

MINUTES

YOLO COUNTY PLANNING COMMISSION

August 2, 1995

1. CALL TO ORDER

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

MEMBERS PRESENT: Heringer, Lea, Pollock, and Lang

MEMBERS ABSENT: Webster, Gray and Walker

STAFF PRESENT: Stephen L. Jenkins, Director
David Flores, Senior Planner
David Morrison, Associate Planner
Laxmi Srinivas, Associate Planner
Mark Hamblin, Associate Planner
Linda Caruso, Commission Secretary



2. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETING

Due to the lack of time between meetings, the Minutes of the previous meeting were not available.



3. 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.

No one came forward to address the Commission.



4. CORRESPONDENCE

Commissioner Pollock acknowledged receipt of General Plan Update newsletter from the City of Woodland, The SAGOG Report, two letters from Solano Concrete and EIRs for the Solano Concrete and Teichert-Woodland applications.



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.

5.1 95-040 - Consideration of a minor modification to the Homestake (gold mine) Reclamation Plan. The modification includes the recontouring and reclaiming of an area adjacent to the North Pit in Yolo County. The subject property is located 26775 Morgan Valley Road, Lake County CA, 95457. A Categorical Exemption has been prepared. Applicant: Homestake Mining Company (D. Flores)

Commission Action:

1. **CERTIFIED** that the attached Negative Declaration is the appropriate environmental document for this project in accordance with the California Environmental Quality Act and Guidelines (CEQA)
2. **ADOPTED** the "FINDINGS" for this project as presented in the staff report;
3. **APPROVED** the requested modification to the Reclamation Plan subject to the conditions identified under "CONDITIONS OF APPROVAL".

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

CONDITIONS OF APPROVAL

The Yolo County Planning Division Staff reviewed the Conditions that were recommended by the Napa County Conservation-Development Planning Commission (Lead Agency for the Homestake Mining Permit and Reclamation Permit) and the State Office of Mine Reclamation. Staff determined said conditions to be appropriate and have incorporated those applicable conditions within the following proposed Conditions of Approval:

1. A copy of the approved Reclamation Plan shall be submitted to the Napa County Conservation - Development and Planning Department to update the Master Reclamation Plan on file with their office.
2. Estimates of the amount of material to be excavated and transported from the 25 acre site are to be discussed in the modification to the reclamation plan and submitted to the Yolo County Community Development Agency for review.

FINDINGS

(A summary of the evidence to support each FINDING is shown in *italics*.)

California Environmental Quality Act & Guidelines (CEQA)

In certifying the proposed Negative Declaration (ND) for this project as the appropriate level of environmental review under CEQA, the Planning Commission finds:

That on the basis of the Initial Study and comments received, that there is no evidence that the project will have a significant effect on the environment.

In accordance with Section 10-5.803 of the Yolo County Zoning Regulations the Planning Commission finds that:

No modifications may be granted unless all the following findings are made:

- (a) That the modification requested is necessary because of unforeseen circumstances occurring subsequent to the approval of the original reclamation plan; and
- (b) That all findings required for the initial approval of a reclamation plan by Section 10-5.608 of Article 6 of this chapter are made with regard to the reclamation plan as modified.

While estimates of required top soil and oxidized subsoils in the original reclamation plan for the entire mining were largely correct, the final stages of the reclamation of the North Pit will require some additional soil.

Staff has determined that the reclamation plan proposed by Homestake will not adversely effect the surrounding area as on-going reclamation operations are currently underway in the area of this proposal. This project will also conform to the standards established by the Environmental Impact Report and Reclamation Plan for the over all mining operation which is on file with the Napa County Conservation-Development and Planning Department.



6. REGULAR AGENDA

- 6.1 95-043 - A request for a Conditional Use Permit to allow a residential home and workshop in a Commercial (CH) Zone. Property is located at 28344 Road 2A in Dunnigan. A

Categorical Exemption has been prepared. Applicant: Violet and Manuel Menendez (L. Srinivas)

Laxmi Srinivas gave the Staff Report.

Paul Kramer, County Counsel, said that he would like to see revised language for Condition #2. He said the lots should be merged by deed to avoid any problems in the future.

The Public Hearing was opened at this time.

Manuel Menendez, the applicant, had questions concerning how the merger would take place.

Commissioner Heringer asked the applicant if he had any objection to merging the two properties, and applicant indicated he did not.

Commissioner Lea wanted clarification from the Public Works Department as to when the 30 ft. easement would be needed.

John Joyce, Director of Public Works, said at some point in time, he anticipates that those properties adjacent to the applicant will be developed and there will be a need for the road. The offer of road dedication can remain inactive for as long as ten years, but the offer must be made before a building permit can be issued.

The Public Hearing was closed at this time.

Commission Action:

- (1) **CERTIFIED** a Class 3 Categorical Exemption as the appropriate level of environmental review for this project in accordance with the California Environmental Quality Act and Guidelines (CEQA); and
- (2) **ADOPTED** the Findings as presented in the staff report.
- (3) **APPROVED** the Conditional Use Permit (ZF 95-043), subject to the proposed Conditions of Approval as modified.

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

CONDITIONS OF APPROVAL

Planning Division Requirements

1. That the Use Permit is granted for the proposed project as described within this report (ZF 95-043), and shall be constructed in a manner consistent with the attached plot plan (Exhibit "C").
2. Prior to issuance of a Building Permit, the applicant shall submit evidence of a recorded deed indicating that the two legal lots have been merged. ~~are considered effectively merged and that the subject property cannot be sold/subdivided as two separate legal lots until such time as the building no longer exists on the property.~~
3. In accordance with Yolo County Code §8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney 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 promptly notify the applicant of any claim, action or proceeding and that the County cooperate fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

Fire Department Requirements

4. The applicant shall meet all the fire protection, on-site water storage and access requirements of the Dunnigan Fire District and shall use fire retardant roofing material ~~shall be used~~ for the single-family house.
5. Landscaping shall be of non-flammable vegetation within 30 feet of buildings.
6. Addressing for the single-family house along the public road frontage shall be posted using 3.5" reflective numbers visible to the vehicular traffic prior to the final inspection for the single-family house.

Environmental Health Department Requirements

7. Prior to the issuance of a building permit for the single-family house, the applicant shall obtain plan check approval and permits for on-site sewage disposal systems and water wells from the County Environmental Health Department.

Building Division Requirements

8. A site drainage plan prepared by a licensed professional (to ensure drainage from the site to an adequately sized detention pond) shall be submitted along with the building permit application.

Public Works Department Requirements

9. Prior to issuance of a building permit, the applicant shall offer to dedicate additional right of way along the private street for a total of thirty feet (30') from the center line to the Yolo County Public Works Department.
10. The applicant shall agree and consent to enter into a street improvement agreement with the Public Works Department and shall agree and consent to participate in an Assessment District for construction of improvements.

FINDINGS

(A summary of the evidence to support each FINDING is shown in italics)

In accordance with Section 8-2.2804, Article 28 of Title 8, the Planning Commission has determined the following:

- a) The proposed single-family house is listed as a conditional use in the zone regulations or elsewhere in this chapter;

The subject property is located in the C-H Zone which allows other uses which are of the same general character as the conditional uses allowed in the C-H Zone. Since the property will be reclassified as residential in the future, the residential use of the property will be appropriate and will be consistent with the residential and commercial uses of the surrounding properties. There are no agricultural uses in the vicinity of the subject property and therefore, the residential use of the property will not impact the agricultural uses in the area.

- (b) The proposed single-family house is essential or desirable to the public comfort and convenience;

The proposed single-family house will allow the applicants/owners to live on the subject property and maintain the property as a residence. Since the property will be reclassified as residential in the future, the residential use of the property will be appropriate and will be consistent with the residential and commercial uses of the surrounding properties. There are no agricultural uses in the vicinity of the subject property and therefore, the residential use of the property will not impact the agricultural uses in the area.

- (c) The proposed single-family house will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety, or general welfare;

The residential use of the property will be consistent with the residential and commercial uses of the surrounding properties. Since the property is located close to Interstate 5, there will be some noise impacts due to the freeway. However, the impacts will not be significant because the property is set back approximately 400' from the freeway. The project's compliance with the requirements of all applicable responsible agencies (Environmental Health, Fire, Building Departments) will avoid detrimental impacts to the public health, safety, or general welfare.

- (d) The proposed single-family house will be in conformity with the General Plan;

The proposed use will be consistent with the General Plan policies regarding residential and commercial land uses because it will be similar to the permitted and conditional uses in the residential and commercial zones. Since the property will be reclassified as residential in the future, the residential use of the property will be appropriate and will be consistent with the residential and commercial uses of the surrounding properties.

