

MINUTES

YOLO COUNTY PLANNING COMMISSION

November 13, 1996

1. CALL TO ORDER

Chairman Gray called the meeting to order at 8:30 a.m.

MEMBERS PRESENT: Walker, Lang, Heringer,
Rodegerdts, Merewitz, Stephens and
Gray

MEMBERS ABSENT: None

STAFF PRESENT: John Bencomo, Interim Director
Heidi Tschudin, Contract Planner
David Morrison, Senior Planner
Mark Hamblin, Associate Planner

Linda Caruso, Planning Commission
Secretary
Tina Thomas, representing County
Counsel's Office

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2. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETINGS

Commission Action:

Approved the Minutes of the October 30, 1996 Planning Commission Meeting with no corrections.

MOTION: Heringer SECOND: Merewitz

AYES: Heringer, Lang, Gray, Walker, Stephens,
 Walker and Rodegerdts

NOES: None

ABSENT: None

ABSTAIN: None

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 from the public came forward.

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4. CORRESPONDENCE

Commissioner Gray acknowledged receipt of all correspondence distributed at the beginning of the meeting.

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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.

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6. REGULAR AGENDA

Commissioner Rodegerdts abstained from all the gravel applications.

Heidi Tschudin gave an overview of all the mining applications. The four main areas of concern were as follows:

- 1) The annual tonnage allocation
- 2) Buffers and setbacks issues
- 3) Consistency with the land use priorities for reclamation
- 4) Net gains

The order of the agenda was changed. Listed below are the gravel applications as they were presented to the Planning Commission.

- 6.5 95-095 - A certification of the Final EIR and a request for a Mining Permit, Reclamation Plan, Rezoning, Increase in Annual Permitted Production, Technical Correction to the CCRMP, Floodplain Development Permit, Financial Assurances, Exceptions, Development Agreement, and Rescind an Existing Mining Permit to allow gravel mining to a maximum depth of 47 feet, with reclamation to agriculture, open water, and habitat, on 283 acres in the Agricultural General (A-1) and Agricultural Preserve (A-P) Zones. The subject properties are located north and south of Cache Creek, on the east and west sides of County Road 94B near Woodland. APNs: 025-350-30, 025-350-32, 025-360-26, and 025-430-08. Applicant: Teichert Aggregates. (H. Tschudin/D. Morrison)

Heidi Tschudin gave the Staff Report. She asked that the following Condition of Approval be added.

“Within one year of execution of the Development Agreement, the operator shall submit to the County as revised Reclamation Plan for the Muller site which reflects the minimum 200' setback from the Cache Creek Area Plan channel boundary. There will be no substantial change to the reclaimed uses posed by the operator in the November 1996 reclamation plan for Muller other than to address the setback issue. Within one year of execution of the Development Agreement the operator shall submit to the County as revised reclamation plan for the Storz site, which reflects the minimum 200' setbacks in the CCAP channel boundary and which meets the spirit and intent of the CCAP with respect to the shape and revegetation of the proposed reclaimed lake. No mining shall occur which intrudes on the 200' setbacks at both sites. Approval shall be by the Community Development Director of the revised plan with appeal rights to the Planning Commission and the Board of Supervisors.”

The Public Hearing was opened at this time.

Lily Noble, of Teichert Aggregates, said she agreed with Staff's recommendation. She also agreed that the tonnage lost in Woodland could be made up for in Esparto.

Joe Scalmanini, of Ludorf and Scalmanini, answered questions relating to the permeability of the strata below the gravel on the Storz property.

David Schurring, President of the Yolo Land Trust, was concerned with the impacts that result with the pits and the reclaimed lakes on the surrounding agricultural properties. It may be growth inducing.

Heidi Tschudin referenced Condition #25 of the Staff Report.

Lois Linford, of the League of Women Voters, supported what Mr. Schurring said and urged the Commission not to take an action today.

Jan Lowry, a farmer, spoke about the private property ownership rights being paramount.

A discussion regarding the Cache Creek Conservancy took place.

The Public Hearing was closed at this time.

Randy Sater, of Teichert Aggregates, was in agreement with the inclusion of the dedication language.

A suggestion of modifying Condition #25 was made by Commissioner Merewitz which read, "Upon the completion of reclamation within Phases 2 ~~and 3~~ of the project, the operator shall enroll each reclaimed parcel in Williamson Act contracts, ~~or~~ and provide an ~~equivalent~~ long-term easement to protect open space and agriculture."

