

MINUTES
YOLO COUNTY PLANNING COMMISSION
August 16, 1995

1. CALL TO ORDER

Chair Pollock called the meeting to order at 8:40 a.m.

MEMBERS PRESENT: Lang, Heringer, Pollock, Webster, Lea and Gray

MEMBERS ABSENT: Walker

STAFF PRESENT: Mike Luken, Senior Planner
David Morrison, Associate Planner
Heidi Tschudin, Contract Planner
Linda Peirce, Contract Planner
Linda Caruso, Commission Secretary

2. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETINGS

Commission Action:

The Minutes of the July 26, 1995, Planning Commission Meeting were approved with no corrections.

MOTION: Gray SECOND: Heringer
AYES: Gray, Heringer, Pollock, and Lang
NOES: None
ABSENT: Walker
ABSTAIN: Lea and Webster

Commission Action:

The Minutes of the August 2, 1995, Planning Commission Meeting were approved with no corrections.

MOTION: Heringer SECOND: Lea

AYES: Lea, Heringer, Pollock, and Lang
NOES: None
ABSENT: Walker
ABSTAIN: Webster and Gray

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PUBLIC REQUESTS

The opportunity for members of the public to address the Planning Commission on any subjects relating to the Planning Commission, but not relative to items on the present agenda was opened by the Chairman. The Planning Commission reserves the right to impose a reasonable limit on time afforded to any individual speaker.

Sue Ellen Witham, representing Environmental Reclaiming Solutions, a verma-composting operation near Zamora, said she is opposed to the preliminary determination of the Community Development Agency's interpretation requiring her to obtain a Conditional Use Permit for her business. Verma-composting is the process of composting using worms. She indicated that their operation is not comparable with a land fill operation. According to a letter written by Raymond Perkins, the Agricultural Commissioner, Vermiculture and the processing, packaging, sale, and use of its by-products, is considered a branch of the agricultural industry. Commissioner Pollock inquired of Staff what the procedures for processing the project were. Mike Luken explained that once Staff made a final decision, the applicant could either appeal Staff's decision or the the applicant could request a formal interpretation of the Planning Commission. Commissioner Gray asked why she didn't just apply for a Conditional Use Permit. She indicated it would be less expensive and a faster process if no permit were required.

Avery Tindell, resident of Rumsey, spoke about the Homestake Mining Company Annual Monitoring Reports.

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4. CORRESPONDENCE

Commissioner Pollock acknowledged receipt of correspondence sent with the packets as well as two letters from Solano Concrete, a flyer concerning affordable housing, and newspaper articles concerning the gravel applications.

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5. CONSENT AGENDA

Items on the Consent Agenda are believed by staff to be non-controversial and consistent with the Commission's previous instructions to staff. All items on the Consent Agenda may be adopted by a single motion. If any commissioner or member of the public questions an item, it should be removed from the Consent Agenda and be placed in the Regular Agenda.

There were no items on the Consent Agenda.



6. REGULAR AGENDA

- 6.1 94-062 - Consideration of the following: Certification of the EIR, Approval of Rezonings, Approval of a Conditional Use Permit, and Approval of a Reclamation Plan for a short-term off-channel mining project. Mining would occur on 91.2 acres of two parcels totalling 247.2 acres, with reclamation to agriculture and habitat. Property is located in an A-1 and A-P Zone. Applicant: Teichert Aggregates Owners: Teichert Aggregates and Muller Farms. (L. Peirce)

Commissioner Lea abstained from this item due to possible conflict of interest. Her family leases property to the Mullers.

Linda Peirce, Contract Planner, presented the project and gave the Staff Report. It was added that the Muller site was no longer under a Williamson Act Contract.

Randy Sater, of Teichert and Sons, also gave a presentation. He added that approval of this project is critical to the continued viability of Teichert and to the County. He indicated that this project meets all the criteria established for the submittal of the short-term mining applications. They are as follows:

1. Need
2. Short-term in nature
3. Off-channel
4. Restricted in depth to the theoretical thalweg
5. Reclaimed to agriculture
6. Net gain to the County
7. No request for a change in allocation

Commissioner Webster asked for a specific time-line. What is the time span regarding how long it will take from the time the mining begins, mining is completed, reclamation begins, and the crop is planted.

Randy Sater answered that excavation and removal would take place for three years. Reclamation would most likely begin during the three year period.

Commissioner Heringer said that once the site has been reclaimed, productivity should be equal to pre-mining conditions. How long of a period of time does this monitoring need to continue.

David Morrison, Resource Management Coordinator, answered that State Regulations require two consecutive years of pre-mining production levels be attained, regardless of how long it takes. Financial Assurances would not be released until productivity levels are met.

The Public Hearing was opened at this time.

Lois Linford, representing the League of Women Voters, said that the League was dismayed to read of the Mitigation Measures that were either completely eliminated or so weakened that they offer little or no protection to ensure that mining will be done in a manner that will best protect our natural resources.

Robert Speirs, resident of Brooks, conveyed that he wanted to reflect the general consensus of the public at the Planning Commission meeting. He said, "Recent circumstances have created a severe blow to Yolo County's capacity to adequately protect its natural resources. The most experienced and the best informed Staff member, Community Development Director, Stephen L. Jenkins, has been summarily removed from his assignment and has been replaced by a relatively new, less experienced Staff member who is working under the direction of a newly arrived CAO, with little or no knowledge of the circumstances of Cache Creek."

The Commission recessed for ten minutes.

Sally Oliver, resident along Cache Creek, said she has seen what Teichert has done to the Creek. She also said that she had gone through ~~the permit process of an application for an injection well.~~ a process of an application for ordinance concerning injection wells. Although the process was lengthy, it was open, thorough and deliberate, not streamlined or covert. Political pressure should not be allowed.

Walter Storz, resident near Woodland, said that what he has seen along Cache Creek should never have happened.

Janet Levers, of the Cache Creek Coalition, said she would like to see formerly reclaimed gravel pits restored as a part of the County's net gain.

Mitzi Speirs, resident of Brooks, wanted clarification as to how many of Teichert's employees were permanent, full time and how many were just seasonal employees.

Avery Tindell, of Rumsey, said he is interested in good government. He does not see a good example here.

The Public Hearing was closed at this time.

Linda Peirce addressed the concerns brought up by the League of Women Voters.

In response to a question by Commissioner Heringer, David Morrison indicated that the final monitoring body for the reclamation is the Yolo County Planning Commission.

Julia Le Boeuf, Project Manager for NBA, provided background on the air quality issue.

Commissioner Webster gave her reasons for her decision as follows; "I would like to preface my remarks by saying that exclusive of meetings of the Planning Commission on this issue, I've spent about 20 hours reading the background material on this Teichert application alone. Mr. Tindell probably would not consider this adequate because its true. I didn't go back to 1979 and I didn't go through all the changes that took place in the 1980's and I wasn't on the Planning Commission at that time. In fact, I've only been on it for a year. Its very difficult, for me at least, to go through the wealth of material that has been presented to us and to keep track of the forest and not lose it for the trees. There's a huge amount of information which needs to be assimilated and to be retained in the documents which have been presented to us. I think that the preparatory documents have been very fine in their comprehensiveness and have been extremely useful providing an overall view. They have also been extremely extensive and that poses some difficulty.

Sitting here today, I'm left with the feeling that the cumulative impact of the comments by the League of Women Voters and by the representative of the Western Yolo Grange, leaves me with a feeling of great uneasiness about this project. And that uneasiness expresses itself in concerns about soil aspects, water (both quality and quantity), hazardous materials, agriculture and the track record, which we have briefly alluded to today about the reclamation of pits which have preceded the application for this particular consideration.

I'm concerned also because there are still significant negative impacts which can't be mitigated and which are unavoidable, where I'm given one proposal, one choice. There's no alternatives. If we're going to mine sand and gravel, we are going to have all of these impacts and some of them, in my view, some very negative consequences. I think that you can deduce from my comments, there is no way that I can support this application.

Commissioner Gray gave his reasons for his decision as follows; "I, like Barbara (Webster), have been grappling with these issues. I've been grappling with the volumes of material, the information that has been presented to us. I share Barbara's perception that the amount of documentation has both been comprehensive and has pointed out very clearly the choices and issues that we as a Commission have to review and make a recommendation with regards to. I've listened very carefully to the comments that have been made today. The emotional comments which the people in front of us have raised. I've considered very seriously the remarks and comments of the League of Women Voters and that others have made. I come to an opposite conclusion though.