- (e) Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities will be provided.

Utilities will be provided by Pacific Gas and Electric Co; Access to the property is provided by a private street along County Road 2A via a proposed driveway; Adequate drainage will be addressed through proper grading of the property; Solid waste disposal will be provided by a local hauler, and adequate safety/sanitation standards will be insured by the Fire and Health Departments. Conditions of approval will further ensure that adequate services will be provided.



- 6.2 95-014 - A request for a General Plan Consistency Review to allow the abandonment of portions of County Road 18B, 29, 102, and 103. Applicant: Yolo County Public Works (D. Flores)

David Flores gave the Staff Report.

Commissioner Lea asked how property owners would retain access if the roads were abandoned.

David Flores indicated that the Public Works Department will be responsible to assure the property owners will retain their existing access rights prior to final action by the Board of Supervisors for abandonment of these roadways.

Commissioner Pollock asked if the property owners had any concerns about having to use the "Knox Boxes". David Flores said they have agreed to use them.

The Public Hearing was opened at this time.

Richard Goodnight, representing the State of California, Department of Water Resources, answered questions for the Commission. He stated that some of the roads are severed due to construction of a new levee. He added that the State owns all the property between Road 18B and Road 20.

The Public Hearing was closed at this time.

Commission Action:

1. **CERTIFIED** the Negative Declaration prepared for the project in accordance with the California Environmental Quality Act and Guidelines (CEQA).
2. **ADOPTED** the FINDINGS for this project as presented in the staff report.
3. **RECOMMENDED** to the Yolo County Public Works Department to proceed in formalizing the abandonment of portions of County Road 18B, 20, 102, and 103 in accordance with the "**CONDITIONS FOR COMPLIANCE**".

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

CONDITIONS FOR COMPLIANCE

1. Gates that are installed at the entrances to the various County Roads to be abandoned, shall install "Knox Boxes" or similar design to allow multiple locks which can be applied to the gates for access by Agencies of Concern.
2. The County of Yolo shall reserve all current Public Utility Easements upon Vacation of the various portions of County Road 18B, 20, 102, and 103.
3. The Yolo County Public Works Department shall contact each property owner whose property will be affected by the abandonment of this roadway, and shall receive written consent prior to final action by the Board of Supervisors.
4. The Yolo County Public Works Department will be responsible to assure the property owners will retain their existing access rights prior to final action by the Board of Supervisors for abandonment of these roadways.

FINDINGS

(A summary of the evidence to support each FINDING is shown in italics.)

In certifying the proposed Negative Declaration (ND) for this project as the appropriate level of environmental review under CEQA, the Planning Commission finds:

That on the basis of the Initial Study and comments received, that there is no evidence that the project will have a significant effect on the environment.

In accordance with Article 7, Section 65402 of the Planning and Zoning Law, the Planning Commission finds:

That the proposed project conforms with the provisions of the Yolo County General Plan.

Staff has reviewed the application submitted by the Yolo County Public Works Department and determined the project consistent with the Yolo County General Plan specifically Circulation Element 8 (Clr.8), and Open Space Policies 9 and 11 which encourages access control and safety features and protection of wildlife. As indicated earlier in the staff report, the closing off of these various roadways will protect the wildlife habitat that exist within the Cache Creek Settling Basin, which complies with the Open Space Policies of the County.

The use of a "Knox Box" will allow multiple locks to be applied to the gates for access by authorized vehicles for inspection of the levee system and in the case of an emergency.



Commissioner Lea abstained from the following item.

- 6.3 95-019 - A request for an Agricultural Preserve Contract Split of an existing 68 acre parcel. The applicant is attempting to acquire a 23 acre portion of the contract for his farming operation. The 23 acre parcel is a separate legal parcel established by a grant deed recorded prior to January 20, 1966. Property is located on the southeast corner at the intersection of CR 95 and CR 18A, 4 miles northwest of the Woodland in an Agricultural Preserve (A-P) Zone. A Negative Declaration has been prepared. Applicant: Joe Muller/Emily Schneegas (M. Hamblin)

Mark Hamblin gave the Staff Report.

The Public Hearing was opened at this time.

Tom Muller, Partner with Joe Muller and Sons, said that although he understood why Condition #5 has to be included, he would like to have the option to build on the parcel in the future.

The Public Hearing was closed at this time.

Director Jenkins suggested that this property be merged into the same Williamson Act Contract as the existing one or create a separate Contract as proposed in this application. Director Jenkins added that he cannot look at this project by whom the applicant is. Even though everyone knows the applicant's intentions are to continue farming, it can't be viewed in that way. It would set a precedent for future applications.

The applicant said he did not like to see parcelization in the County, but he is not a developer. The Public Hearing was closed at this time.

Commissioner Pollock said that there is currently an Ag Preserve Contract with three individual parcels, one of which is not contiguous to the other and by approving this application it would "clean up" that situation which is something the Commission has been trying to do in the past. The negative point would be that the 23 acres would probably be go into non-renewal and convert to A-1 Zone.

Commissioner Heringer said he was more in favor of making it a separate parcel.

Commission Action:

- (1) **CERTIFIED** that the proposed Negative Declaration was prepared in accordance with the California Environmental Quality Act and Guidelines (CEQA);
- (2) **ADOPTED** the "FINDINGS" for this project as presented in the staff report;
- (3) **APPROVED** the Land Use Contract (Williamson Act) division to establish two Contracts consisting of 23 acres and 45 acres, subject to the conditions listed under "CONDITIONS OF APPROVAL" presented in the staff report and modified.

MOTION: Pollock SECOND: Lang

AYES: Heringer, Pollock, and Lang

NOES: None

ABSENT: Gray, Webster and Walker

ABSTAIN: Lea

CONDITIONS OF APPROVAL

(1) The property owner(s) shall execute individual Land Use Contracts for properties shown in **Exhibit "B"** within one year from the date of the Yolo County Planning Commission approval. Said Land Use Contracts shall be in a form approved by the County Counsel of Yolo County and the Director of the Yolo County Community Development Agency. Said Land Use Contracts shall be recorded at the property owners expense in the Office of the Yolo County Clerk/Recorder. ~~simultaneously with the Final Map.~~

(2) A copy of the recorded Land Use Contracts shown in **Exhibit "B"** shall be returned to the Yolo County Community Development Agency, Planning Division.

(3) The property owners shall comply with County Code Section 8-2.408 (e2ii) including among other things the filing of file a declaration or a Williamson Act questionnaire with the Yolo County Assessor's Office prior to April 1 of each year for the life of both the agricultural preserve contracts, unless the parcels are is enlarged to meet the minimum acreage requirement under the Yolo County Zoning Regulations.

~~(4) The applicant shall execute individual Land Use Contracts for the properties shown in **Exhibit "B"** within one (1) year from the date of the Yolo County Planning Commission's approval or said agricultural contract division shall be deemed null and void without any further action.~~

(5) The 23 acre subject parcel shall be designated "non-buildable" for a homesite so long as it remains in an agricultural preserve contract.

FINDINGS

(Evidence to support the required findings is shown in italics)

California Environmental Quality Act & Guidelines (CEQA)

In certifying the proposed Negative Declaration (ND) for this project as the appropriate level of environmental review under CEQA, the Planning Commission finds:

That on the basis of the Initial Study and comments received, that there is no evidence that the project will have a significant effect on the environment.

Agricultural Land Contracts/Blue Ribbon

In accordance with Section 8-2.401, Article 4 of Title 8 of the Yolo County Regulations, the Planning Commission finds:

1. That the parcels created will be consistent with the zone by preserving the agricultural use from the encroachment of nonagricultural uses;

The applicant is attempting to purchase the 23 acre portion of 68 acre agricultural preserve contract for his farming operation - tomatoes. The applicant is involved in a family farming partnership (Joe Muller & Sons). The applicant's family partnership currently leases the site for his farming operation and an approximately 400 acres in the immediate area, including the remaining 45 acres involved in this contract division. The Schneegas family wishes to sell the 23 acre parcel to the Mullers but did not wish to sell the entire contract.

The 23 acre parcel is a separate legal parcel established by a grant deed recorded in the County Recorder's Office prior to January 20, 1966. However, this parcel and two other parcels located approximately 3/4 mile from the 23 acre site were combined into the same agricultural preserve contract (Agricultural Contract No. 78-059/AP 71). The properties under contract are not contiguous.