Tina Thomas, representing County Counsel, clarified that the easement does not necessarily have to be in the name of a third party. It could be in the name of the property owner.

Commissioners Gray and Heringer agreed that it was not their intention to tie the property up for more than 40 years.

Commission Action:

The Planning Commission recommends that the Board of Supervisors;

- **Modify** Condition of Approval #25 to read as follows: “Upon the completion of reclamation within Phases 1 and 2 ~~and 3~~ of the project, the operator shall enroll each reclaimed parcel in Williamson Act contracts, ~~or~~ and provide ~~an equivalent~~ long-term easements or an equivalent (e.g. deed restrictions) to protect open space and agriculture.”
- **Add** the following language to the Development Agreement so it could be enforceable and that a choice of alternatives be made prior to the Board of Supervisor hearing:

“Dedication of the 78 acre Muller site including the habitat and lake to the County following reclamation, plus dedicated access to or from County Road 94B, or an equivalent dedication in the same general area of the same general size and the same general public benefit value, or an equivalent alternative net gain proposal.”

MOTION: Merewitz SECOND: Stephens
 AYES: Merewitz, Stephens, Lang and Walker
 NOES: Heringer and Gray
 ABSTAIN: Rodegerdts
 ABSENT: None

The motion passed and the following motion was made.

Commission Action:

The Planning Commission recommends the following actions to the Board of Supervisors:

- **Certify the Final Project-level EIR for the Teichert (Woodland) Long-Term Off-Channel**

Mining Permit Application (SCH #96013031) based on Findings of Fact to be prepared documenting compliance with CEQA, independent review and consideration of the information in the EIR prior to taking action on the project, and adoption of the Mitigation Monitoring Plan implementing all adopted mitigation measures.

- **Approve Long-Term Off-Channel Mining Permit No. ZF# 95-095** to allow for the excavation of 255 acres to a maximum depth of 37 feet over a thirty-year period, including portions of Assessor Parcels 0025-350-30 (41 acres); 025-350-32 (88 acres); 025-360-26 (92 acres); and 025-430-08 (34 acres) subject to conditions of approval provided in Attachment I.

- **Approve Reclamation Plan No. ZF# 95-095** to allow for the establishment of 160.5 acres of row crop production, 49.3 acres of open water, 32 acres of slopes and roads, and 13.2 acres of habitat, on 255 acres.

- **Rescind Mining Permit and Reclamation Plan Nos. ZF 94-062** for the Muller parcel (APNs: 025-350-30 and 025-350-32) at such time as Mining Permit ZF #95-095 is exercised. The regulation of mining and reclamation activities on these parcels would be superseded by Long-Term, Off-Channel Mining Permit and Reclamation Plan No. ZF# 95-095, once the long-term permit becomes effective.

- **Rezone 211 acres to add the Sand and Gravel (SG) Zone** to the existing Agricultural General (A-1) Zone, including portions of Assessor Parcels 0025-350-30 (34 acres); 025-350-32 (51 acres); 025-360-26 (92 acres); and 025-430-08 (34 acres), as shown in Attachment F.

- **Rezone 9 acres to remove the Sand and Gravel (SG) Zone** from the existing Agricultural General (A-1) Zone, on a portion of Assessor Parcel 025-350-32, as shown in Attachment F.

- **Rezone 155 acres to the Agricultural General (A-1) Zone** from the existing Agricultural Preserve (A-P) Zone, on portions of Assessor Parcels 025-350-30 (82 acres) and 025-350-32 (73 acres), as shown in Attachment F.

- **Approve an increase in annual permitted production** from 1,064,224 tons mined (904,590 tons sold) to 1,176,471 tons mined (1,000,000 tons sold). The annual production limit may be exceeded by 20 percent to 1,411,176 tons mined (1,200,000 tons sold) to meet temporary market demand, as long as the average of any ten consecutive years of production does not exceed 14,111,760 tons mined (10,000,000 tons sold).

- **Approve Floodplain Development Permit No. 96-069** to allow for off-channel mining and reclamation activities (performed in accordance

with the approved permit) conducted within the 100-year floodplain.

- **Approve Financial Assurances** in the amount of \$87,221 to ensure that reclamation of Phase 1 will take place. Subsequent mining phases may not take place until financial assurances have been approved for those reclamation activities and submitted to the County.

