



COUNTY OF PLACER
Community Development Resource Agency

PLANNING

Michael J. Johnson, AICP
Agency Director

TO: Honorable Board of Supervisors
FROM: Michael J. Johnson, Agency Director
DATE: October 20, 2009
SUBJECT: Cemex Patterson Sand and Gravel Mine Expansion Project Rezoning
Categorical Exemption

ACTION REQUESTED:

The Board of Supervisors is being asked to adopt an ordinance to reinstate the original zoning of Farm combining minimum Building Site 20 acres (F-B-X-20) on a portion of the property comprising the Cemex Patterson Sand and Gravel Mine Expansion Project in compliance with the Board's direction as part of its approval of the Cemex project on October 2, 2007.

PROJECT DESCRIPTION / BACKGROUND:

The Board of Supervisors approved the Cemex Patterson Sand and Gravel Mine Expansion Project on October 2, 2007, which included a request by Planning staff to rezone all project lands to include the -SP (Special Purpose) and -MR (Mineral Reserve) combining zoning, as shown in Attachment 1 to this report. AKT Wheatland Ranch LLC, Cemex's landlord on a portion of the project area, objected to the rezoning of the entire property and requested that only the project footprint be rezoned. As part of the project approval, the Board recognized that portions of the project site outside the mine footprint did not need to be rezoned and directed staff to return at a later date to reinstate the original zoning of Farm combining minimum Building Site of 20 acres (F-B-X-20) for all portions of property outside the mine footprint that are owned by AKT, as shown in Attachment 2 to this report.

LOCATION:

The Cemex Patterson Sand and Gravel project is located in the unincorporated area of Placer County. The project site comprises 736 acres and is generally located east of State Route 65, north and south of the Bear River in northwestern Placer County (APN 018-010-001; 018-031-004, 051, 052, 053, 060, 061, 062, 063, 078; 018-140-024 and 025) and southern Yuba County (APN 015-370-002, 015-360-038). The parcels to be rezoned are: 018-010-001-510, 018-031-051-510, 018-031-052-510, 018-031-053-510, and are shown in Attachment 2.

ANALYSIS:

Mitigation Measure R4-2 of the Draft EIR allowed the Board of Supervisors to consider amending the Farm zone designation on properties located within 500 feet of the perimeter

of the project site to include the Special Purpose (-SP) combining zone district. Based on public comments received on the DEIR and the potential difficulty in enforcing Mitigation Measure R4-2 of the DEIR, the Board required the Applicant to rezone only those parcels or portions of parcels that included the active mining operation and the mine expansion area thereby adding the Special Purpose (-SP) combining zone district [and the Mineral Reserve (-MR) combining zone district], as adopted in the FEIR.

Staff analysis of the proposed rezone of portions of property to remove the Mineral Reserve (-MR) combining zone district determined that this proposal would not materially affect the existing mining operation or the approved mine expansion area because the proposed rezone areas are not included in the existing mine footprint or the mine expansion area. Furthermore, staff analysis determined that removal of the Special Purpose and Mineral Reserve combining zone districts and reversion to the previous zoning of Farm combining minimum Building Site 20 acres would be consistent with the Placer County General Plan land use designation of Agriculture / Timberland 20-acre minimum.

Staff analysis of the rezone request further determined that the project is exempt from review under CEQA because the proposed reversion to the pre-existing zoning for portions of property not included in the active mining operation or the mine expansion area would not allow any new or different uses on the property, and it can be seen with certainty this action will have no possibility of a significant effect on the environment.

RECOMMENDATION:

The Planning Department recommends that the Board take the following action:

1. Determine that it can be seen with certainty that the proposed rezone to return the property to its pre-existing zoning and remove the Special Purpose (-SP) and Mineral Reserve (-MR) combining districts from portions of property not approved for mining will not have the potential to cause a significant effect on the environment, and find that this project is exempt from review under CEQA pursuant to Section 15061 (b)(3) of the CEQA Guidelines.
2. Determine that the proposed rezoning is consistent with the General Plan, the County Zoning Ordinance, the Cemex Patterson Sand and Gravel Project and adopt the Ordinance (Attachment 3) to rezone certain properties within the Cemex Patterson Sand and Gravel Mine Expansion Project, and in the best interests of the County by facilitating logical and efficient land use, and approve the ordinance attached hereto as Attachment 3 to rezone certain properties owned by AKT to remove the Special Purpose (-SP) and Mineral Reserve (-MR) combining districts.