2. That the parcels will maintain the agricultural economy;

The applicant currently leases the property involved with this agricultural contract division for his farming operation. The applicant Joe Muller & Sons (family farming partnership) is attempting to purchase 23 acre portion of the contract. The applicant currently farms the site and the balance of the agricultural contract. The applicant also farms 400 acres in the immediate area in addition to their property.

The agricultural preserves created by the applicant's request involves soils that are currently cultivated and irrigated that meet the state's minimum requirement for prime agricultural land but are not consistent with the county's minimum requirement of 80 acres. The property owners will have to file a declaration or a Williamson Act

questionnaire with the Yolo County Assessor's Office prior to April 1 of each year that the property for the life of the agricultural preserve contract, unless the parcel is enlarged to meet the minimum acreage requirement under the Yolo County Zoning Regulations.

3. That the parcels will assist in the preservation of prime agricultural lands;

The soil type for the property is Brentwood silty clay loam, 0 to 2 percent slopes (Class I, Storie Index 81) as shown on the Soil Survey of Yolo County, California prepared by the United States Department of Agriculture Soil Conservation Service, issued June 1972.

The subject property has historically been used for agricultural productivity - row crops (tomatoes). The applicant is attempting to purchase the 23 acre portion of 68 acre agricultural preserve contract for his farming operation - tomatoes. The applicant is involved in a family farming partnership (Joe Muller & Sons). The applicant's family partnership currently leases the site for his farming operation and an approximately 400 acres in the immediate area, including the remaining 45 acres involved in this contract division.

4. That the parcels will preserve lands with public value as open space;

The subject property has historically been used for agricultural productivity - row crops (tomatoes). Agriculture is recognized as a principle component of open space as identified in the Yolo County General Plan.

5. That the proposed use will be consistent with the General Plan;

Lands in the immediate area are currently under contract, and are designated for an agricultural use by the County General Plan and Zoning Regulations. The applicant's request is not removing the property from agricultural productivity. The request supports the finding that the proposed split is consistent with the preservation of agriculture in accordance with the Blue Ribbon Recommendations established in Ordinance No. 1157 provided the property owners file a declaration or a Williamson Act questionnaire with the Yolo County Assessor's Office prior to April 1 of each year that the property for the life of the agricultural preserve contract, unless the parcel is enlarged to meet the minimum acreage requirement under the Yolo County Zoning Regulations.

6. That the proposed contract in question will have been created in conformity with and complies with all the requirements of the Subdivision Map Act of the State.

The 23 acre parcel is a separate legal parcel established by a grant deed recorded in the County Recorder's Office prior to January 20, 1966. The effective date of the county's Land Development Ordinance. However, this parcel and two other parcels located approximately 3/4 mile from the 23 acre site were combined into the same agricultural preserve contract (Agricultural Contract No. 78-059/AP 71).

7. That the parcels will be at least 80 acres in size of cultivated/irrigated land.

The applicant's request is to establish two (2) separate Land Use Contracts (Williamson Act contracts) consisting of 23 acres and 45 acres which are below the minimum size of 80 acres specified in Subsection 8-2.406(a) of Ordinance No. 1157. However, subsection 8-2.408(e) (ii) states that

"if less than the minimum sizes specified in Subsection 8-2.406(a) of this Chapter, at least 20 acres for irrigated land or 40 acres for non-irrigated land, provided that the owner annually demonstrates that except for a homesite no larger than a single acre, the remainder of the acreage is being used for the commercial production of agricultural products or is planted with bearing or maturing fruit or nut trees, vines, or other perennial agricultural crops, or is used partly for storage of commodities obtained from the owner's owned or leased land elsewhere or for equipment used to farm the owner's other owned or leased land, which demonstration shall be made by filing a declaration or a Williamson Act questionnaire with the County Assessor not later than April 1 of each year." Failure to file the declaration or questionnaire to meet the above criteria shall cause the property to be valued higher and/or the county giving a notice of non-renewal of the Williamson Act Contract.



6.4 Presentation of the 1992-1993 and 1993-1994 Annual Monitoring Reports by Ecological Research Associates, the Technical Review Panel and Homestake Mining Company. Applicant: Homestake Mining Company (D. Flores)
David Flores gave the Staff Report.

John Ceteras, Chairman of the Technical Review Panel for Homestake Mining Company, thanked Director Jenkins and David Flores for all their cooperation. He added that the monitoring would hopefully occur every year from now on.

Dr. John Reuter, of the Ecological Research in Davis, said that Homestake's efforts for reclamation and their whole approach to the project has received acclaim both nationally and internationally .

Director Jenkins said that the Department of Water Resources had recently completed a study of mercury levels in the Delta. During the past storm event, there were increased levels of mercury but they do not know where they are coming from. Is there any relationship between increased levels of mercury in the Sacramento River and what is happening here?

John Reuter said he could not put his finger on any one source. He said there is not a lot of mercury leaving Davis Creek Reservoir.

James Jackson, Senior Engineer for Homestake, said that Homestake was fundamentally in agreement with the Recommendations by the Technical Review Committee except with Condition #6. He also explained the function of Davis Creek Reservoir and how it ties in with the mining operation.

Commissioner Heringer asked if mercury levels were lower or higher since the mining began. James Jackson indicated that they were lower.

Darell Slotton, of the Ecological Research in Davis, said he did not think that Homestake should be required to do research on the tree swallows. Bats are more available as a monitoring specie because they are there all year round.

A discussion on who is responsible if the earth dam breaks took place.

The Public Hearing opened at this time.

Avery Tindell, resident of Rumsey and former member of the TRP, said that because Homestake built the dam and the resorvoir, they are responsible if the dam breaks.

The Public Hearing was closed at this time.

John Ceteras explained the role of the Technical Review Panel.

Ray Krauss, Environmental Manager, said that Homestake owns the dam, built the dam, and will continue to be responsible for the dam. It would not be a burden to Yolo County should the dam fail.

Commission Action:

1. **ACCEPTED** the reports of Ecological Research Associates and the Technical Review Panel for Homestake's Mining Company, McLaughlin Mine and approve the recommendations of the Technical Review Panel identified under RECOMMENDED CONTINUED MONITORING REQUIREMENTS as modified.

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

TECHNICAL REVIEW COMMITTEE RECOMMENDATIONS:

1. Continue with the approved monitoring programs for water quality and aquatic ecology at DC5, DC6 and DCR. Continue monitoring mercury and heavy metals at the current level of effort.
2. In the next report, the significant differences detected in the interlab comparison between ERA and California Department of Fish & Game for fish Hg levels (1992-93 Report) should be clarified. The magnitude of the difference should be stated along with comments on possible causes of these differences.
3. Repeat portions of the 1992-93 synoptic sampling for sediment mercury with special emphasis on the horizontal and vertical distribution in the South Arm.
4. Continue the sampling program for water quality that is now in place that is designed to yield data that accurately reflects the status of both Davis Creek and Davis Creek Reservoir.
5. The graphs for water quality at DC5 and DC6 should be changed to once again include the dates of dam completion and the closure of the Reed adit. These two dates are relevant in interpreting the data over the long term.
- ~~6. As a monitoring species, tree swallow are also very useful for monitoring aquatic insect transfer of contaminants. Recommend installation of nest boxes around Davis Creek.~~
7. Reported high concentrations of Mercury noted in sediments of the ~~County~~ South Arm of Davis Creek Reservoir may be related to exhumation of buried Mercury rich sediments deposited during the long term Mercury extraction and retorting periods of ores from the three Mercury Mines directly up slope from Davis Creek Reservoir. The three very intense storm years 1982-83, 1986-87, and 1992-93 may have progressively eroded the "buried Hg-rich sediments" and transported portions of the sediments down slope along the incised drainage below the Harrison Hg Mine (as well as from the Royal and Manhattan Mines). A reconnaissance geochemical sampling of this area shall be conducted for Mercury to determine if these condition exist.

8. That Yolo County legal counsel, Homestake and U.C.D. and any other appropriate agencies develop a plan prior to presentation of the 1994-1995 Annual Monitoring Report to the Planning Commission to insure the safety of the public from Davis Creek Reservoir and to guard the County against any potential lawsuits that could arise should someone be harmed by Davis Creek Reservoir and the waters therein.

STAFF SUMMARY FINDINGS

Following the on-site inspection of the mining operation and participation by the Community Development Agency staff with the TRP, and supporting data from Homestake Mining Company and Ecological Research Associates, staff has established that the gold mining activities of Homestake Mining Company is in conformance with the operating standards and conditions of the mining permit and reclamation permit issued in 1983.

