3) adopting Conditions of Approval.

SUMMARY

The Planning Commission has held public hearings to consider the application for the M&T Chico Ranch Mine ("Project") on October 23, 2003, January 22, 2004, March 11, 2004, April 8, 2004, August 26, 2004, November 30, 2006, December 14, 2006, and January 25, 2007.

On January 25, 2007, the Planning Commission voted 3-2 to adopt a motion of intent to: (1) adopt a resolution certifying the Final EIR and adopting the Mitigation Monitoring and Reporting Program; and (2) adopt a resolution approving Mining Permit 96-03, the Reclamation Plan, and the Financial Assurances Cost Estimate, adopting a Statement of Overriding Considerations, and approving Conditions of Approval.

Staff requested a continuance to the February 22, 2007 hearing date to prepare the necessary findings. Attachments A and B with exhibits are included at the direction of the Planning Commission with the motion of intent from the January 25, 2007 hearing.

The Planning Commission's decision on the Final EIR and the project are subject to a ten-day appeal period. The end of the appeal period is 5:00 p.m. on March 5, 2007 with the Clerk of the Board at 25 County Center Drive, Oroville, CA 95965. Appeals are to be filed in writing with a \$50 appeal fee. If an appeal is filed, a public hearing will be scheduled before the County Board of Supervisors.

ATTACHMENTS

- Attachment A:** Resolution Certifying the Final EIR, and adopting a Mitigation Monitoring and Reporting Plan for the M&T Chico Ranch Mine.
- **Exhibit 1** – Environmental Impacts/Findings of Fact (Table)
 - **Exhibit 2** – Mitigation Monitoring and Reporting Program

Attachment B: Resolution approving Mining Use Permit (MIN 96-03), Reclamation Plan, and Financial Assurances Cost Estimate, adopting a Statement of Overriding Considerations, and approving Conditions of Approval for the M&T Chico Ranch Mine.

- **Exhibit 1** – Financial Assurances Cost Estimate Worksheet.
- **Exhibit 2** – Statement of Overriding Considerations
- **Exhibit 3** – Conditions of Approval