Respectfully submitted,



MICHAEL J. JOHNSON, AICP
Agency Director

Attached to this report for the Board's consideration are:

ATTACHMENTS:

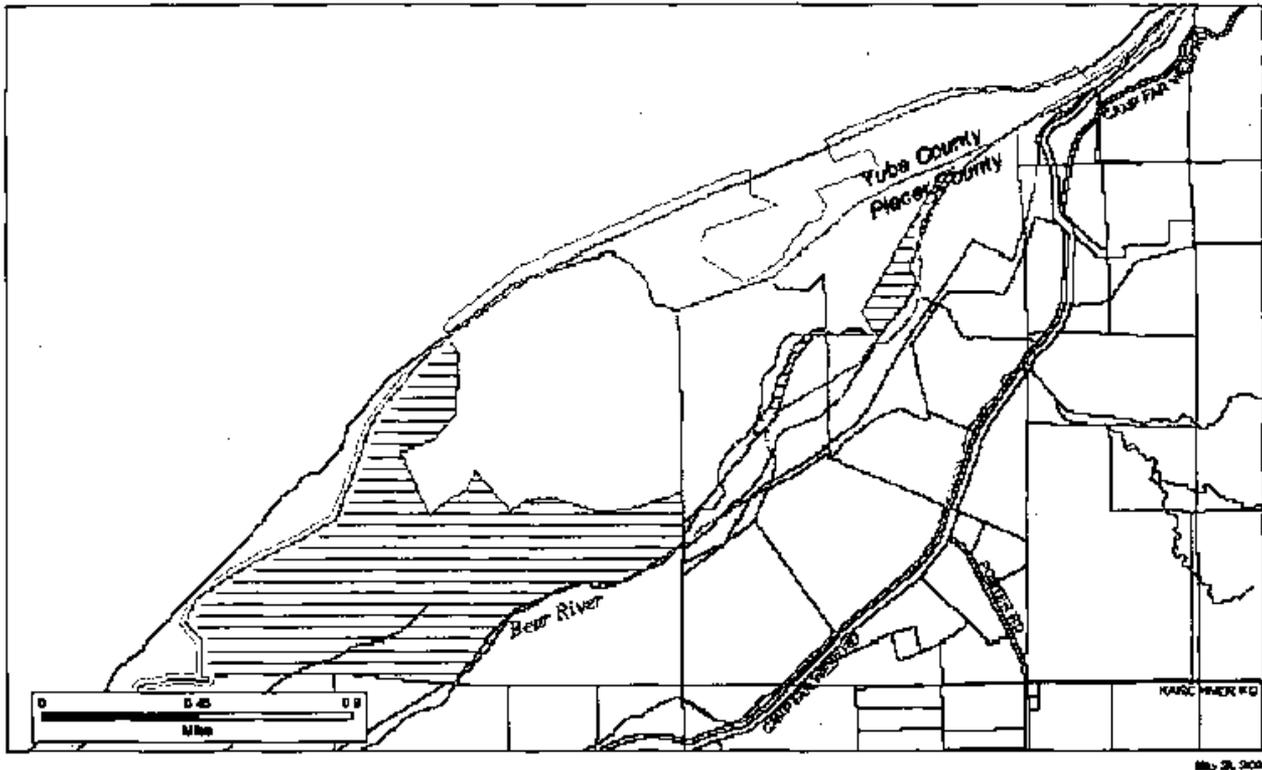
ATTACHMENT 1: Current Zoning
ATTACHMENT 2: Proposed Rezoning Exhibit
ATTACHMENT 3: Rezoning Ordinance

cc: Cemex Construction LP, Project Applicant
Andrew White, EIR Consultant
Yuba County
City of Lincoln
Placer County Water Agency
Rural Lincoln MAC
Sheridan MAC
DFG, Region II
U.S. Fish and Wildlife Service
National Marine Fisheries Service
U.S. Army Corps of Engineers
Sierra Club