As indicated earlier, staff has reviewed the recommendations provided by the Technical Review Panel and determined them adequate in addressing continued compliance with the mitigation program for the Homestake mining operation.



A ten minute recess took place at 11:00 a.m. and reconvened with the following item.

- 6.5 Presentation of the 1994-1995 Annual Monitoring Report submitted by the Community Development Agency and Cunningham Engineering as related to the In-channel gravel mining along Cache Creek.

Director Jenkins said that this report is the most comprehensive to date. He added that David Morrison, the Gravel Resource Management Coordinator, has gone through all the provisions of SMARA, all of the provisions of the Surface Mining County Ordinances, Reclamation Standards, the Conditions and his conclusions, which are all in the Staff Report.

David Morrison gave the Staff Report.

Chuck Cunningham and Larry Andrews, of Cunningham Engineering, showed overheads and slides which included the following: New ground survey, existing elevations, excavation limits, mining restrictions at bridges, and cross sections grades.

Commissioner Lea asked for clarification as to how much of the creek was significantly below the theoretical thalweg. It was answered that in this year and last year, about 25% of the areas that were below the theoretical thalweg were three feet or more below.

Commissioner Pollock asked why in-channel levees were used and it was answered so the creek will not affect mining operations.

Everette Terminello, former Executive Director of the Yolo County Aggregate Producers Association, presented the economic benefits to Yolo County.

David Morrison made corrections and modifications to the Staff Report on Page 12, paragraph 1; Page 16, Condition #5; Page 17, Condition #7; and Page 29, Finding # 2. Additions are underlined and deletions have been ~~struck out~~.

John Joyce, Director of Public Works, said that Public Works would be preparing a plan to bring Yolo County back into compliance.

The Public Hearing was opened at this time.

Jim Syar, President of Syar Industries, said he would expect to see continued depressions below the thalweg even in areas that at this point may be considerably above it.

Commission Action:

1. **CERTIFIED a Class 9 Categorical Exemption** as the appropriate level of environmental review for this report.
2. **ADOPTED the finding of Fact** in support of determining that the mining operations below are in conformance with their conditions of approval and the Yolo County Mining Ordinance as modified.
3. **ACCEPTED the annual reports** as submitted by Cunningham Engineers and as verified by County staff.
4. **DETERMINED that the following aggregate companies have complied** with the Interim Mining Ordinance and Conditions of Approval established as part of their initial Use Permit approval.
 - a. Cache Creek Aggregates
 - b. Schwarzgruber & Sons
 - c. Solano Concrete Company Inc.
 - d. Syar Industries
 - e. Teichert Aggregates
5. **DETERMINED that the following aggregate companies are not in compliance** with the Interim Mining Ordinance and Conditions of Approval established as part of their initial Use Permit approval.
 - a. County of Yolo
 - b. Granite Construction Company
6. **DIRECTED staff to report back in 90 days time** to update the Planning Commission on the efforts made by Granite Construction and Yolo County to correct the violations, and on the status of the mine operated by Joseph McNamara. At that time, staff will also update the Planning Commission on the progress of the other operations in repairing any erosion damage caused by the winter storms.

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

The conditions of approval for Syar Industries are as follows:

1. Limits to the mining area:
 - a. Within actual entitlement as outlined (both cross-hatched and shaded) on the original Use Permit.
 - b. Within current complete (approved) applications.

Syar Industries has only conducted mining operations in areas identified by the original EIR and permit application, and in accordance with the Yolo County Mining Ordinance.

2. Mining to be conducted to meet the following objectives within a design channel:
 - a. Minimize damaging meandering
 - b. Direct flow away from critical features
 - c. Minimize bank erosion
 - d. Minimize degradation of adjacent wildlife habitats

Syar Industries has complied with the Yolo County Reclamation Ordinance in all respect as to depth requirements, horizontal limits, setbacks, and slope stabilization by means of effective erosion control methods.

3. The following mining methods must be observed:
 - a. Tonnage limits (960,871 tons per year) as specified in the Interim Mining Ordinance will apply
 - b. Thalweg elevations shall not be lowered
 - c. Finished slope ratios may not be exceeded

Tonnage limitations have not been exceeded, and thalweg elevations are within the parameters established under the Interim Mining Ordinance. Finished slope ratios are within those established under the Interim Mining Ordinance.

4. Reporting to staff will occur as follows:
 - a. Reporting as described in the adopted Interim Mining Ordinances shall apply.
 - b. At the spring reporting, the operator's representative will identify effects of the winter flow and will assess the effectiveness of the previous year's measures to minimize meandering and bank erosion and will submit a proposal on mining for the coming season which meets the operating objectives in condition #2. This plan should consider the following:
 1. Use natural banks
 2. Haul roads located at the toe of natural banks wherever possible
 3. No mining behind levees\haul roads or natural banks unless information is submitted demonstrating adequate protection, subject to approval

Syar Industries has participated in the annual review process to the Yolo County Planning Commission since 1980. The reports submitted to the Yolo County Community Development Agency implement and take into consideration the three requirements mentioned above.

5. Conditions for Permits will be modified as needed to reflect the previous year's experience and any new data received.

To date, Conditions 1 through 10 have not been modified for Syar Industries Mining permit.

6. Bonding. Annual renewable performance bonds are required to:
 - a. Complete levees and any required protective structures
 - b. The cost of the bond would be determined on the basis of the cost to Public Works to perform the work of replacing a levee, or structure and finishing slopes.

Approved Reclamation bonds are on file with the Community Development Agency and the Department of Conservation as required under the State Surface Mining and Reclamation Act of 1975. Syar Industries currently has a bond for \$13,500, to cover the costs of reclamation, which is renewed on a year-to-year basis. The next renewal date is December 11, 1995.

7. Modifications. All Permits are subject to being modified, and any term of those Permits open to change if the County determines through empirical evidence or study based upon new data that the mining and/or reclamation operations should be changed.

No modification to Syar's Mining permit has occurred since its issuance in 1980.

8. In the spring of each year (June) an annual report will be presented by staff to the Planning Commission to substantiate that:
 - a. The operating standards of the Ordinance; and
 - b. Conditions of approval are being met

Since 1980, the Yolo County Community Development Agency has conducted annual on-site inspections of Syar Industries mining operations, in compliance with the Conditions established by the Yolo County Planning Commission.

9. At the annual reporting by staff to the Commission, said report shall be at a public hearing and shall be advertised.

Public hearing notices of the annual reporting to the Commission are advertised in the local newspaper 10 days prior to the hearing.

10. The Planning Commission may modify any Permit when needed to assure compliance with the intent of Ordinances, and any additional conditions applied.

In previous years, the Planning Commission has requested that, as part of the annual review, the industry provide the Commission with a brief discussion on the economic benefits of the aggregate industry to the County. Everett Terminello, representative of the Yolo County Aggregate Producer's Association (YCAPA), will make a brief presentation on behalf of the industry.

Solano Concrete Co., Inc. (please see Exhibit B):

As noted in the annual report, although minor bank erosion occurred throughout the site, damage was minimal. Concentrated runoff from adjoining agricultural fields resulted in minor erosion on the south bank, just downstream of Interstate 505, but the operator has already repaired the damage. Due to continuing concerns regarding the effects of in-stream mining on the stability of the I-505 bridge, the applicant is currently working ~~has come to an agreement~~ with Caltrans to develop a plan

to reinforce the areas along the banks nearest the bridge and to mine at shallower depths within the channel to allow the streambed to aggrade beneath the bridge.

Section 10-3.511 of the Mining Ordinance requires that surface mining be conducted in conformity with all state and federal laws. Staff spoke to other regulating agencies to ensure that the operation was in compliance. Solano Concrete has a valid 1601 in-stream permit from the California Fish and Game Department, an Authority to Construct Permit from the Yolo-Solano Air Quality Management District, and a Waste Discharge Permit from the Regional Water Quality Board. Solano is considered grandfathered through August of 1995, with regard to the requirement for a 404 Permit from the Army Corps of Engineers, with additional determinations to be made later.

The conditions for Solano are as follows:

1. Limits to the mining area:
 - a. Within actual entitlement as outlined (both cross-hatched and shaded) on the original Use Permit.
 - b. Within current complete (approved) applications.

Solano Concrete has only conducted mining operations in areas identified by the original EIR and permit application, and were prepared in accordance with the Yolo County Mining Ordinance.

