

# **Butte County Department of Development Services**

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ADMINISTRATION \* BUILDING \* PLANNING

## **BUTTE COUNTY PLANNING COMMISSION AGENDA**

June 14, 2012

**TIME:** 9:00 am

**PLACE:** Board of Supervisors' Room  
County Administration Center  
25 County Center Drive  
Oroville, CA 95965

**I. PLEDGE OF ALLEGIANCE**

**II. ROLL CALL** – Commissioners Kennedy, Marin, Nelson, Wilson and Chair Becker.

**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 AND OTHER MATTERS FOR DISCUSSION** – The Chair will call for a presentation of the report of staff. The hearing 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. MIN11-0001 Carr Mining Permit** **Continued from May 10, 2012**  
**Applicant:** Environmental Restoration and Reclamation, LLC  
**Project:** Carr Mine MIN11-0001  
**Planner:** Chris Thomas **APN:** 059-200-011, 059-210-006, 007  
**G.P.:** Timber Mountain **Zoning:** U  
**Location:** Northeastern Butte County, about two miles east of Philbrook Reservoir  
**Proposal:** Approval of a mining permit, use permit and reclamation plan to allow the

phased mining and reclamation of a ±39-acre project site within three parcels totaling 200 acres. Project proposes the excavation of about 19 acres of undisturbed land in one to two acre annual increments, following an ancient stream channel. Phased reclamation will follow mining and is also proposed for some 15 acres of existing disturbances resulting from past mining. All mining and reclamation activities will be complete within 15 years of project approval. The reclaimed end use is open space and habitat.

**Staff Recommendation:** On the basis of certain comments received prior to and on May 10, staff believes the Initial Study must be revised and recirculated for public review. Staff recommends the Planning Commission consider the staff presentation, take any additional testimony from the applicant and the public, discuss as necessary, and continue the hearing open to July 26, 2012.

**B. UP12-0004**

**Applicant:** Ernest Rissler  
**Planner:** Mark Michelena  
**G.P.:** Retail and Office

**Project:** Use Permit  
**APNs:** 072-050-020  
**Zoning:** C-1 (Light Commercial)

**Location:** The project parcel is located on the southeast corner of Old Olive Highway and State Highway 162, at 5369 Old Olive Highway, east of Oroville.

**Proposal:** A Use Permit to establish an auto repair business in an existing 6,000 sq ft building, with limited welding incidental to the auto repair occurring outdoors.

**Staff Recommendation:** Find the project is categorically exempt from review under the California Environmental Quality Act (CEQA) and approve the Use Permit subject to findings and conditions.

**C. Draft Environmental Impact Report (DEIR) for Zoning Code Amendment ZCA11-0002, Use Permit UP10-0003, and Lot Line Adjustment LLA11-0001 (Helena Chemical Company) – Public Comment**

**Applicant:** Helena Chemical Company  
**Planners:** Stacey Jolliffe/Steve Troester  
**G.P.:** Agriculture

**Project:** Zoning Code Amendment, Use Permit and Lot Line Adjustment  
**APNs:** 038-260-013 (UP10-0003)  
**Zoning:** A-40 (Agriculture 40-acre minimum)

The Planning Commission will accept public comment on the DEIR for the Helena Chemical Company project. The Planning Commission will only be accepting public comments and will not be taking any other formal action at this meeting.

**Location:** ZCA11-0002: Thirty-two (32) individual parcels located throughout the western portion of Butte County which carry the General Plan Agriculture Services (AS) land use designation, and also have A-Agricultural zoning. UP10-0003 and LLA11-0001 are located on the east side of Midway Road, bordered by Nelson Road on the south, on the northeast corner of the community of Nelson.

**Proposal:** ZCA11-0002 would allow Agricultural Services (AS), as described in the Butte County DRAFT Zoning Code Update, as conditionally allowed uses in the existing Butte County "Agriculture" zoning district. UP10-0003 would allow development of a regional storage and distribution facility for agricultural fertilizers and pesticides on approximately 10 acres of a 26.5-acre parcel. LLA11-0001 adjust move a property line between Helena Chemical and the adjacent Union Pacific

Railroad properties to allow construction of a railroad siding to serve the storage and distribution facility.

**Staff Recommendation:** Conduct a public hearing to receive oral and written public comment on the adequacy of the DEIR for the Helena Chemical Nelson Terminal project Environmental Impact Report. Project to be considered at a later meeting.

1:30 pm

**D. Draft Supplemental Environmental Impact Report (DSEIR) for General Plan 2030 Amendment (GPA) and Final Draft Zoning Ordinance and Map – Public Comment**

The Planning Commission will accept public comment on the DSEIR for the GPA and Final Draft Zoning Ordinance and Map. This is a county initiated project applicable to all of the unincorporated areas of Butte County. The Planning Commission will only be accepting public comments and will not be taking any other formal action at this meeting.

The DSEIR supplements the original General Plan 2030 EIR certified in October 2010. The purpose of the DSEIR is to inform the general public and decision makers of the changes to the environmental impacts resulting from the proposed GPA and the Final Draft Zoning Ordinance and Map. The proposed GPA will update language and provide consistency with the Final Draft Zoning Ordinance. The Final Draft Zoning Ordinance consists of a comprehensive update to the existing Butte County Zoning Ordinance. Detailed information concerning these projects is available within the DSEIR and online at [www.buttegeneralplan.net](http://www.buttegeneralplan.net).

The DSEIR was released for a 45 day public review period beginning May 29, 2012 ending July 16, 2012 in accordance with the California Environmental Quality Act (CEQA). Comments on the DSEIR will be accepted by the Department of Development Services up until the close of the review period on July 16, 2012. All comments will become part of the record and responded to in accordance with CEQA.

Planner: Dan Breedon

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**Staff Recommendation:** Conduct a public hearing to receive oral and written public comments on the adequacy of the DSEIR and instruct Development Services staff to collect and include all comments in the public record for responses in accordance with CEQA.

**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 has 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

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**

The minutes for the April 26, 2012 & May 10, 2012 Planning Commission meeting are not available at this time.

**IX. ADJOURNMENT**