- **Deny Exceptions to Section 10-4.429 of the County Off-Channel Surface Mining Ordinance** relating to setbacks from the Cache Creek channel as follows:
 - Phase 1 - an exception for approximately 2,625 feet of creek frontage on the Muller parcel, covering an area of approximately 8 acres, to allow a setback approximately 50 feet in width.

 - Phase 3 - an exception for approximately 3,375 feet of creek frontage on the Storz parcel, covering an area of approximately 20 acres, to allow a setback approximately 50 feet in width.

- **Authorize Execution of a Development Agreement** to contractually recognize and ensure dedication to the County or a designated public agency of a portion of or all of the reclaimed lakes and restored habitat for eventual recreation,

wildlife habitat, and/or groundwater management uses; the creation of a demonstration groundwater recharge basin and habitat facility on a 30-acre portion of the Roger's parcel (APN: 025-350-25); relinquishment of in-channel mining permits held by the applicant; closure and reclamation of the processing plant and all operations at the mining site; funding of \$0.05 per ton of sold aggregate to the Cache Creek Conservancy; funding of \$0.10 per ton of sold aggregate to implement the Cache Creek Resources Management Plan; funding of \$0.03 per ton for the County to administer the OCMP; and funding of \$0.02 per ton of sold aggregate for future maintenance and remediation of the reclaimed mine site, if needed (see Attachment H).

MOTION: Heringer SECOND: Merewitz
AYES: Heringer, Gray, Merewitz, Stephens, and Lang
NOES: None
ABSTAIN: Rodegerdts and Walker
ABSENT: None

**CONDITIONS OF APPROVAL
MINING PERMIT AND RECLAMATION PLAN NO. ZF# 95-095**

TEICHERT (WOODLAND) LONG-TERM, OFF-CHANNEL APPLICATION

The following conditions of approval include all mitigation measures contained within the Final EIR, except where noted in the staff report. Modification to EIR mitigation measures can only occur if: 1) the effectiveness of the measure in reducing the applicable environmental impact is not affected; or, 2) subsequent environmental analysis is performed to examine the new proposed measure and associated environmental impact.

MISCELLANEOUS CONDITIONS

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

2. Annual production is limited to 1,000,000 tons (sold weight) and 1,176,471 (mined tonnage). The operator may exceed this amount by 20 percent to 1.2 million tons (sold) in any one year, in order to meet temporary market demand. However, production over any consecutive 10-year period shall not exceed 10,000,000 tons (sold). Under no circumstances may annual production exceed 1.2 million tons (sold).

3. The operator shall pay \$0.15 per ton to the County for every ton of aggregate materials sold. The operator shall pay \$0.05 per ton to the Cache Creek Conservancy for every ton of aggregate materials sold. Payment of these fees shall be in accordance with the CCAP and all implementing ordinances, and the Gravel Mining Fee Ordinance enacted for this purpose.
4. The operator shall pay \$0.10 per ton to the County for every ton of aggregate materials sold in excess of 1.0 million tons (sold) annually. Payment of these fees shall be in accordance with the CCAP and all implementing ordinances, and the Gravel Mining Fee Ordinance enacted for this purpose.
5. ~~The operator shall be limited to processing only that material within the identified 255-acre mining area.~~ The processing of aggregate material approved under this Mining Permit shall cease when either permitted reserves are depleted or the life of the permit has expired, whichever event occurs first. The operator may apply for permit approval to extend aggregate processing beyond the limits described above. The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review.
6. The Mining Permit is approved for a period not to exceed thirty years, starting from the date that mining begins. The operator shall certify in writing that mining has commenced. Written notification shall be received by the County within three days of mining commencement. If notification has not been received by the County within one year after the permit has been approved, then this Mining Permit shall be null and void.
If permitted aggregate reserves are still available at the end of the approved thirty-year period, the operator may apply for Mining Permit approval to extend mining beyond the 30-year limit described above. The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review.
7. The operator shall be responsible for all costs associated with implementing and monitoring these conditions.
8. The operator shall submit financial assurances, in a form consistent with Section 10-5.702 of the Surface Mining Reclamation Ordinance, in the amount of \$87,221 for reclamation of Phase 1, naming the County of Yolo and the California Department of Conservation as beneficiaries, prior to the commencement of mining.