I come the conclusion that leads me to say that we're being asked by the industries, supported by the environmental documents, to find that these measures can be mitigated. We can have an industry that can continue to operate, but will operate as I've said earlier, as a better neighbor. Will operate by mitigating the impacts, by reducing the impacts on the environment and I think the industry has a great deal at stake with this approval today. Because what we as Commissioners will be considering, and what the Board of Supervisors will be considering in the not too distant future, is your long term application. Your long term ability to operate within this County. And I think you're going to be judged very harshly, very openly, very clearly on the successes that you have in implementing these mitigation measures and you're going to be judged by the monitoring of your actions and it leads me to believe that we ought to certify this EIR today and to adopt the

findings and to take the other Staff recommendations for this short-term permit and when your ready Madam Chair, I will make that motion."

Commissioner Pollock gave her reasons for her decision as follows; "My feeling is that we have studied these applications for a huge amount of time, and now is the time for us to make a decision.

I know some of the comments had to do with the fast action, or fast track that maybe this is on at this point but as far as the Planning Commission, our time line has not changed. Even though the CAO's office has taken over as the lead person in this application, it was always out intent, I think, to hold these hearings and to move on and to take action this summer on these applications. In fact, I thought all three of them would be before us today instead of just two. Maybe there is a perception of a fast track but there has been no alteration in our schedule that we had started out with several months ago. I do have concerns with, and I'm going (to speak) specifically to this project. I think each one of these applications needs to be looked at individually. There are very specific things that pertain to each of them.

I do have concerns with this project. My biggest concerns deal with water quality and the ag land preservation. And also, I must look at the improvement of production agriculture. And I know that there are significant impacts that cannot be mitigated with this.

However, with this very specific application, I do see some positives. I think in looking over the net gain to the County with this application, I can make a finding that there is a net gain to the County. I think the restoration of habitat, looking at the current quality of soil on this site and the increased productivity from soil enhancement through the mining operation, I see as a positive.

Another thing that leads me to favor this application, is that it is a dry pit mine. It does not go below the theoretical thalweg. The threat that I perceive that could be to our water quality in the County, I think that it not as significant because it is a dry pit mine. The Reclamation Plan needs to be looked at. In the past, I think there were not anywhere near as comprehensive Reclamation Plans or the amount of Financial Assurances put up as there is with this current application. The restoration of the habitat, on another site, habitat restoration on ground that is not suitable for agriculture on the mine site, plus the agricultural reclamation that will result in a better quality of soil, I see it as a positive. And also there is a much greater monitoring now with this reclamation plan than what we've had in the past.

Finally, I want to make this comment, because I am going to support this particular application for gravel extraction. Because I don't want any action to be a precedent setting, that would preclude production agriculture from its ability to remove gravel when necessary to increase productivity of agricultural land. And as you all know, I come from a background, a long background in agriculture, and I don't want to impede production agriculture from doing something that is necessary to improve their ground in the long run and that includes removal of gravel off-site when necessary to increase productivity."

Commission Action:

The Planning Commission recommends that the Board of Supervisors take the following actions:

1. **Certify the Final EIR** for the Woodland Properties Short Term Mining and Reclamation Project as adequate and that it has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines.
2. **Adopt the Findings of Fact** in support of certification of the EIR and approval of the project as presented in the Findings section below and Attachment 1 (CEQA Findings of significant Effect, Findings for Approval, and Statement of Overriding Considerations).
3. **Adopt the Final Mitigation Monitoring Plan** (see Attachment 4, Mitigation Monitoring Plan) implementing and monitoring all mitigation measures as modified and adopted.
4. **Approve the Conditional Use Permit** for short-term, off-channel aggregate mining subject to the Conditions of Approval presented as Attachment 8.
5. **Approve the Reclamation Plan** for the Woodland Properties presented as Attachment 5.
6. **Adopt Ordinance 95-_____**(see Attachment 6, Ordinance 95-_____, Rezoning) amending the existing zone designations to allow the extraction of aggregate reserves from the Woodland Properties as follows:
 - Rezone the 51 acre Muller property from Agricultural Preserve (A-P) to Agricultural General (A-1)
 - Add the Special Sand and Gravel Combining Zone (SG) overlay to both the Haller (40.2 acres) and Muller (51 acres) properties.
7. **Approve** removing the two parcels comprising the Muller Site from Agricultural Preserve No. 71.
8. **Approve the Financial Assurances**, presented in Attachment 7, to ensure that the County can complete reclamation of the site (s) should the operator default.

MOTION: Gray SECOND: Heringer
AYES: Pollock, Heringer, Gray, and Lang
NOES: Webster
ABSTAIN: Lea
ABSENT: Walker

**CONDITIONS OF APPROVAL
FOR THE WOODLAND PROPERTIES SHORT-TERM, OFF-CHANNEL
MINING PERMIT APPLICATION**

The following conditions of approval include final mitigation measures adopted by the Board of Supervisors from the certified EIR. Modification to mitigation measures can only occur if: 1) the effectiveness of the measure in reducing the applicable environmental impact is not effected; or, 2) subsequent environmental analysis is performed to examine to new proposed measure and associated environmental impact.

MISCELLANEOUS CONDITIONS

1. The applicants shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorneys fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations.

The County is required to promptly notify the applicants of any claim, action, or proceeding, and must cooperate fully in the defense. If the County fails to promptly notify the applicants of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the applicants shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the applicants post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

2. The applicant shall be limited to processing only that material within the identified 91.2 acre mining area, within the existing limits of 1,064,200 tons annually.
3. The Conditional Use Permit is approved for a period of three years, starting from the day mining commences. The Conditional Use Permit shall commence within one year of the Board of Supervisors' approval of the Use Permit or said permit shall be deemed null and void without further action. The applicant shall certify to the County the date of mining commencement within three days after it occurs. Pursuant to the requirements of Resolution 94-82, the permit is non-renewable.
4. The Conditional Use Permit shall be reviewed annually by the Yolo County Planning Commission (in conjunction with the annual Monitoring Report requirements of the

applicant) to ascertain compliance with all conditions of the permit and operating standards of applicable regulations, and to determine whether there have been significant changes in environmental conditions, land use, mining technology, or whether there is other good cause which would warrant the Community Development Agency to recommend modification of conditions.

The staff will present an annual Monitoring Report to the Commission at an advertised public hearing. The Planning Commission may modify any permit when necessary to assure compliance with the intent of applicable regulations, and any additional conditions applied.

5. The operation shall be subject to any future standards adopted as a part of the Off-Channel Mining Ordinance and/or Cache Creek Resource Management Plan.
6. The applicant shall be responsible for all costs associated with implementing and monitoring these conditions.
7. The applicant shall immediately notify the Community Development Director of any incidents such as fire, explosions, spills, land or slope failures, or other conditions which could pose hazard to life or property. Upon request of any County agency, the applicant shall provide a written report of any incident, within seven calendar days, which shall include, but not be limited to, a description of the facts of the incident, the corrective measures used, and the steps taken to prevent a recurrence of the incident. This condition does not supersede nor replace any requirement of any other governmental entity for reporting incidents.
8. The permit area shall be maintained in a neat and orderly manner so as not to create any hazardous condition or unsightly conditions which are visible from the surrounding area. Equipment and materials may be stored on the site which are appurtenant to the operation.
9. Lighting shall be shielded, site directed, and kept to a minimum to maintain the normal night-time light levels in the area.
10. The applicant shall submit performance bonds in the amount of \$51,510 for reclamation of the Muller parcel and \$61,500 for reclamation of the Haller parcel, naming the County of Yolo and the California Department of Conservation as beneficiaries, prior to the commencement of mining.

EIR MITIGATION MEASURES

(An asterisk (*) indicates that the applicant has submitted additional information that meets the requirement of the mitigation measure.)