2. Mining to be conducted to meet the following objectives within a design channel:
 - a. Minimize damaging meandering
 - b. Direct flow away from critical features
 - c. Minimize bank erosion
 - d. Minimize degradation of adjacent wildlife habitats

Solano Concrete has complied with the Yolo County Reclamation Ordinance in all respect as to depth requirements, horizontal limits, setbacks, and slope stabilization by means of effective erosion control methods.

3. The following mining methods must be observed:
 - a. Tonnage limits (772,417 tons per year) as specified in the Interim Mining Ordinance will apply
 - b. Thalweg elevations shall not be lowered
 - c. Finished slope ratios may not be exceeded

Tonnage limitations have not been exceeded, and thalweg elevations are within the parameters established under the Interim Mining Ordinance. Finished slope ratios are within those established under the Interim Mining Ordinance.

4. Reporting to staff will occur as follows:
 - a. Reporting as described in the adopted Interim Mining Ordinances shall apply.
 - b. At the spring reporting, the operator's representative will identify effects of the winter flow and will assess the effectiveness of the previous year's measures to minimize meandering and bank erosion and will submit a proposal on mining for the coming season which meets the operating objectives in condition #2. This plan should consider the following:
 1. Use natural banks
 2. Haul roads located at the toe of natural banks wherever possible

3. No mining behind levees\haul roads or natural banks unless information is submitted demonstrating adequate protection, subject to approval

Solano Concrete has participated in the annual review process to the Yolo County Planning Commission since 1980. The reports submitted to the Yolo County Community Development Agency implement and their plans take into consideration the three requirements referred to above.

5. Conditions for Permits will be modified as needed to reflect the previous year's experience and any new data received.

To date, Conditions 1 through 10 have not been modified for Solano Concrete's Mining permit.

6. Bonding. Annual renewable performance bonds are required to:
 - a. Complete levees and any required protective structures
 - b. The cost of the bond would be determined on the basis of the cost to Public Works to perform the work of replacing a levee, or structure and finishing slopes.

Approved Reclamation bonds are on file with the Community Development Agency and the Department of Conservation as required under the State Surface Mining and Reclamation Act of 1975. Solano Concrete currently has a bond of \$15,000, to cover the costs of in-channel reclamation, which is renewed on a year-to-year basis. The next renewal date is July 1, 1996.

7. Modifications. All Permits are subject to being modified, and any term of those Permits open to change if the County determines through empirical evidence or study based upon new data that the mining and/or reclamation operations should be changed.

No modification to Solano Concrete's Mining permit has occurred since its issuance in 1980.

8. In the spring of each year (June) an annual report will be presented by staff to the Planning Commission to substantiate that:
 - a. The operating standards of the Ordinance; and
 - b. Conditions of approval are being met

Since 1980, the Yolo County Community Development Agency has conducted annual on-site inspections of the Solano Concrete's mining operations, in conformance with the conditions established by the Yolo County Planning Commission.

9. At the annual reporting by staff to the Commission, said report shall be at a public hearing and shall be advertised.

Public hearing notices of the annual reporting to the Commission are advertised in the local newspaper 10 days prior to the hearing.

10. The Planning Commission may modify any Permit when needed to assure compliance with the intent of Ordinances, and any additional conditions applied.

In previous years, the Planning Commission has requested that, as part of the annual review, the industry provide the Commission with a brief discussion on the economic benefits of the aggregate industry to the County. Everett Terminello, representative of the Yolo County Aggregate Producer's Association (YCAPA), will make a brief presentation on behalf of the industry.

Cache Creek Aggregates (please see Exhibit C):

In April of this year, Cache Creek Aggregates received approval from the Board of Supervisors to establish a processing plant on the north bank of Cache Creek, near the Capay Bridge. However, Cache Creek Aggregates has not yet decided whether to implement the project, due to a pending lawsuit filed by the Cache Creek Resources Coalition which challenges the adequacy of the process used to approve the permit.

Substantial erosion occurred along the south bank of Cache Creek in the area downstream of the Capay Bridge. Limited damage occurred to the north bank as well. According to Ben Adamo, should Cache Creek Aggregates decide to begin operations in this stretch of the creek, erosion would be responded to in accordance with the wishes of the property owners. The damage that occurred along the south bank would be addressed by the work plan outlined in the Rivertech Study, as contained in the application for the processing plant. If, however, Cache Creek Aggregates chooses not to mine in this area, then there would be no attempts to repair the damage at this time.

Section 10-3.511 of the Mining Ordinance requires that surface mining be conducted in conformity with all state and federal laws. Staff spoke to other regulating agencies to ensure that the operation was in compliance. Cache Creek Aggregates has an Authority to Construct Permit from the Yolo-Solano Air Quality District for in-channel mining, but does not have any other permits. Additional approvals from other agencies will be required prior to the establishment of the processing plant. Cache Creek Aggregates is considered grandfathered through August of 1995, with regard to the requirement for a 404 Permit from the Army Corps of Engineers, with additional determinations to be made later.

The conditions for Cache Creek Aggregates are as follows:

1. Limits to the mining area:
 - a. Within actual entitlement as outlined (both cross-hatched and shaded) on the original Use Permit issued to SYAR Industries.
 - b. Within current complete (approved) applications.

Cache Creek Aggregates has only conducted mining operations in areas identified by the original EIR and permit application, and in accordance with the Yolo County Mining Ordinance.

2. Mining to be conducted to meet the following objectives within a design channel:
 - a. Minimize damaging meandering
 - b. Direct flow away from critical features
 - c. Minimize bank erosion
 - d. Minimize degradation of adjacent wildlife habitats

Cache Creek Aggregates has complied with the Yolo County Reclamation Ordinance as to depth requirements, horizontal limits, setbacks, and slope stabilization by means of effective erosion control methods.

3. The following mining methods must be observed:
 - a. Tonnage limits (748,650 tons per year) as specified in the Interim Mining Ordinance will apply
 - b. Thalweg elevations shall not be lowered
 - c. Finished slope ratios may not be exceeded

Although Cache Creek Aggregates has not recently mined aggregate, it is expected that tonnage limitations will not be exceeded. Thalweg elevations and finished slope ratios will be within the parameters established under the Interim Mining Ordinance.

4. Reporting to staff will occur as follows:

- a. Reporting as described in the adopted Interim Mining Ordinances shall apply.
- b. At the spring reporting, the operator's representative will identify effects of the winter flow and will assess the effectiveness of the previous year's measures to minimize meandering and bank erosion and will submit a proposal on mining for the coming season which meets the operating objectives in condition #2. This plan should consider the following:
 1. Use natural banks
 2. Haul roads located at the toe of natural banks wherever possible
 3. No mining behind levees\haul roads or natural banks unless information is submitted demonstrating adequate protection, subject to approval

Cache Creek Aggregates has participated in the annual review process to the Yolo County Planning Commission since 1980. The reports submitted to the Yolo County Community Development Agency implement and take into consideration the three requirements mentioned above.

5. Conditions for Permits will be modified as needed to reflect the previous year's experience and any new data received.

To date, Conditions 1 through 10 have not been modified for Cache Creek Aggregates' Mining permit. In a separate action, Additional Conditions of Approval were established added to Cache Creek Aggregates Mining permit by the Board of Supervisors on April 25, 1995, as a result of an approved Conditional Use permit for the siting of a processing plant at their Capay site. No construction or earth moving activity has commenced on the plant site.

6. Bonding. Annual renewable performance bonds are required to:

- a. Complete levees and any required protective structures
- b. The cost of the bond would be determined on the basis of the cost to Public Works to perform the work of replacing a levee, or structure and finishing slopes

Approved Reclamation bonds are on file with the Community Development Agency and the Department of Conservation as required under the State Surface Mining and Reclamation Act of 1975. Cache Creek Aggregates have posted a bond in the amount of \$14,000 to cover costs associated with reclaiming the in-channel lands. Financial assurances of \$39,890 have been approved for the processing plant, but have not yet been posted.

7. Modifications. All Permits are subject to being modified, and any term of those Permits open to change if the County determines through empirical evidence or study based upon new data that the mining and/or reclamation operations should be changed.

As indicated in Condition 5, no modifications to Cache Creek Aggregate's Mining permit have occurred since its issuance in 1980.

8. In the spring of each year (June) an annual report will be presented by staff to the Planning Commission to substantiate that:

- a. The operating standards of the Ordinance; and
- b. Conditions of approval are being met

Since 1980, the Yolo County Community Development Agency has conducted annual on-site inspections of the Cache Creek Aggregates mining operations and reported our findings to the Yolo County Planning Commission.

9. At the annual reporting by staff to the Commission, said report shall be at a public hearing and shall be advertised.

Public hearing notices of the annual reporting to the Commission are advertised in the local newspaper 10 days prior to the hearing.