Copies Sent by Planning:

Michael Johnson, CDRA Director
Wes Zicker, Engineering & Surveying Division
Scott Finley, Deputy County Counsel
Allison Carlos, County Executive Office
Jill Pahl, Director Environmental Health Services
Tom Christofk, Air Pollution Control District
Christine Turner, Agricultural Commissioner
Andrew Darrow, Flood Control District
Jim Durfee, Facility Services
Bob Eicholtz, CDF/Placer County Fire
Sarah Gilmore, Engineering & Surveying

Cemex Patterson Sand and Gravel Mine Expansion Project Rezoning Exhibit



Portions of Property to be Rezoned to Remove the Special Purpose (-SP) & Mineral Reserve (-MR) Combining Districts

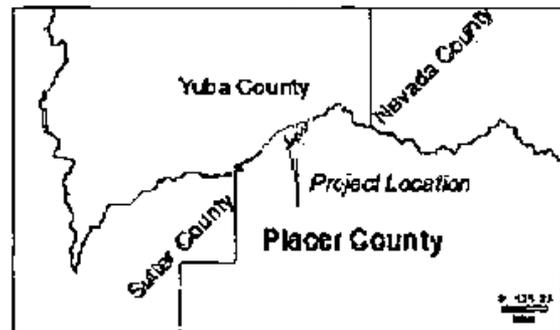
018-031-051-510, 018-031-052-510, 018-031-053-510, 018-010-001-510



Legend

	Cemex Patterson Sand and Gravel
	Remove -SP & MR Zoning
	County Boundary
	Parcels
	Streams

Vicinity Map



**Before the Board of Supervisors
County of Placer, State of California**

In the matter of:

Ordinance No.: _____

AN ORDINANCE TO REZONE CERTAIN
PROPERTIES OWNED BY AKT WHEATLAND
RANCH LLC ASSOCIATED WITH THE CEMEX
PATTERSON SAND AND GRAVEL MINE
EXPANSION PROJECT (PCPA 20070552)

The following Ordinance was duly passed by the Board of Supervisors of the County of
Placer at a regular meeting held _____, by the following vote on roll
call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Attest:

Clerk of said Board

Chairman, Board of Supervisors

Clerk of the Board Signature

Chairman Signature

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER HEREBY FINDS
THE FOLLOWING RECITALS ARE TRUE AND CORRECT:

1. On October 7, 2007, certain properties owned by AKT Wheatland Ranch LLC were rezoned to include Special Purpose and Mineral Reserve combining zoning in association with the approval of the CEMEX Patterson Sand and Gravel Mine Expansion Project, and said combining zoning was not at the time and is not necessary for the CEMEX Patterson Sand and Gravel Mine Expansion Project to proceed.

ATTACHMENT 3

2. The Board has determined that rezoning the properties to remove the Special Purpose and Mineral Reserve combining zoning to reinstitute the zoning on the property prior to October 2, 2007, is consistent with the General Plan, Section 17.10.010 (Farm) of the County Zoning Ordinance, and is in the interests of the County and facilitates logical and efficient land use.
3. Notice of all hearings required by statute and ordinance has been given and all hearings have been held as required by statute and ordinance.