11. The project applicant shall install landscaped berm(s) and an irrigation system around the southern and eastern edge of the Metzger property within the 50-foot Haller site setback areas within 6 to 9 months of commencement of mining. The landscaped berm shall be of sufficient height and density to create a visual barrier between the ground level of the Metzger residence and mining activities. The design of this mitigation measure shall be

consistent with the Concept Buffer shown on Figures 4.2-4, 4.2-5, and 4.2-6 of the Draft EIR. (Mitigation Measure 4.2-2)

- 12.* During reclamation of sites, all side slopes shall be seeded with native and naturalized grasses that provide foraging habitat and erosion control. (Mitigation Measure 4.3-4(a))
- 13.* Prior to the approval of the proposed project, the applicant shall submit to and receive approval from the Yolo County Community Development Agency a detailed construction and maintenance plan for proposed slopes. The plan shall be prepared by a Registered Professional Engineer and demonstrate the following: 1) capacity of proposed slopes and drainage ditches to withstand a 25-year flood event until agricultural productivity reaches or surpasses pre-mining levels; 2) a regimen of slope and drainage ditch inspections separate from annual SMARA-required inspections, to occur at least twice during the rainy season, separated by at least two separate storm events; 3) remedial measures if deficiencies that could contribute to surficial slope instability or hinderance of drainage on slope surfaces are discovered. (Mitigation Measure 4.3-4(b))
- 14.* To mitigate the potentially significant impact of deep-seated slope failures, the applicant shall prepare and implement a construction management plan for cut slopes. This plan can be part of the construction/maintenance guidelines produced in accordance with Mitigation Measure 4.3-4(b). The plan shall describe the engineering practices to be used to create the cut slopes and must identify the party responsible for the supervision of final slope cut and their qualifications for this position. The plan must identify the engineering actions that would be taken if inappropriate slope material is encountered during slope cutting/construction. The plan shall be submitted to, and receive approval from, the Yolo County Community Development Agency prior to the commencement of mining activities. (Mitigation Measure 4.3-5)
- 15.* Once sufficient area has been mined on each of the sites , the applicant shall complete the adequately designed onsite retention basin and collection sump, and methods for preventing spill over during storm events that exceed the 25-year level. The applicant shall acquire purge pumps when necessary at each site to remove water from the retention basin when water levels in the basin are nearing overflow levels, or implement an alternative method acceptable to Yolo County Public Works that will meet similar performance standards. The applicant shall ensure that the proposed drainage structures are constructed. The applicant will require, as part of the lease with the tenant farmer, that adequate irrigation distribution system is in place on the reclaimed lands. The drainage/tailwater basin and retention basin for each site will be inspected as a part of routine maintenance practices for debris, vegetation, soil accumulations, and damage. The applicant shall remove material and complete necessary repairs to ensure drainage and irrigation systems are operating properly and the retention basin continues to meet the aforementioned requirements until agricultural productivity on the Muller and Haller sites is fully achieved according to the approved reclamation plan. (Mitigation Measure 4.4-2)
- 16.* The applicant shall submit plans which describe construction improvements and maintenance practices for the proposed off-channel embankments. The plan shall include an off-channel embankment inspection guideline. The plan must be submitted to, and

approved by, the Yolo County Floodplain Administrator prior to commencement of mining activities. (Mitigation Measure 4.4-3)

- 17.* Regarding tailwater impacts, the applicant will require that the tenant farmer do the following: 1) meet federal, state, and local standards for the storage, handling, and application of agricultural chemicals; 2) tailwater shall be recycled pursuant to applicable federal, state, local standards for such activities; and 3) the response to an accidental spill of hazardous materials and remediation of affected groundwater shall comply with applicable federal, state, and local regulations. (Mitigation Measure 4.4-7)
18. Monitoring of crop yields is sufficient to identify the potential significance of cold air drainage on the productivity of the reclaimed fields. Crop performance, the primary criteria used to evaluate post-reclamation productivity, is guaranteed by a surety bond. If a measurable or observable impact on yields is found to exist, then the applicant shall undertake engineering (e.g., wind machines) or other solutions (e.g., hedgerows, screening) to mitigate cold air injury. (Mitigation Measure 4.5-12)
19. Prior to commencement of mining, the applicant shall provide financial assurances, consistent with requirements of SMARA, to Yolo County sufficient to assure that reclamation is completed and achieves agricultural productivity at current, or higher levels than currently exists. (Mitigation Measure 4.5-13(a))
- 20.* Prior to project approval, the financial assurances plan submitted by the project applicant (Mitigation Measure 4.5-13(a)) shall be independently reviewed and approved to the satisfaction of the Yolo County Community Development Agency to assure that, in the event of applicant failure, sufficient funds exist to reclaim the Muller and Haller sites incorporating all approved mitigation measures and project conditions of approval. (Mitigation Measure 4.5-13(b))
21. If, after reclamation has commenced, soils on the project site settle to an elevation below the five foot level above the thalweg, topsoil will be imported from another site, if necessary, spread and graded over the project site to re-establish the grade and elevation specified in the reclamation plan and project documents. (Mitigation Measure 4.5-14)
22. To protect riparian vegetation from mining machinery maneuvers and excessive dust, a 50-foot buffer (non-development setback) shall be established from the edge of the Cache Creek riparian habitat along the southern boundary of the Haller site in those areas where proposed mining would occur within 100 feet of riparian vegetation with Cache Creek. Four-foot tall colored plastic fencing shall be placed along this setback until mining activities within the area are completed. (Mitigation Measure 4.6-2(a))
23. During construction, debris, waste dirt, or rubble shall not be deposited in riparian habitat. (Mitigation Measure 4.6-2(b))
24. Appropriate dust-reducing practices (e.g., watering of roads, confining machine turn-around maneuvers to designated areas) shall be implemented to prevent heavy dust accumulation onto native vegetation. (4.6-2(c))

25. A Valley Elderberry Longhorn Beetle (VELB) mitigation and monitoring plan has been prepared for the elderberry shrub identified in the Evaluation of Biological Resources that will be removed. In accordance with VELB mitigation guidelines developed by the USFWS (1993), the objectives of this plan shall include the following provisions.

- transplanting the elderberry shrubs that cannot be avoided to a designated site;
- planting replacement seedlings at a 3:1 ratio to compensate for the stems greater than one inch in diameter affected by the proposed project;
- planting 2 native trees or shrubs (oak, cottonwood, pine, California buckeye, etc.) next to elderberry seedlings to create a vegetation density suitable for elderberry beetle habitation for every 5 elderberry replacement seedlings (26 trees); and
- specific maintenance and monitoring measures to ensure the success of plantings and to protect preserved VELB habitat areas.

To avoid the loss or disturbance of VELB habitat adjacent to the proposed mining areas, the following measures are recommended:

- Any elderberry shrub that could be inadvertently affected by the proposed mining areas and haul routes shall be fenced and flagged so that the shrub can be avoided. There will be a setback of at least 20 feet from the dripline of each elderberry shrub. Work crews shall be informed about the status of the VELB and the need to protect its habitat.
- Appropriate dust-reducing practices (e.g., watering of dirt roads, confining machine turn-around maneuvers to designated areas) shall be implemented to prevent heavy dust accumulation on elderberry shrubs. (Mitigation Measure 4.6-4)

26. A CDFG Code Section 2081 authorization shall be executed, or posting of a reclamation bond or letter of credit, naming CDFG as a beneficiary, prior to the approval of the project, or as an alternative, payment of mitigation fees to the Yolo County fish and wildlife mitigation account shall be made prior to the commencement of mining. It is recommended that mitigation be based on the temporary loss of agricultural land to mining. (Mitigation Measure 4.6-6)

27.* A Swainson's hawk survey shall be conducted by a qualified biologist during the breeding season (mid-March through early July) immediately prior to the commencement of mining activities. The purpose of this survey shall be to determine the status of nesting Swainson's hawks within 0.5 miles of the project site. (Mitigation Measure 4.6-7(a))

28. If nesting Swainson's hawks are discovered within 0.5 miles of the mining areas, measures to protect Swainson's hawk nest sites from inadvertent disturbance as a result of mining activities shall be established in coordination with CDFG. (Mitigation Measure 4.6-7(b))

29.* A focused survey for burrowing owls shall be conducted by a qualified raptor biologist during the breeding season (March through August) immediately prior to initiating mining activities

in order to identify active nests that could be impacted by the project. (Mitigation Measure 4.6-8(a))

