

**BUTTE COUNTY PLANNING COMMISSION  
AGENDA REPORT – December 14, 2006**

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<b>Applicant:</b>	Baldwin Contracting Company (Rene Vercruyssen, representative)		
<b>Owner:</b>	Pacific Realty		
<b>File #:</b>	MIN 96-03	<b>Parcel Size:</b>	Lease Area: 627 acres Project Site: 235 acres Mined Area: 193 acres Equipment Area: 40 acres Topsoil Stockpile: 2 acres
<b>General Plan:</b>	Orchard and Field Crops	<b>Supervisor District:</b>	1
<b>Zoning:</b>	A-40 (Agricultural, 40-acre parcel)	<b>Planners:</b>	Pete Calarco Assistant Director Dan Breedon, AICP Principal Planner
<b>APN:</b>	039-530-019 & 020	<b>Attachments:</b>	<b>A</b> Resolution Certifying EIR Exhibit 1 – Findings of Fact Exhibit 2 – Mitigation Monitoring Plan  <b>B</b> Resolution Approving Mining Use Permit, Reclamation Plan and Financial Assurance Exhibit 1 - Statement of Overriding Considerations Exhibit 2 – Conditions of Approval

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**RECOMMENDATION**

1. Adopt the attached resolution certifying the Final Environmental Impact Report (EIR) as consistent with the requirements of the California Environmental Quality Act (CEQA) including the Findings of Fact and Mitigation Monitoring Plan.
2. Adopt the attached resolution approving the Mining Permit 96-03 including the reclamation plan, financial assurance cost estimate and a statement of

overriding considerations

## **SUMMARY**

This application was continued from the November 30, 2006 Planning Commission meeting after receipt of public testimony. Areas of concern in the public testimony provided at the November 30, 2006 meeting are summarized as follows:

1. Potential flooding impacts to surrounding properties related both to diversion/displacement of flood waters from Little Chico Creek and the Sacramento River and to potential deposit of sediments and materials of downstream properties.
2. Impacts of increased truck traffic on local and arterial roads, road maintenance, and traffic safety.
3. Impacts of the project to surrounding agricultural and wildlife habitat uses, including direct and cumulative economic impacts, and impacts to existing agricultural practices.
4. Consistency of the proposed project with the Butte County General Plan, including the Agricultural Element, and other regional plans.
5. Adequacy of the Final EIR's responses to proposed Williamson Act cancellation and the consistency of the proposed project with the Williamson Act itself.
6. Adequacy of the Draft and Final EIR in characterizing the environmental setting, including the use of the Llano Seco Ranch.
7. Adequacy of the Final EIR in addressing impacts to mosquitoes and their abatement as a result of the proposed project.

## **ANALYSIS**

The Planning Commission Agenda Report of November 30, 2006 provided an outline of the review process for the M & T Chico Ranch Mining Project, including the Final EIR, Mining Use Permit, and Reclamation Plan. At the November 30 meeting, public testimony was received on a variety of issues relating to both the adequacy of the Final EIR, including responses to comments received, and the proposed Mining Use Permit and Reclamation Plan. At the conclusion of public testimony, the Commission continued the public hearing open in order to allow staff to provide responses to the information received, and for further deliberations.

At the December 14, 2006 meeting, County staff and the County's consultant team will provide responses to issues raised on November 30, 2006. Overall, staff believes most of the public and Commission comments at the November 30<sup>th</sup> hearing have been addressed in the Final EIR and its responses to comments. The applicant will also refer your Commission to where these impacts have previously been addressed in the record, including the Final EIR and response to comments. As your Commission continued the public hearing as an open item, additional public testimony may be offered.

If outstanding issues pertaining to the Final EIR are addressed to the satisfaction of the Planning Commission, certification of the Final EIR, including the findings of fact and adoption of the Mitigation Monitoring Plan can be considered.

As discussed in the November 30, 2006 Planning Commission Agenda Report, after the Final EIR is certified, CEQA requires the Planning Commission to balance the economic, legal, social, technological or other benefits of the proposed project against its unavoidable environmental risks in considering its approval. A list of key project benefits was included in the November 30 Report. If the project is approved, the Commission must adopt a Statement of Overriding Considerations that states the specific reasons to support its action based on the Final EIR or other information in the record.

Staff recommends your Commission certify the Final EIR certification (see attached resolution), then consider approval of the proposed project, including approval of the Mining Use Permit, subject to the recommended conditions of approval, approval of the Mining Reclamation Plan and revised financial assurances, and adoption of the required Statement of Overriding Considerations.