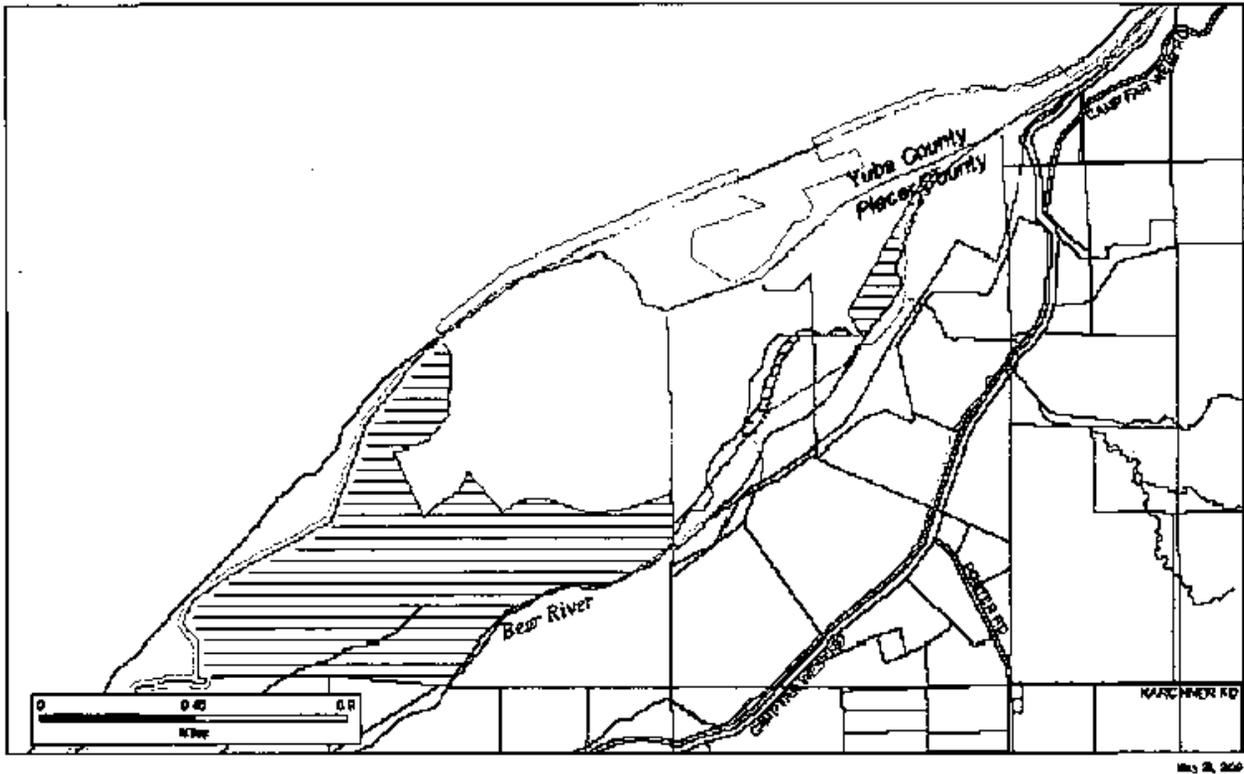
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER:

SECTION 1: The following properties or portions of properties, as shown on Exhibit A attached hereto and incorporated herein by reference, are rezoned to remove the Special Purpose (-SP) and the Mineral Reserve (-MR) Combining District zoning designation and shall no longer be subject to the -SP and the -MR Combining District standards: APN Nos., 018-010-001-510, 018-031-051-510, 018-031-052-510, 018-031-053-510.

A map of the property subject to this rezoning is attached as Exhibit A hereto.

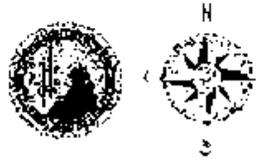
SECTION 2: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage. The Clerk is directed to publish a summary of the ordinance within fifteen (15) days in accordance with Government Code Section 25124.

Cemex Patterson Sand and Gravel Mine Expansion Project Rezoning Exhibit



Portions of Property to be Rezoned to Remove the Special Purpose (-SP) & Mineral Reserve (-MR) Combining Districts

018-031-051-510, 018-031-052-510, 018-031-053-510, 018-010-001-510



Legend

	Cemex Patterson Sand and Gravel
	Remove -SP & MR Zoning
	County Boundary
	Parcels
	Streams

Vicinity Map

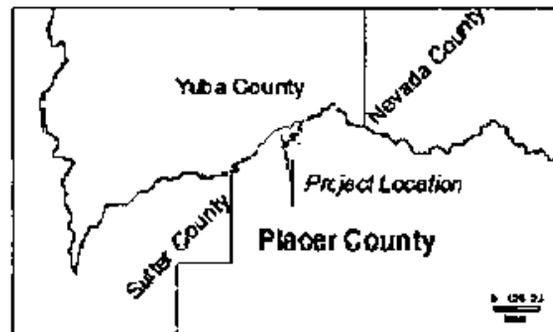


EXHIBIT A