30. If active burrows are discovered, measures to avoid disturbance or removal shall be developed in coordination with CDFG, pursuant to CDFG guidelines for impacts on burrowing owls. These measures include the avoidance of areas supporting active burrows during the breeding season, or if active burrows cannot be avoided, the transplantation of nesting pairs of burrowing owls to off-site locations. (Mitigation Measure 4.6-8 (b))
31. During excavation and mining activities, between April 1 and August 30, the project applicant shall ensure that no vertical slopes measuring 10 feet in height or greater will be inadvertently created on the manufactured slopes or earthen stockpiles. If any vertical slopes are created, these slopes shall be immediately destroyed after verification that no bank swallows have begun nesting activities in these slope areas. (Mitigation Measure 4.6-9)
32. In order to be consistent with County policies, the County Administrative Officer will require further mitigation measures after consultation with the Air Quality Management District, if there are such feasible and practical measures available. Such measures may include, but are not limited to, the following:
 - a) Mining and reclamation equipment shall be kept properly tuned and maintained throughout the duration of activity.
 - b) Diesel-powered, low-sulfur fuel, or other low-emission equipment shall be used in lieu of gasoline-powered engines whenever possible.
 - c) To reduce emissions during idling, mining and reclamation equipment shall be shut off when not in use. (Mitigation Measure 4.7-1)
33. The following measures shall be implemented to reduce fugitive dust generation:
 - a. All stockpiled soils shall be enclosed, covered, or watered at least twice daily, as necessary to reduce dust emissions.
 - b. All disturbed soil and all unpaved dirt roads shall be watered with adequate frequency to keep soil moist at all times.
 - c. All inactive portions of the site shall either be seeded or watered until vegetation is grown or be stabilized using methods such as YSAQMD-approved chemical soil binders, jute netting, or other methods approved in advance by the YSAQMD.
 - d. No mining or reclamation activities shall occur during periods in which wind speeds exceed 20 mph averaged over one hour.
 - e. Vehicle speed shall not exceed 15 mph on unpaved roads.

f. All stockpiled soils shall be placed at least 500 feet from the Metzger residence. (Mitigation Measure 4.7-2 a-f)

34.* The Public Works Director determined that the required structural pavement improvements to Road 20 are:

- 1) Reconstruct approximately 2,350 square feet of failed pavement between the Woodland Properties Site and County Road 96. The structural section shall be 18 inches of aggregate base and 4 inches of asphalt surfacing.
- 2) Reconstruct approximately 3,900 square feet of failed pavement between County Road 96 and County Road 98. The structural section shall be 8 inches of asphalt pavement.
- 3) Grind the intersection of County Road 20 and County Road 96 to remove irregularities. Repave to restore elevation.
- 4) Overlay County Road 20 from the Woodland Properties Site through the County Road 96 intersection with 3 inches of asphalt pavement.
- 5) Crack seal pavement where necessary prior to placing the overlay.

The cost of work to perform items 1 through 4 will be borne by the applicant. The County will perform the work in item 5 and bear the cost of the work. All work shall be completed within one year of commencement of mining. (Mitigation Measure 4.8-4)

35. Mining and reclamation activities conducted during the hours of 6 p.m. and 6 a.m. shall be setback 100 feet from the Metzger property boundary. This restriction shall remain in place until the 40-foot-wide vegetated berm has been installed. (Mitigation Measure 4.9-1)

36. Within 6-9 months of commencement of mining on the Haller Site, the applicant will create the berm for the landscaped buffer, as proposed, between the Haller Site and Road 94B. (Mitigation Measure 4.10-1)

37. To mitigate potentially significant impacts related to the possibility of unobserved prehistoric or historic resources occurring on the project sites, the following measures will be implemented:

- If human skeletal remains are encountered during construction, all work within 20 meters of the discovery will be stopped immediately and the County Coroner notified. If the remains are Native American, the Native American Heritage Commission should be consulted, and the Most Likely Native American Descendant identified and given the opportunity to confer with the property owner about the disposition of the remains.
- If any cultural resources, such as chipped or ground stone, historic debris, building foundations, or human bone are discovered during ground-disturbance activities, all work shall be stopped within 20 meters (66 feet) of the discovery, an archaeologist

shall be contacted to evaluate it, and the Yolo County Planning Director shall be notified at once.

- Any cultural resources found on the proposed project sites will be recorded or described in a professional report and submitted to Yolo County, and the Northwest Information Center. (Mitigation Measure 4.11-1)

**CEQA FINDINGS OF SIGNIFICANT EFFECT, FINDINGS FOR APPROVAL, AND
STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE WOODLAND PROPERTIES SHORT-TERM, OFF-CHANNEL
MINING PERMIT APPLICATION**

SECTION 1.0 INTRODUCTION

The Yolo County Board of Supervisors hereby makes the following Findings of Fact and Statement of Overriding Considerations regarding its decision to approve the Woodland Properties Short-term, Off-Channel Mining Permit Application.

SECTION 2.0 PROJECT LOCATION

The project sites are located northwest of Cache Creek, south of County Road 19, east of Road 94B, and north of the Stevens Bridge.

SECTION 3.0 PROJECT DESCRIPTION

Teichert Aggregates, the project applicant, is requesting approval of a Conditional Use Permit and zone change to conduct short-term, off-channel mining and reclamation activities on two sites known collectively as the Woodland Properties.

The Woodland Properties consist of the 51-acre Muller site to the north and the 40.2-acre Haller site to the south.

3.1 Mining

The proposed project would allow for mining of a total of 3.2 million tons of aggregate from the Haller and Muller sites over a three year period in compliance with Board Resolution 94-82. No change is proposed to Teichert's existing allocation of 1,064,200 tons per year. Excavation of the sites would be phased by site, and by areas within each site. Each site would be mined to the depth of the theoretical thalweg. Excavated materials produced by the project would be transported across existing and proposed haul roads crossing Cache Creek to the existing Woodland Plant.

3.2 Reclamation

In addition to mining, the project includes a reclamation plan. Through reclamation, the mine sites would be restored to agricultural uses, with the exception of the southern tip of the Haller site which would be reclaimed to habitat. After initial mining activities take place, reclamation would occur sequentially and concurrently with mining. No more than 50 acres at one time would be disturbed. Reclamation would proceed in compliance with the County's Reclamation Ordinance, provisions of the California State Surface Mining and Reclamation Act (SMARA), and with the State Mining and Geology Board's Article 9 Reclamation standard.

3.3 Net Gain

In order to meet the requirement of Resolution 94-82 that a "net gain" to the County be realized from any operations under an Interim Permit, the applicant will restore and enhance approximately 25 acres of previously mined land in the Cache Creek floodplain.

3.4 Project Components

The elements of the application submitted to Yolo County are as follows:

- Zone Change from Agricultural Preserve (A-P) to Agricultural General (A-1) on the Muller property. Addition of the Special Sand and Gravel Combining Zone (SG) overlay on both the Haller and Muller properties.
- Conditional Use Permit for short-term, off-channel aggregate mining.
- Reclamation Plan approval by Yolo County and filed with the State Department of Conservation Division of Mines and Geology.
- Financial Assurances approved by the County and payable to Yolo County and/or the State Department of Conservation to ensure that either the County or State can complete reclamation should the operator default.

SECTION 4.0 PROJECT HISTORY

Teichert Aggregates has been conducting in-channel mining operations at its Woodland site since 1953. The existing Woodland aggregate processing and asphalt production plant facilities have been in place since 1973. In 1980, Yolo County established sand and gravel boundaries for Cache Creek and Teichert's allocation was established at 1,064,200 annually.

In June 1994, the Board of Supervisors adopted Resolution 94-82 which established criteria for the submission of individual, short-term, off-channel mining applications during the preparation of the Cache Creek Resources Management Plan (CCRMP) and Off Channel Mining Ordinance. The Board recognized that certain mining companies may run out of permitted aggregate during the preparation of the CCRMP, and could be compelled to cease business operations. To avoid compelling any mining company to cease business activities, the Board, through the Resolution, allowed companies to submit applications for short-term, off channel applications for mining activities not in excess of the company's current allocation, and for a period no longer than 3 years from the start of mining.

A Cache Creek Aggregate Resource Inventory was conducted by CH2MHill in July 1994 to estimate reserves. The inventory concluded that the existing Woodland in-channel mining site had a remaining operational lifespan of 0.3 to 0.6 years. Teichert Aggregates submitted its Short-term application for the Woodland Properties in July 1994, within the 6-month window specified in the Resolution.

SECTION 5.0 THE FINAL EIR

The Final EIR for the project includes the following items:

- 1) the Woodland Properties EIR (SCH #94103074) prepared for the County of Yolo (two volumes -- Draft and Response to Comments) referred to herein as the "EIR";
- 2) actions taken by the Board of Supervisors, as identified herein, to refine, amplify, or further clarify the project description, impacts, and/or mitigation measures; and
- 3) the Final Mitigation Monitoring Plan.

SECTION 6.0 THE RECORD

For the purposes of CEQA and the findings hereinafter set forth, the administrative record for the project consists of those items listed in Section 21167.6(e) of the Public Resources Code (Chapter 1230, Statutes of 1994).