10. The Planning Commission may modify any Permit when needed to assure compliance with the intent of Ordinances, and any additional conditions applied.

In years past, the Planning Commission has requested that, as part of the annual review, the industry will provide the Commission with a brief discussion on the economic benefits of the aggregate industry to the County. Everett Terminello, representative of the Yolo County Aggregate Producers' Association (YCAPA), will give a brief presentation on behalf of the industry.

Teichert Aggregates (please see Exhibit D):

During last year's compliance review, it was determined that areas within the Teichert-Esparto site were below the established theoretical thalweg by 1-2 feet (the approximate area was estimated at 160,000 square feet). Aerial photographs submitted with the Spring 1995 report indicate that those areas have been brought back to levels above the theoretical thalweg and that the problem has been corrected.

The Teichert-Muller site is also below the theoretical thalweg by less than one foot. Since the aerial photographs were taken in October of 1994, it is likely that the winter storm events deposited sufficient material to bring these areas back up above the theoretical thalweg. In reviewing old aerials of this area flown in 1978, portions of this site were at or below the established thalweg. No mining activity has occurred at this site in at least 10 years. The site is an established riparian habitat with established willows and cattails. Staff does not recommend any backfilling of this site.

Several areas of damage occurred as a result of the winter storms. Overland flooding, associated with concentrated runoff from adjoining agricultural fields, caused minor erosion at two locations on the north bank of Cache Creek near the Esparto site. Dan Reiff, the plant manager, has stated that the affected portions of the bank will be filled and/or regraded. In addition, a portion of the levee along the southern boundary of the Muller site was breached, where it is crossed by the access road. Mr. Reiff indicated that this is the third time that a breach has occurred here. Teichert is considering installing a spillway next to the access road to prevent further occurrences.

It should be noted that a breach occurred on the levee separating the Rodgers pit (formerly mined by Teichert Aggregates) from the Lonestar pit, located just east of Schwarzgruber and Sons and south of Granite Construction. The breach was approximately 30 feet wide. However, both pits had been previously determined to be completely reclaimed, in accordance with the approved reclamation plans. Once reclamation has been verified and the financial assurance bonds released, responsibility for the site returns to the property owner. As a result, Teichert does not intend to perform any repairs to the breach.

Section 10-3.511 of the Mining Ordinance requires that surface mining be conducted in conformity with all state and federal laws. Staff spoke to other regulating agencies to ensure that the operation was in compliance. Teichert Aggregates has a valid 1601 in-stream permit from the California Fish and Game Department, an Authority to Construct Permit from the Yolo-Solano Air Quality Management District, and a Waste Discharge Permit from the Regional Water Quality Board. Teichert is considered grandfathered through August of 1995, with regard to the requirement for a 404 Permit from the Army Corps of Engineers, with additional determinations to be made later.

Conditions for the Teichert sites are as follows:

1. Limits to the mining area:
 - a. Within actual entitlement as outlined (both cross-hatched and shaded) on the original Use Permit.
 - b. Within current complete (approved) applications.

Teichert Aggregates has only conducted mining operations in areas identified by the original EIR and permit application, and were prepared in accordance with the Yolo County Mining Ordinance.

2. Mining to be conducted to meet the following objectives within a design channel:

- a. Minimize damaging meandering
- b. Direct flow away from critical features
- c. Minimize bank erosion
- d. Minimize degradation of adjacent wildlife habitats

Teichert Aggregates has complied with the Yolo County Reclamation Ordinance in all respect as to depth requirements, horizontal limits, setbacks, and slope stabilization by means of effective erosion control methods.

3. The following mining methods must be observed:

- a. Tonnage limits (1,064,224 tons per year at Woodland, and 750,000 tons per year at Esparto) as specified in the Interim Mining Ordinance will apply
- b. Thalweg elevations shall not be lowered
- c. Finished slope ratios may not be exceeded

Tonnage limitations have not been exceeded, and thalweg elevations are within the parameters established under the Interim Mining Ordinance. Finished slope ratios are within those established under the Interim Mining Ordinance.

4. Reporting to staff will occur as follows:

- a. Reporting as described in the adopted Interim Mining Ordinances shall apply.
- b. At the spring reporting, the operator's representative will identify effects of the winter flow and will assess the effectiveness of the previous year's measures to minimize meandering and bank erosion and will submit a proposal on mining for the coming season which meets the operating objectives in condition #2. This plan should consider the following:
 - 1. Use natural banks
 - 2. Haul roads located at the toe of natural banks wherever possible
 - 3. No mining behind levees\haul roads or natural banks unless information is submitted demonstrating adequate protection, subject to approval

Teichert Aggregates has participated in the annual review process to the Yolo County Planning Commission since 1980. The reports submitted to the Yolo County Community Development Agency implement and their plans take into consideration the three requirements mentioned above.

5. Conditions for Permits will be modified as needed to reflect the previous year's experience and any new data received.

To date, Conditions 1 through 10 have not been modified for Teichert Aggregates Mining permit.

6. Bonding. Annual renewable performance bonds are required to:

- a. Complete levees and any required protective structures
- b. The cost of the bond would be determined on the basis of the cost to Public Works to perform the work of replacing a levee, or structure and finishing slopes.

Approved Reclamation bonds are on file with the Community Development Agency and the Department of Conservation as required under the State Surface Mining and Reclamation Act of 1975. Teichert Aggregates currently has three bonds to cover the costs of reclamation for their various permits. The Muller site, located along the north of Cache Creek near the Woodland plant, has a bond of \$175,000. The Esparto site has a bond of

\$134,000. The Woodland plant and in-channel lands associated with it have a bond of \$85,000. All three bonds have a renewal date of January 1, 1996.

7. Modifications. All Permits are subject to being modified, and any term of those Permits open to change if the County determines through empirical evidence or study based upon new data that the mining and/or reclamation operations should be changed.

Modifications to Teichert Aggregates Mining permit has occurred since its issuance in 1980 with the acquisition of the Reiff mining operation and the approved mining applications of the Coors-Fong and Muller property sites.

8. In the spring of each year (June) an annual report will be presented by staff to the Planning Commission to substantiate that:
 - a. The operating standards of the Ordinance; and
 - b. Conditions of approval are being met

Since 1980, the Yolo County Community Development Agency has conducted annual on-site inspections of the Teichert Aggregate mining operations and reported our findings to the Yolo County Planning Commission.

9. At the annual reporting by staff to the Commission, said report shall be at a public hearing and shall be advertised.

Public hearing notices of the annual reporting to the Commission are advertised in the local newspaper 10 days prior to the hearing.

10. The Planning Commission may modify any Permit when needed to assure compliance with the intent of Ordinances, and any additional conditions applied.

In previous years, the Planning Commission has requested that, as part of the annual review, the industry will provide the Commission with a brief discussion on the economic benefits of the aggregate industry to the County. Everett Terminello, representative for the Yolo County Aggregate Producers' Association (YCAPA), will make a brief presentation on behalf of the industry.

Schwarzgruber & Sons, Inc. (please see Exhibit E):

As noted in the annual report, minimal erosion occurred on this site. During the inspection by staff, no outstanding damage was noted.

Section 10-3.511 of the Mining Ordinance requires that surface mining be conducted in conformity with all state and federal laws. Staff spoke to other regulating agencies to ensure that the operation was in compliance. Schwarzgruber and Sons has a valid 1601 in-stream permit from the California Fish and Game Department, an Authority to Construct Permit from the Yolo-Solano Air Quality Management District, and a Waste Discharge Permit from the Regional Water Quality Board. Schwarzgruber's operations do not affect any wetlands and a 404 permit from the Army Corps of Engineers is not necessary.

The conditions for Schwarzgruber are as follows:

1. Limits to the mining area:
 - a. Within actual entitlement as outlined (both cross-hatched and shaded) on the original Use Permit.
 - b. Within current complete (approved) applications.

Schwarzgruber & Sons, Inc. has only conducted mining operations in areas identified by the original EIR and permit application, and in accordance with the Yolo County Mining Ordinance.

2. Mining to be conducted to meet the following objectives within a design channel:

- a. Minimize damaging meandering
- b. Direct flow away from critical features
- c. Minimize bank erosion
- d. Minimize degradation of adjacent wildlife habitats

Schwarzgruber & Sons, Inc. has complied with the Yolo County Reclamation Ordinance in all respect as to depth requirements, horizontal limits, setbacks, and slope stabilization by means of effective erosion control methods.