SECTION 7.0 FINDINGS

7.1 Requirements

7.1.1 CEQA

Section 15091 of the State CEQA Guidelines and relevant updated sections of the Public Resources Code, state that a public agency may not approve or carry out a project for which an EIR has been completed which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and such changes have been adopted by such other agency or can and should be adopted by such other agency.
- 3) Specific economic, legal, social, technological, or other considerations (including considerations for the provision of employment opportunities for highly trained

workers), make the mitigation measures or alternatives identified in the EIR infeasible.

Section 15092 of the State CEQA Guidelines states that a public agency may not decide to approve or carry out a project for which an EIR was prepared unless either:

- 1) The project as approved will not have a significant effect on the environment; or
- 2) The agency has:
 - A) Eliminated or substantially lessened all significant effects on the environment where feasible; and
 - B) Determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to overriding concerns.

Section 15092 also states that when a project includes housing development, the public agency may not reduce the proposed number of housing units as a mitigation measure if it determines that there is another feasible specific mitigation measure available that will provide a comparable level of mitigation.

These findings are required to be supported by substantial evidence in the record.

7.1.2 Williamson Act Agricultural Preserves

The Muller property is presently zoned A-P; however, it is no longer under an active Williamson Land Conservation Act Contract. A Notice of Non-Renewal of the contract was filed in October of 1985 and the contract expired March 1, 1995.

7.2 Less-Than-Significant Impacts

The Initial Study identified impacts in the following areas as less-than-significant. This was substantiated or reconfirmed in the EIR analysis.

- Light and Glare
- Population
- Housing
- Energy Consumption
- Health and Risk of Upset
- Public Services and Utilities
- Recreation

Additionally, the EIR identified the following specific impacts as less-than-significant:

Impact 4.2-1: Existing Land Uses

Impact 4.2-3: Consistency w/SMARA and State Mining and Geology Board Reclamation Regulations (Land Use)

Impact 4.2-4: Compliance with Yolo Co. General Plan and Zoning Ordinance

Impact 4.3-1: Modification of Unique Geological or Physical Features

- Impact 4.3-2:** Exposure to Geologic Hazards
- Impact 4.3-3:** Permanent Change in Topography or Surface Relief
- Impact 4.3-6:** Consistency w/SMARA and State Mining and Geology Board Reclamation Regulations (Geology and Soils)
- Impact 4.3-7:** Consistency with Yolo County General Plan (Geology and Soils)
- Impact 4.3-10:** Consistency with Goals, Objectives and Policies for the CCRMP (Geology and Soils)
- Impact 4.4-1:** Alteration of Surface Water Flows in Vicinity of the Sites
- Impact 4.4-4:** Interference with Groundwater Recharge
- Impact 4.4-6:** Degradation of Surface Water Quality
- Impact 4.4-11:** Compliance with Yolo County Reclamation Ordinance (Hydrology, Groundwater, and Water Quality)
- Impact 4.4-13:** Consistency with Goals, Objectives and Policies for the CCRMP (Hydrology, Groundwater, and Water Quality)
- Impact 4.5-2:** Conversion of Prime Agricultural Soils to Non-Agricultural Uses (Muller Site)
- Impact 4.5-4:** Removal of Agricultural Land from a Williamson Act Contract
- Impact 4.5-5:** Loss of Crop Values
- Impact 4.5-6:** Soils Stockpiling and Management
- Impact 4.5-7:** Firm Strata (Muller Site)
- Impact 4.5-8:** Shallow Soils and Elevated Salt Concentrations (Muller Site)
- Impact 4.5-9:** Firm Strata (Haller Site)
- Impact 4.5-10:** Shallow Soils and Elevated Salt Concentrations (Haller Site)
- Impact 4.5-11:** Elevated Boron Concentrations (Haller Site) Reclamation
- Impact 4.5-15:** Compliance with SMARA and State Mining and Geology Board Reclamation Regulations (Agriculture)
- Impact 4.5-19:** Consistency with Goals, Objectives and Policies for the CCRMP (Agriculture)
- Impact 4.6-1:** Loss of Agricultural and Ruderal Habitats
- Impact 4.6-3:** Loss of Native Trees
- Impact 4.6-5:** Tricolored Blackbird Nesting and Foraging Habitat
- Impact 4.6-11:** Compliance with Yolo County Resolution 94-82 (Biological Resources)
- Impact 4.6-12:** Compliance with Yolo County Reclamation Ordinance (Biological Resources)
- Impact 4.6-13:** Consistency with Yolo County General Plan (Biological Resources)
- Impact 4.7-3:** Secondary Plant Emissions
- Impact 4.7-4:** Regional Mobile Source Emissions Associated with Secondary Plant Impacts
- Impact 4.7-5:** Local Mobile Source Emissions
- Impact 4.8-1:** Effects on Local Roadway Controls
- Impact 4.8-2:** Roadway Level of Service
- Impact 4.8-3:** Traffic Safety
- Impact 4.8-5:** Conflict with Pedestrian Facilities
- Impact 4.8-6:** Conflict with Bikeway Facilities
- Impact 4.9-3:** Woodland Plant Operations Conformity with Applicable Noise Standards
- Impact 4.9-4:** Truck Traffic Noise
- Impact 4.10-4:** Alteration of Views from Road 19

Cumulative

- Impact 5.2-1:** Cumulative Conversion of Existing Land Uses
- Impact 5.2-2:** Compliance with Yolo County General Plan and Zoning Ordinance (Cumulative Land Use)
- Impact 5.2-3:** Cumulative Modification of Unique Geological or Physical Features
- Impact 5.2-6:** Cumulative Alteration of Offsite Surface Water Flows
- Impact 5.2-8:** Cumulative Exposure of Project Sites to 100-Year Flood
- Impact 5.2-9:** Cumulative Interference with Groundwater Recharge
- Impact 5.2-15:** Cumulative Short-term Loss of Crop Values
- Impact 5.2-18:** Cumulative Habitat Loss and Loss of Common Species
- Impact 5.2-20:** Cumulative Consistency with Applicable State and Local Regulations and Plans (Biological Resources)
- Impact 5.2-23:** Cumulative Local Mobile Source Emissions
- Impact 5.2-25:** Cumulative Traffic Volumes
- Impact 5.2-26:** Cumulative Traffic Safety
- Impact 5.2-29:** Cumulative Conformity with Community Noise Standards

The Board of Supervisors is not required to adopt mitigation measures for impacts that are less-than-significant. The Board of Supervisors hereby determines that the conclusions of the Initial Study and EIR regarding impacts that are identified as less-than-significant are appropriate and correct.

7.3 Impacts Mitigated to a Less-Than-Significant Level With Mitigation

The EIR identifies the following impacts as significant or potentially significant in the absence of mitigation measures, and identifies mitigation measures that would reduce impacts to less-than-significant levels, or avoid impacts. Included are cumulative impacts that are significant and mitigated.

- Impact 4.2-2:** Land Use Compatibility (Condition #12)
- Impact 4.3-4:** Surficial Slope Stability (Condition #13 & 14)
- Impact 4.3-5:** Potential Slope Failure (Condition #15)
- Impact 4.3-8:** Compliance with Yolo County Reclamation Ordinance
- Impact 4.3-9:** Compliance with Resolution 94-82
- Impact 4.4-2:** Alteration of Onsite Surface Water Drainage and Irrigation (Condition #16)
- Impact 4.4-3:** Exposure of Project Site to 100-year Flood (Condition #17)
- Impact 4.4-7:** Degradation of Groundwater Quality From Agricultural Tailwater (Condition #18)
- Impact 4.4-8:** Degradation of Surface Water Quality by Haul Roads
- Impact 4.4-9:** Compliance with SMARA and State Mining and Geology Board Reclamation Regulations (Hydrology, Groundwater and Water Quality)
- Impact 4.4-10:** Compliance with Yolo County General Plan (Hydrology, Groundwater and Water Quality)
- Impact 4.4-12:** Compliance with Resolution 94-82 (Hydrology, Groundwater and Water Quality)
- Impact 4.5-12:** Cold Air Drainage (Condition #19)
- Impact 4.5-13:** Potential Failure of the Reclamation Plan (Condition #20 & 21)
- Impact 4.5-14:** Settlement of Reclaimed Agricultural Soils (Condition #22)
- Impact 4.5-17:** Compliance with Yolo County Reclamation Ordinance
- Impact 4.5-18:** Compliance with Resolution 94-82

- Impact 4.6-2:** Disturbance to Cache Creek Riparian Vegetation (Condition #23, 24 & 25)
- Impact 4.6-4:** Loss of Valley Elderberry Longhorn Beetle Habitat (Condition #26)
- Impact 4.6-6:** Loss of Swainson's Hawk Foraging Habitat (Short-term) (Condition #27)
- Impact 4.6-7:** Disturbance to Nesting Swainson's Hawks (Condition #28 &29)
- Impact 4.6-8:** Loss of Burrowing Owl Nests substances in excavation area (Condition #30 & 31)
- Impact 4.6-9:** Loss of Habitat for Other Special-status Species (Condition #32)
- Impact 4.6-10:** Compliance with State Mining and Geology Board Reclamation Regulations
- Impact 4.6-14:** Consistency with Goals, Objectives, and Policies of CCRMP (Biological Resources)
- Impact 4.6-15** Consistency with Management Authorization for Urban Development (Biological Resources)
- Impact 4.8-4:** Pavement Conditions (Condition #35)
- Impact 4.9-1:** Conformity with Yolo County Reclamation Ordinance Standards (Noise) (Condition #36)
- Impact 4.9-2:** Conformity with Community Noise Standards
- Impact 4.10-1:** Alteration of Southbound Views Along Road 94B (Condition #37)
- Impact 4.10-2:** Alteration of Northbound Views Along Road 94B, Just North of Stevens Bridge
- Impact 4.10-3:** Alteration of Northbound Views Along Road 94B, North of Stevens Bridge to the Mezger Residence
- Impact 4.10-5:** Alteration of Views from the Mezger Residence
- Impact 4.11-1:** Potential for Disturbance of Cultural Resources (Condition #38)

Cumulative

- Impact 5.2-4:** Cumulative Slope Stability, Slope Failure
- Impact 5.2-5:** Consistency with Applicable State and Local Regulations and Plans ((Geology and Soils)
- Impact 5.2-7:** Cumulative Alteration of Onsite Surface Water Drainage and Irrigation
- Impact 5.2-11:** Cumulative Degradation of Surface Water Quality
- Impact 5.2-12:** Cumulative Degradation of Groundwater Quality
- Impact 5.2-13:** Consistency with Applicable State and Local Regulations and Plans (Hydrology, Groundwater and Water Quality)
- Impact 5.2-16:** Cumulative Constraints to Reclamation/Impairment of Agricultural Production
- Impact 5.2-17:** Consistency with Applicable State and Local Regulations and Plans (Agriculture)
- Impact 5.2-19:** Special status Species
- Impact 5.2-27:** Pavement Conditions
- Impact 5.2-30:** Aesthetics
- Impact 5.2-31:** Cultural Resources

Mitigation measures have been identified for each of these impacts, as identified in the attached Impact and Mitigation Summary (see Exhibit 1). The Board of Supervisors finds that each mitigation measure, as clarified and modified, is appropriate and feasible and will substantially lessen (to a less-than-significant level), eliminate, or avoid the described impact.

7.4 Significant and Unavoidable Impacts

The EIR identifies the following impacts that can not be mitigated to an acceptable level, and therefore remain significant and unavoidable.

- Impact 4.4.5:** Flooding Associated with Groundwater
- Impact 4.5-1:** Loss of Agricultural Land (acreage)
- Impact 4.5-3:** Conversion of Prime Agricultural Soils to Non-Agricultural Uses (Haller Site)
- Impact 4.5-16:** Conflict with General Plan Policy CON 12 (preservation of prime agricultural soils)
- Impact 4.7-1:** Equipment Exhaust Emissions (Condition #33)
- Impact 4.7-2:** Fugitive Dust Emissions (Condition #34)
- Impact 4.10-2:** Short-term Alteration of Northbound Views along Road 94B, just North of Stevens Bridge
- Impact 5.2-14:** Cumulative Permanent Loss of Agricultural Land
- Impact 5.2-21:** Cumulative Fugitive Dust
- Impact 5.2-22:** Cumulative Regional Mobile Source Emissions
- Impact 5.2-24:** Cumulative Plant Emissions

Feasible mitigation measures that would partially mitigate these impacts have been identified and discussed in the EIR, and are summarized in the attached Impacts and Mitigations Summary. For Impacts 4.4-5 (flooding associated with groundwater), and 4.5-1 (project-related conversion of prime agricultural land) no feasible mitigation measures were identified.

The Board of Supervisors finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time which would reduce these impacts to a less-than-significant level. To the extent that these adverse impacts will not be eliminated or lessened to an acceptable (less-than-significant) level, the Board of Supervisors finds that specific economic, social, and other considerations identified in the Statement of Overriding Considerations support approval of the project despite unavoidable impacts. The Statement of Overriding Considerations is provided below.

SECTION 8.0 PROJECT ALTERNATIVES

In order to evaluate the possible environmental impacts resulting from a range of reasonable alternatives which could feasibly attain the basic objectives of the project, six CEQA project alternatives were examined in the EIR:

- Wet-Pit Mining
- Alternative Mining Sites Outside the Cache Creek Mining Area
- Reduction in Mining Area
- Reduction in Mining Depth
- No Project
- Alternative Site

Wet Pit Mining -- This alternative was rejected because, while it would reduce the overall mining area and impact on agricultural land, it would result in potentially greater impacts to groundwater resulting from mining below the theoretical thalweg.

Alternative Mining Sites Outside the Cache Creek Area -- This alternative was rejected as infeasible in the DEIR for two reasons. Transportation impacts associated with trucking the finished aggregate products from Teichert facilities along the American River to consumption areas formerly served by the Cache Creek mining area would be greater than those associated with the proposed project. This alternative would be inconsistent with Resolution 94-82 objectives in that it could result in the cessation of mining in the Cache Creek area.

Reduction in Mining Area -- This alternative was rejected as infeasible in the DEIR because it was intended to reduce significant and unavoidable air quality impacts associated with the proposed project by reducing fugitive dust generation. To reduce fugitive dust impacts below AQMD thresholds would require an 84% reduction of mining and reclamation activities on the Haller Site and 70% on the Muller Site, leaving 6 and 11 acres, respectively, available for mining.

Reduction in Mining Depth -- This alternative was rejected as infeasible in the Draft EIR because it was intended to reduce significant and unavoidable project impacts associated with groundwater flooding. This alternative would significantly reduce the amount of aggregate extracted and available for processing with marginal environmental benefits.

The following two alternatives were explored in depth in the EIR. The Board of Supervisors hereby rejects these alternatives as infeasible for the reasons set forth herein.

No Project Alternative -- Aggregate for processing at the Woodland Plant, under this alternative, would be imported from offsite locations in Sacramento. Onsite mining would not occur, so significant and potentially significant impacts to land use, geology, hydrology, biology, mining related air quality, noise, aesthetics and cultural resources would be avoided. Significant and unavoidable project impacts related to the risk of groundwater flooding, loss of agricultural land, fugitive dust emissions and the short-term alteration of northbound views along Road 94B would be avoided under the No Project Alternative.

The disadvantages of the No Project alternative are that regional air pollutant emissions from truck trips may be higher than with the proposed project. The 25 acres of creek restoration and enhancement associated with the project would not be realized. Limitations to onsite agricultural soils such as compacted soil, salt or boron concentrations would not be eliminated. The No Project Alternative, while identified as the environmentally superior alternative, would not meet an important project objective, as provided in Resolution 94-82, because it would result in the cessation of the applicant's mining operations in the vicinity of the Woodland Plant.

Alternative Site -- Under this alternative, the "Coors Site" owned by the applicant on the north bank of Cache Creek, west of Road 94B was examined. This alternative would result in similar impacts to geology and soils, hydrology, groundwater and water quality, agriculture, transportation and circulation, and cultural resources. Environmental advantages associated with this alternative include less noise and dust impacts to sensitive receptors during mining and reclamation and reduction in potential visual impacts. Disadvantages include potentially greater impacts to biological resources and greater air quality impacts associated with increased truck and scraper travel.

SECTION 9.0 MITIGATION MONITORING

The Board of Supervisors finds that all studies recommended by the EIR has been completed or will be required as conditions of approval to be completed prior to operation of the proposed project. These studies will be required to meet identified performance standards. Pursuant to CEQA requirements a Mitigation Monitoring Plan is being adopted by the Board as a part of the approval action. Implementation of that program will ensure that all required mitigation measures are implemented.