3. The following mining methods must be observed:

- a. Tonnage limits (114,000 tons per year) as specified in the Interim Mining Ordinance will apply
- b. Thalweg elevations shall not be lowered
- c. Finished slope ratios may not be exceeded

Tonnage limitations have not been exceeded, and thalweg elevations are within the parameters established under the Interim Mining Ordinance. Finished slope ratios are within those established under the Interim Mining Ordinance.

4. Reporting to staff will occur as follows:

- a. Reporting as described in the adopted Interim Mining Ordinances shall apply.
- b. At the spring reporting, the operator's representative will identify effects of the winter flow and will assess the effectiveness of the previous year's measures to minimize meandering and bank erosion and will submit a proposal on mining for the coming season which meets the operating objectives in condition #2. This plan should consider the following:
 1. Use natural banks
 2. Haul roads located at the toe of natural banks wherever possible
 3. No mining behind levees\haul roads or natural banks unless information is submitted demonstrating adequate protection, subject to approval

Schwarzgruber & Sons, Inc. has participated in the annual review process to the Yolo County Planning Commission since 1980. The reports submitted to the Yolo County Community Development Agency implement and their plans take into consideration the three requirements mentioned above.

5. Conditions for Permits will be modified as needed to reflect the previous year's experience and any new data received.

To date, Conditions 1 through 10 have not been modified for Schwarzgruber & Sons Mining permit.

6. Bonding. Annual renewable performance bonds are required to:

- a. Complete levees and any required protective structures
- b. The cost of the bond would be determined on the basis of the cost to Public Works to perform the work of replacing a levee, or structure and finishing slopes.

Approved Reclamation bonds are on file with the Community Development Agency and the Department of Conservation as required under the State Surface Mining and Reclamation

Act of 1975. Schwarzgruber and Sons have a Time Deposit Account in the amount of \$39,200, to cover the costs of reclamation. The renewal date for the account in December 28, 1995.

7. Modifications. All Permits are subject to being modified, and any term of those Permits open to change if the County determines through empirical evidence or study based upon new data that the mining and/or reclamation operations should be changed.

No modification to Schwarzgruber & Sons Mining permit has occurred since its issuance in 1980.

8. In the spring of each year (June) an annual report will be presented by staff to the Planning Commission to substantiate that:
 - a. The operating standards of the Ordinance; and
 - b. Conditions of approval are being met

Since 1980, the Yolo County Community Development Agency has conducted annual on-site inspections of the Schwarzgruber & Sons mining operations and reported our findings to the Yolo County Planning Commission.

9. At the annual reporting by staff to the Commission, said report shall be at a public hearing and shall be advertised.

Public hearing notices of the annual reporting to the Commission are advertised in the local newspaper 10 days prior to the hearing.

10. The Planning Commission may modify any Permit when needed to assure compliance with the intent of Ordinances, and any additional conditions applied.

In previous years, the Planning Commission has requested that, as part of the annual review, the industry will provide the Commission with a brief discussion on the economic benefits of the aggregate industry to the County. Everett Terminello, representative of the Yolo County Aggregate Producer's Association (YCAPA), will make a brief presentation on behalf of the industry.

Granite Construction Co. (please see Exhibit F):

The Granite site suffered the most extensive damage of all the operations reviewed in this report. The winter storms created a 30 foot-wide breach in the levee separating the mining area from a side-channel of Cache Creek. As a result, the mine area was flooded and silt was deposited throughout the excavation. A portion of the interior levee side sloughed as well. Granite Construction had already removed the processing plant from the site, so there was no damage to equipment or threat of potential contamination. When staff inspected the site in June of this year, there was still 3-4 feet of water standing in the excavation area.

Scott Wolcott of Granite Construction stated that they intend to repair the damage by backfilling and regrading the affected areas. Work will be delayed, however, until the excavation area had dried out and is suitable for construction equipment.

Section 10-3.511 of the Mining Ordinance requires that surface mining be conducted in conformity with all state and federal laws. Staff spoke to other regulating agencies to ensure that the operation was in compliance. Granite Construction chosen not to mine within the active channel and

therefore no longer requires a 1601 in-stream permit from the California Fish and Game Department or a 404 Permit from the Army Corps of Engineers. Similarly, since they do not wash aggregate material on site and only make base rock, Granite has allowed their Waste Discharge Permit from the Regional Water Quality Control Board to lapse. However, should they bring a portable processing plant in, Granite has retained their Authority to Construct Permit from the Yolo-Solano Air Quality Management District.

Conditions for Granite Construction are as follows:

1. Limits to the mining area:
 - a. Within actual entitlement as outlined (both cross-hatched and shaded) on the original Use Permit.
 - b. Within current complete (approved) applications.

Granite Construction has only conducted mining operations in areas identified by the original EIR and permit application, and in accordance with the Yolo County Mining Ordinance.

2. Mining to be conducted to meet the following objectives within a design channel:
 - a. Minimize damaging meandering
 - b. Direct flow away from critical features
 - c. Minimize bank erosion
 - d. Minimize degradation of adjacent wildlife habitats

Granite Construction has complied with the Yolo County Reclamation Ordinance with respect to depth requirements, horizontal limits, and setbacks. The recent breach and sloughing observed indicates that additional slope reconstruction and stabilization is required. Staff recommends that the Planning Commission review the status of repairs in 90 days time.

3. The following mining methods must be observed:
 - a. Tonnage limits (422,352 tons per year) as specified in the Interim Mining Ordinance will apply
 - b. Thalweg elevations shall not be lowered
 - c. Finished slope ratios may not be exceeded

Tonnage limitations have not been exceeded, and thalweg elevations are within the parameters established under the Interim Mining Ordinance. Finished slope ratios are within those established under the Interim Mining Ordinance.

4. Reporting to staff will occur as follows:
 - a. Reporting as described in the adopted Interim Mining Ordinances shall apply.
 - b. At the spring reporting, the operator's representative will identify effects of the winter flow and will assess the effectiveness of the previous year's measures to minimize meandering and bank erosion and will submit a proposal on mining for the coming season which meets the operating objectives in condition #2. This plan should consider the following:
 1. Use natural banks
 2. Haul roads located at the toe of natural banks wherever possible
 3. No mining behind levees\haul roads or natural banks unless information is submitted demonstrating adequate protection, subject to approval.

Granite Construction has participated in the annual review process to the Yolo County Planning Commission since 1980. The reports submitted to the Yolo County Community Development Agency implement and take into consideration the three requirements mentioned above.

5. Conditions for Permits will be modified as needed to reflect the previous year's experience and any new data received.

To date, Conditions 1 through 10 have not been modified for Granite Construction's Mining permit.

6. Bonding. Annual renewable performance bonds are required to:
 - a. Complete levees and any required protective structures
 - b. The cost of the bond would be determined on the basis of the cost to Public Works to perform the work of replacing a levee, or structure and finishing slopes.

Approved Reclamation bonds are on file with the Community Development Agency and the Department of Conservation as required under the State Surface Mining and Reclamation Act of 1975. Granite Construction has posted a \$10,000 bond, to cover the costs of reclamation, with a renewal date of June 30, 1996.

7. Modifications. All Permits are subject to being modified, and any term of those Permits open to change if the County determines through empirical evidence or study based upon new data that the mining and/or reclamation operations should be changed.

No modification to Granite Construction's Mining permit has occurred since its issuance in 1980.

8. In the spring of each year (June) an annual report will be presented by staff to the Planning Commission to substantiate that:
 - a. The operating standards of the Ordinance; and
 - b. Conditions of approval are being met

Since 1980, the Yolo County Community Development Agency has conducted annual on-site inspections of the Granite Construction mining operations and reported our findings to the Yolo County Planning Commission.

9. At the annual reporting by staff to the Commission, said report shall be at a public hearing and shall be advertised.

Public hearing notices of the annual reporting to the Commission are advertised in the local newspaper 10 days prior to the hearing.

10. The Planning Commission may modify any Permit when needed to assure compliance with the intent of Ordinances, and any additional conditions applied.

In years past, the Planning Commission has requested that, as part of the annual review, the industry will provide the Commission with a brief discussion on the economic benefits of the aggregate industry to the County. Everett Terminello, representative of the Yolo County Aggregate Producer's Association (YCAPA), will give a brief presentation on behalf of the industry.

County of Yolo

No annual report was submitted for Yolo County. The Yolo County Public Works Department has not removed gravel from this site in over six years. Reclamation has not yet been completed, however. The southernmost side slopes of the pit have not been graded to a 3:1 slope. Accomplishing this task has been made more difficult by past mining, which has occurred within the 50 foot setback required from all property lines. Substantial backfill will be required in order to meet both the setback and slope requirements.