SECTION 10.0 PROJECT BENEFITS

The Board of Supervisors finds that the proposed project will create the following benefits for the County of Yolo and County residents:

- Increased crop values on the combined Haller and Muller sites as a result of reclaiming soils to agricultural productivity at equal or better levels.
- Improvement of the Class IVs-4 soils on the Muller site upon reclamation to 51 acres of prime farmland.
- Restoration of 25 acres of previously mined land in the Cache Creek floodplain.
- Authorization of additional permitted material to be mined by Teichert Aggregates to avoid running out of product prior to the completion of the Off-Channel Mining Ordinance and the Cache Creek Resource Management Plan.
- Continued employment for 15 current employees of the Woodland facility.
- Economic benefits to Yolo County including \$77,038 in property tax and \$10,231 in sales tax revenues paid by Teichert in 1994. During the same period Teichert made purchases in the amount of \$8,453,319 from Yolo County vendors.

SECTION 11.0 STATEMENT OF OVERRIDING CONSIDERATIONS

The Board of Supervisors has carefully balanced the benefits of approval and implementation of the project, against the unavoidable adverse impacts identified in the EIR. Notwithstanding the

disclosure of impacts identified in the EIR as significant and potentially significant, and which have not been eliminated or mitigated to a less-than-significant level, the Board of Supervisors, acting pursuant to Section 15093 of the State CEQA Guidelines, hereby determines that the benefits of the project outweigh the significant unmitigated adverse environmental impacts.

The EIR identifies the following impacts that can not be mitigated to an acceptable level, and therefore remain significant and unavoidable.

- Impact 4.4.5:** Flooding Associated with Groundwater
- Impact 4.5-1:** Loss of Agricultural Land (acreage)
- Impact 4.5-3:** Conversion of Prime Agricultural Soils to Non-Agricultural Uses (Haller Site)
- Impact 4.5-16:** Conflict with General Plan Policy CON 12 (preservation of prime agricultural soils)
- Impact 4.7-1:** Equipment Exhaust Emissions
- Impact 4.7-2:** Fugitive Dust Emissions
- Impact 4.10-2:** Short-term Alteration of Northbound Views along Road 94B, just North of Stevens Bridge
- Impact 5.2-14:** Cumulative Permanent Loss of Agricultural Land
- Impact 5.2-21:** Cumulative Fugitive Dust
- Impact 5.2-22:** Cumulative Regional Mobile Source Emissions
- Impact 5.2-24:** Cumulative Plant Emissions

Feasible mitigation measures that would partially mitigate these impacts have been identified and discussed in the EIR, and are summarized in the attached Impacts and Mitigations Summary. For Impacts 4.5-2 and 5.2-14 (project and cumulative-related conversion of prime agricultural land) no feasible mitigation measures were identified.

The Board of Supervisors finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time which would reduce these impacts to a less-than-significant level. To the extent that these adverse impacts will not be eliminated or lessened to an acceptable (less-than-significant) level, the Board of Supervisors finds that specific economic, social, and other considerations identified herein support approval of the project despite unavoidable impacts.

The Board finds that it is imperative to balance competing goals in approving the project. Not every significant environmental impact has been fully mitigated because of the need to meet competing

concerns. Accordingly, in some instances the Board has chosen to accept certain significant environmental impacts because to eliminate them would unduly compromise some other important economic, social or other goals. The Board finds and determines that the EIR and other supporting environmental and planning documentation, provide for a positive balance of the competing goals and that the economic, social, and other benefits to be obtained by the project outweigh the significant environmental impacts of the project.

The Board specifically finds that to the extent the identified significant adverse impacts have not been mitigated to less-than-significant levels, the benefits identified in Section 10 of these findings support approval of the proposed project and entitlements. The Board believes that the above-described benefits which will be derived from approval of the project, when weighed against the existing condition and the future condition, override the significant and unavoidable environmental impacts of the project.

SECTION 12.0 SUMMARY

The EIR was prepared pursuant to Section 15163 of the CEQA Guidelines. The Board has determined that the EIR fully addresses the impacts and mitigations of the proposed mining and reclamation. Public noticing and involvement in the process included a workshop and several public hearings. Substantial evidence in the record demonstrates various benefits and considerations including economic, social, technical, which the County would derive and/or face from the implementation of the project. The Board of Supervisors has balanced these project benefits and considerations against the significant and unavoidable environmental impacts identified in the EIR and has concluded that those impacts are outweighed by the project benefits.

In conclusion, the Board of Supervisors finds that any remaining (residual) effects on the environment attributable to the project, which are found to be unavoidable in the preceding Findings of Fact, are acceptable due to the overriding concerns set forth herein. The Board concludes that the project, with mitigations set forth as conditions plus additional relevant conditions recommended by staff, should be adopted.



- 6.2 94-065 - Consideration of the following: Certification of the EIR, Approval of Rezoning, Approval of a Conditional Use Permit and Approval of a Reclamation Plan for a Short-term off-channel surface mining project. Mining would occur on 35 acres of a 113 acre parcel, with reclamation to agriculture. Applicant: Solano Concrete Company (H. Tschudin)

Heidi Tschudin, Contract Planner, gave the Staff Report.

Anthony Russo, Vice President and General Manager of Solano Concrete, gave his presentation. He said that the company is running dangerously short of materials. He also added that he was not in agreement with Condition #50 requiring an eight-foot wide paved shoulder on Highway 16.

Commissioner Lea prompted a discussion of Condition #23 regarding groundwater monitoring.

Commissioner Gray asked for clarification of “dry pit” as compared to “wet pit” mining.

A discussion regarding the project’s impact on groundwater recharge took place.

The Public Hearing was opened at this time.

Robert Speirs, resident of Brooks, was concerned about asphalt safety and groundwater monitoring.

A lengthy discussion ensued regarding groundwater quality, quantity and monitoring.

Lois Linford, representing the League of Women Voters, said the primary and overriding concern the League has with this application is the threat it poses to the Cache Creek aquifer.

Jan Lowrey, representing Segerra Farms, said that based on the past six years, Solano’s Reclamation Plan should be considered a model.

Commissioner Lea said with good management, tomatoes can still be grown on land where boron is an issue.

Mitzi Speirs, resident of Brooks, said that the process regarding both applications demonstrate the crudest example of steamrolling projects through for adoption that she has seen in more than ten years. She added that the Public has a right to regulatory ordinances and every year, they are being postponed.

Another discussion regarding the frequency of water testing took place.

The Public Hearing was closed at this time.

Heidi Tschudin responded to the concerns brought up at the Public Hearing.

Kevin O’Day, from Baseline Environmental Consulting, explained that the plant is constructed to seismic standards.

Commission Action:

Commissioner Gray made the motion to approve the recommended action with a few modifications to the Conditions of Approval as follows:

Condition #3

The Conditional Use Permit is approved for a period of three year, starting from the date mining commences. The Conditional Use Permit shall commence within one year from the Board of Supervisors’ approval of the Use Permit or said permit shall be deemed null and void without further action. The applicant shall certify in writing to the County the date of mining commencement within

three days after it occurs. Pursuant to the requirements of Resolution 94-82, the permit is non-renewable.

Condition #10

The restored 3.1 acres of woodland and savanna habitat shall be ~~dedicated to Yolo County or to an appropriate non-profit land trust such as the Nature Conservancy.~~ Alternatively, the 3.1 acres shall be made subject to a conservation easement attached to the title, which specifies that the land shall be restored to oak woodland/savanna and held in perpetuity for habitat.

Condition #23

Annual Monitoring of the following parameters at the open pit and a minimum of two on-site monitoring wells and one production well: General minerals and inorganics; total petroleum hydrocarbons as diesel and motor oil; organophosphorus pesticides; ~~and~~ chlorinated herbicides; and the Public Health Standard. In addition, the open pit shall be monitored quarterly for Public Health Standards.

MOTION: Gray SECOND: Lang
AYES: Heringer, Gray, and Lang
NOES: Pollock, Webster and Lea
ABSTAIN: None
ABSENT: Walker

This Motion did not pass.

Commission Action:

The motion was made that the Commission was hopelessly deadlocked.

MOTION: Gray SECOND: Lang
AYES: Heringer, Gray, Pollock, Lea, Webster and Lang
NOES: None
ABSTAIN: None
ABSENT: Walker

The Motion passed and the applicant was advised that he could appeal to the Board of Supervisors without prejudice.

The following Commissioners gave their reasons for their decisions:

Commissioner Lea: Commissioner Lea read excerpts from Management of Course Sediment on Regulated Rivers.

COMPREHENSIVE ENVIRONMENTAL PLANNING
(from page 94)

The present practices and regulations of instream mining in California have evolved piecemeal over recent decades in reaction to problems resulting from increased extraction rates related to the state's rapid urban growth. Despite the fundamental economic importance of the aggregate, and despite the environmental impacts of its extraction from river channels, there has been little serious effort until recently to step back and view extraction in the larger context of aggregate resource quality and uses, and the environmental impacts of various alternatives. Unfortunately, in many areas, the data necessary for sound decision making are lacking or have not been compiled in a meaningful way.

TOWARD MORE EFFECTIVE REGULATION OF INSTREAM MINING
(from page 94)

While regulation of instream mining in California has evolved considerable (10 amendments to SMARA have passed since 1975), a more coherent approach to regulation of instream mining is still needed in California. The overlapping regulatory requirements that presently exist pose numerous obstacles to the miner without insuring that environmental impacts are avoided or even recognized. The environmental impacts are avoided or even recognized. The environmental costs of instream mining are presently born by society as a whole and not incorporated into the cost of aggregate production.

CHALLENGES IN IMPLEMENTING SMARA AT THE LOCAL LEVEL.
(from page 88)

There are 113 county and city governments in California designated as lead agencies under SMARA and responsible for implementing SMARA and ensuring CEQA compliance. Local governments are under severe fiscal strain due to a statewide ballot initiative in 1978 restricting their ability to collect property taxes. Thus, county governments typically cannot afford technical staff to evaluate reclamation plans or to monitor performance of the extractors. Political pressure may exist to insure a steady supply of aggregate for urban growth.

"I am going to vote against the motion to approve the project based in part, in a large part, of what I just read to you. My concerns of this project as I focused on are certainly water quality. I'm concerned about loss of farm ground. I'm concerned very much with the use of class 1 soils for mining and I comment also on the very dubious nature of the tree crop viability that was included as part of the reclamation project.

I don't like to put anybody out of business. I think that Solano has certainly demonstrated that it tries to be a good neighbor. But I have very great concerns that we should not be proceeding to do this light of the overall complete management plan for Cache Creek."

Commissioner Pollock: "I've spent a great deal of time on these applications and I've looked at each one individually because we did, as most of you in the audience know, we had one previously today and we will be having one next month.

I find great differences in the projects themselves and the specific sites that we are looking at for these applications. I think with this one particularly, I am very concerned about the "wet pit", off-channel mining. I think there's a much greater risk of groundwater contamination. We did hear from Professor Scott. I had concerns about recharge. I think Professor Scott, today, very briefly stated that there was not going to be an effect on recharge, but that had been one of my concerns.

I think that the groundwater quality was one (concern) with this application, The discussion of agricultural land disturbs me. There is supposedly a study that SCS says this was prime soil but this study says it isn't so we're going to call it non-prime soil. I think we all have to start with a similar basis when we look at projects and SCS has been the accepted standard for ag ground classification, that we as a Commission have used in the past and I think that's generally acceptable. So that the conversion of land, the figures to me are skewed in that they are using more non-prime acres to start with than what SCS says are out there. So that it looks like there is a greater benefit because then you end up with more prime acres.

One of the things with this application and as stated in the Minute Order by the Supervisors to do the short-term permits is that there be a net gain to the County and with this particular application, I have a great deal of problem in finding much net gain at all. I could go through them individually.

The first thing that is listed on page 31 of the Staff Report, the accelerated reclamation of the Hudson Parcel; if reclamation has to be done, it has to be done. It's like if this project is approved, we're going to accelerate it, but if you don't, we're going to take sixteen years to do it. I find that unacceptable.

An introduction of a tree crop agriculture; to me that is not a net gain to the County. Any farmer that found it economically viable to plant these trees could do that. Just because their doing it, does not mean its something that the County is going to gain from.

Improvement of the levee system along Cache Creek, north of the Hutson Parcel; I think in talking to Mr. Russo, I think that's something that's already been accomplished. Its an existing levee. There was no free-board and they have already increased that as something that needed to be done to provide the flood protection anyway. Its not any great net gain to the County.

The restoration of 3.1 acres of Valley Oak; to me, that's a very small part of habitat restoration for the amount of land that is being disturbed both for the mining itself and for the borrow for the filling of the pit.

And the other things that are listed; there is not really a net gain. Its a status quo as far as I'm concerned. So that was one of my biggest problems with this application was the concept of the net gain."

Commissioner Gray asked "And you don't feel that the amendments dealing with the water quality issue and the factual information that was presented on what a good job the applicants have done and are planning to do with the ag reclamation. We've heard from the farmers of this community that these guys have done the ag reclamation outstandingly. And we've heard from the farmer that farms that site, that they expect that to be a major increase. Whether or not in a report they use some sort of different soil standard, that didn't influence my decision. I don't think it entered into the discussion among any of us."

Commissioner Lang: "I've looked and I've been on site. As a farmer, I would take the ground that they have developed, re-developed on that lower site, that they have finished. They have leveled it up. There were sunflowers, about four to six inches coming out of the ground."

I think what we're basically getting at, if that's the system that Yolo County is going to use, we have a site that somebody has put a lot of tender, loving care into doing. Because I walked that site. I saw the 35 acres that they developed. Class 1 soils, class 2 soils, class 3 soils, is only in a book. You go in any farming operation, you go from 1 to 5 on the same piece of ground. And you can be close to a river in a class 1 soil. I farm all 3, 4, and 5 class soils. Tell the tax assessor, he classifies it as prime farm ground. So when it comes to soil, I would be very comfortable, I would even be comfortable planting a walnut orchard in that soil that they've reclaimed. Because it meets the criteria; it has top soil of loam; it has clay loam; it has a bottom layer of silt which means its ideal for planting an orchard in. And that's just because its 25 feet below.

The way they've handled the water, the way they've handled the dust. I mean, if I had to pick a site that I wanted to show somebody how reclamation is done, I would take them and show them this site.

At the Teichert site, there is some question because there is no soil. And basically, if you in Yolo County want to go to gravel mining ever again, this is the site that you have to do some experimenting on. You've got the Swainson Hawk, right there next to them flying around in the alfalfa field and what have you. I mean if this site doesn't meet the criteria, then no site will ever meet the criteria in Yolo County. That's my feeling. This is the site that I would want to experiment on and give them the option to go on and finish it up. Because any other site, would not meet the criteria as this one does. We're losing all of our experiment, were losing all of our care. That's why I feel strongly if we're going to learn anything, then voting for the first site today was only voting for three years. I'm going to watch that site like a hawk. I going to drive by it, and if I see anything after three years and they come back to this Commission and I have one more year left on it, and I see that they haven't done what they said they were going to do, there's one person that will not, will not support it. This is a three year period. That's it. We're going to learn from this. I agree with the people talking about our aquifer, the stuff in the soil, the water and what have you. Its critical. And that's why I feel that these two sites, the one we approved today and this one is for a three year period. We're going to watch them and if they don't meet up to the criteria, they come in front of us again, we won't spend all this time on this stuff, we'll just say "Don't even worry about it, don't waste three days of solid meetings with us and all that. We don't even feel that your trustworthy to even do the paperwork. You can do it, but we're not even going to vote for it." So that's my criteria. And that site to me represents the cutting edge, if we're going to go any way in gravel mining in Yolo County, that would be the site. That's my feelings."



7. COMMISSION REPORTS

Reports by Commission members on information they have received and meetings they have attended which would be of interest to the Commission or the public. No discussion by other Commission members will occur except for clarifying questions. The Commission or an individual Commissioner can request that an item be placed on a future agenda for discussion.

Commissioners Pollock, Gray, and Heringer reported that they met with Randy Sater and Lily Noble concerning the Teichert application. They also spoke with Anthony Russo either on the telephone or in person concerning the Solano application.

Commissioner Pollock also acknowledged receipt of an invitation from Yolo Land Conservation Trust regarding the Prune Harvest Tour.



8. ADJOURNMENT

The meeting was adjourned at 4:30 p.m. and the next meeting of the Yolo County Planning Commission is scheduled for September 6, 1995 at 8:30 a.m. Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the Board of Supervisors by filing with the Clerk of that Board within fifteen days a written notice of appeal specifying the grounds. The Board of Supervisors may sustain, modify, reject or overrule this decision. There will be an appeal fee payable to the Community Development Agency and the Clerk of the Board of Supervisors.

Respectfully submitted by,

Stephen L. Jenkins, Director
Yolo County Community Development Agency

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