John Joyce, the Yolo County Public Works Director, is aware of the site's noncompliance and has stated that the resolution of this problem is one of his priorities. He'll soon be visiting the site with his foreman to review the existing conditions and develop a plan for completing the reclamation work. It should be noted that Mr. Joyce has only recently assumed the position of Public Works Director and is currently addressin a number of issues that began before his tenure.

Since no further mining is occuring on-site, Yolo County has no current permits from other jurisdictional agencies.

The conditions for Yolo County are as follows:

1. Limits to the mining area:
 - a. Within actual entitlement as outlined (both cross-hatched and shaded) on the original Use Permit.
 - b. Within current complete (approved) applications.

The County has not mined the site in over six years.

2. Mining to be conducted to meet the following objectives within a design channel:
 - a. Minimize damaging meandering
 - b. Direct flow away from critical features
 - c. Minimize bank erosion
 - d. Minimize degradation of adjacent wildlife habitats

Yolo County has complied with the Yolo County Reclamation Ordinance with respect to depth requirements and horizontal limits. However, the County has not complied with requirements for slope stabilization requirements or setbacks.

3. The following mining methods must be observed:
 - a. Tonnage limits (84,417 tons per year) as specified in the Interim Mining Ordinance will apply
 - b. Thalweg elevations shall not be lowered
 - c. Finished slope ratios may not be exceeded

Yolo County has not mined aggregate in the past few years. Tonnage limitations will not be exceeded, and thalweg elevations will be within the parameters established under the Interim Mining Ordinance. Finished slopes have not been completed and therefore the site is not in compliance.

4. Reporting to staff will occur as follows:
 - a. Reporting as described in the adopted Interim Mining Ordinances shall apply.
 - b. At the spring reporting, the operator's representative will identify effects of the winter flow and will assess the effectiveness of the previous year's measures to minimize meandering and bank erosion and will submit a proposal on mining for the coming season which meets the operating objectives in condition #2. This plan should consider the following:

1. Use natural banks
2. Haul roads located at the toe of natural banks wherever possible
3. No mining behind levees\haul roads or natural banks unless information is submitted demonstrating adequate protection, subject to approval

Yolo County has participated in the annual review process to the Yolo County Planning Commission since 1980. The reports submitted to the Yolo County Community Development Agency implement and take into consideration the three above mentioned areas in their plans.

5. Conditions for Permits will be modified as needed to reflect the previous year's experience and any new data received.

No additional Conditions of Approval have been added to the Yolo County Mining permit.

6. Bonding. Annual renewable performance bonds are required to:

- a. Complete levees and any required protective structures
- b. The cost of the bond would be determined on the basis of the cost to Public Works to perform the work of replacing a levee, or structure and finishing slopes.

There are no approved financial assurances on file with either the Community Development Agency or the Department of Conservation as required under the State Surface Mining and Reclamation Act of 1975.

7. Modifications. All Permits are subject to being modified, and any term of those Permits open to change if the County determines through empirical evidence or study based upon new data that the mining and/or reclamation operations should be changed.

No modifications to Yolo County's Mining permit have occurred since its issuance in 1980.

8. In the spring of each year (June) an annual report will be presented by staff to the Planning Commission to substantiate that:

- a. The operating standards of the Ordinance; and
- b. Conditions of approval are being met

Since 1980, the Yolo County Community Development Agency has conducted annual on-site inspections of the Yolo County's mining operation and reported our findings to the Yolo County Planning Commission.

9. At the annual reporting by staff to the Commission, said report shall be at a public hearing and shall be advertised.

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CORRESPONDENCE

The Community Development Agency has received a letter dated June 23, 1995, from the State Division of Mines and Geology, regarding a surface mining operated by John MacNamara located along Cache and Bear Creeks (please see Exhibit J). Staff is currently investigating the status of this operation and will report back to the Planning Commission in 90 days time regarding its recommendations.

FINDINGS

Staff recommends that the Planning Commission adopts the following findings:

1. Following the review by Community Development Agency staff, including review of aerial topographic maps and individual reports, it is determined that the continuing mining activities of Syar Industries, Solano Concrete, Cache Creek Aggregates, Teichert Aggregates, and Schwarzgruber and Sons conform to the operating standards and conditions of the mining permits issued to the producers in 1980.
2. The surface mine operated by Granite Construction experienced a breach in the embankment separating the excavation area from Cache Creek. In addition, substantial sloughing occurred on a portion of the embankment facing the excavation area. The potential for further bank disruption and erosion exists, unless the areas are backfilled and restabilized prior to the next rainy season. Until the damage is repaired, it is determined that the site is in conformance with the operating standards and conditions of the mining permit. Plans for repair of the embankment shall be prepared by a Registered Professional Engineer. Plans shall be submitted to and receive approval from the Community Development Director prior to commencement of the repair activities. Certification that the work has been completed in accordance with the approved plans shall be submitted to the Planning Commission within ninety (90) days. Certification of the completed repairs will bring the site into conformance with Condition No. 2 of the mining permit.
3. The surface mine formerly operated by the Yolo County Public Works Department has not been completely reclaimed as required under the approved reclamation plan. Excavation occurred within a 50-foot property line setback and the setback was not backfilled and reestablished, nor were slopes finished at the 3:1 angle, as required. Furthermore, there are no financial assurances to cover the costs of reclamation should the County default. Until these violations are corrected, it is determined that the site is in nonconformance with the operating standards and conditions of the mining permit.
4. In order to allow for sufficient time to effect repairs and correct the violations indicated above, staff is directed to report on the status of nonconforming operations in ninety (90) days.

BUDGET IMPACT

Section 10-3.902 of the Interim Mining Ordinance provides for annual review fees to be paid by the aggregate industry to cover County costs. The fees are paid as follows:

Commencing on November 30, 1979, each operator shall pay annual review fees in the following amounts:

- (a) *Flat fee.* A flat fee in the sum of Five Hundred and no/100ths (\$500.00) Dollars for each site for which a permit is obtained pursuant to this chapter; and

- (b) *Graduated fee.* An additional fee in the amount of two (2¢) cents per tone of rock, sand, and/or gravel reported extracted during the immediately preceding twelve (12) months from December 1 through November 30 of each year; provided, however, the fee payable on November 30, 1979, shall be one (1¢) cent per tone of the total extracted between February 22, 1979, through November 30, 1979.

Such fees shall be due and payable on November 30 of each year. The failure of any operator to pay such fees shall constitute a violation of this chapter and grounds for the revocation of all mining permits issued to such operator pursuant to this chapter.
(§ 1, Ord. 820, eff. February 22, 1979, as amended by § 1, Ord. 870, eff.

Fees are typically paid each November, at the time that the well log data required under Section 10-3.801(c) is submitted. All of the private mining companies evaluated in this report have paid their fees and submitted the necessary aggregate production and well log information for 1994, as required. The only exception was

the Yolo County Public Works Department, which did not pay the processing fee for 1994. Staff will be requesting that the 1994 fee be paid concurrently with the 1995 processing fee. All aggregate producers paid the "2 cents per ton fee" to the County on November 30, 1994, based on the quantity of aggregate sales for the previous 12 months.



7. DIRECTOR'S REPORT

A report by the Director on the recent Board of Supervisor's meetings on items relevant to the Planning Commission. An update of the Community Development Agency activity for the month. 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.

Director Jenkins updated the Commission on the following:

- (1) Zoning Administrator Approval of the following applications:
 - (A) John Lynch
 - (B) Jane and Louis Niehues
- (2) Board of Supervisors' Approval of the following:
 - (A) Overall Economic Development Plan
 - (B) General Plan Amendment for Delta Sugar
 - (C) Zone Code Amendment to permit Hazardous Waste Facilities
 - (D) Zone Code Amendment to the PD-9 for Hilltop Estates Subdivision
 - (E) Draft General Plan Amendment to intergrate Land Use and Resource Management Plan for the Primary Zone on the Delta was continued until August 15, 1995



8. 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.

The Commission asked that a Joint Meeting be arranged with the Board of Supervisors for the first week of October for the Technical Studies for Cache Creek Resource Management Plan.

Commissioner Heringer asked that a discussion be agendaized regarding fee schedules.



9. ADJOURNMENT

The meeting was adjourned at 1:20 p.m. to a County Facilities Tour at 625 Court Street on August 8, 1995 at 8:00 a.m. The next regularly scheduled meeting will be August 16, 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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