9. The project to which these conditions are applicable is as described in the Project EIR and summarized in the Yolo County Planning Commission Board of Supervisors Staff Report dated November 13 ~~23~~ ²⁵, 1996, as modified only by the adopted conditions of approval including mitigation measures. Any subsequent substantive changes in the project description (as determined by Yolo County) may only occur subject to amendment or modification of the Mining Permit and/or Reclamation Plan.
10. This Mining Permit and the accompanying entitlements, shall not be considered effective until a Development Agreement between the County and the operator has been executed. The Development Agreement shall include, but not be limited to, provisions for the following: implementation of net gain improvements, funding mechanisms for various programs associated with the project, all approved conditions of approval including EIR mitigation measures, relinquishment of existing in-channel permit rights, sun setting of the processing plant and all operations at the mining site, dedication of reclaimed land and access to the County or other non-profit organization, and other items as deemed appropriate by the executing parties.
11. Temporary soil stockpiles shall be located on unmined phases within the approved mining areas or may be located outside of the mining area if the stockpile is to be farmed and harvested with an agricultural crop. Stockpiles shall not otherwise impact adjoining agricultural fields outside of the mining area. A revised reclamation plan shall be submitted to the Community Development Director for review and approval, if the stockpile locations change from the original proposal as a result of this condition.
12. The operator shall comply with both the spirit and intent of all applicable requirements of SMARA, County Code (particularly Chapters 4 and 5), and all conditions of approval. The operation must remain consistent with the spirit and intent of the Cache Creek Area Plan.
13. The operator is prohibited from proceeding with any new wet excavation unless ambient mercury levels in the creek have been determined pursuant to Section 10-5.517 of the Reclamation Ordinance, six months prior.
14. ~~The operator shall modify the mining and reclamation plans to account for the required 200-foot buffer from the channel boundary. Revised mining and reclamation plans shall be submitted to the Community Development Director~~

prior to the commencement of mining. Within one year of execution of the Development Agreement, the operator shall submit to the County a revised reclamation plan for the Muller site which reflects the minimum 200' setback from the Cache Creek Area Plan boundary. There will be no substantial change to the reclaimed uses proposed by the operator in the November 1996 reclamation plan for Muller other than to address the setback issue. No mining shall occur which intrudes on the 200-foot setback. Approval of the revised plan shall be by the Community Development Director with appeal rights to the Planning Commission and the Board of Supervisors.

15. Pursuant to Action 2.4-13 of the Off-Channel Mining Plan, the Solano Teichert (Woodland) aggregate processing plant and all associated facilities must be closed, moved, and the site reclaimed consistent with the CCAP when mining has concluded at the site under the terms of the long-term permit, unless extended under subsequent permits to allow mining of additional aggregate deposits.
16. Pursuant to Action 2.4-2 of the Off-Channel Mining Plan, hazardous materials business plans must be submitted biennially, as required by the California Health and Safety Code, unless the types of hazardous materials used change, in which case revised business plans must be submitted within thirty (30) days of the change.
17. Pursuant to Action 6.4-8 of the Off-Channel Mining Plan, the application shall be amended to include vegetated buffers between restored habitat areas and adjoining farmland, in order to minimize the potential for riparian areas to serve as harbors for predators and insect pests. These buffers are intended to also reduce noise, dust, and spraying generated by agricultural operations.
18. The operation is prohibited from processing imported aggregate material. This condition shall not apply to materials needed to meet construction specifications, recyclable material, aggregate obtained from in-channel maintenance work performed in accordance with the CCAP, or previously stockpiled material from prior permits.
19. Create at least one permanent island to improve the wildlife habitat value of the created wetlands. The artificial islands and submerged peninsulas described in the HRP shall be retained on all lakes. Characteristics of the permanent island shall include the following parameters:

- a. The elevation of the island shall extend a minimum of five feet above the average high groundwater level to prevent complete inundation during the winter months.
 - b. Slopes of the island shall not exceed 3:1 above the average low groundwater level.
 - c. The island shall be revegetated consistent with the reclamation plan, with perennial marsh and riparian vegetation in the lower terraces and drought-tolerant shrubs near the summit.
 - d. A linear island is suggested for increased edge length and maximum possible distances between nesting birds.
 - e. The channel of water separating the island from the shoreline shall be at least 20 feet wide and 5 feet deep at average low water elevations.
20. The aggregate processing plant, located on a 111.9 acre site south of Cache Creek and west of County Road 96 (APNs: 025-350-19), shall be reclaimed in accordance with the CCAP.
21. All approved modifications to the application ~~that were assumed by the staff in making the recommendation~~, as documented in the Yolo County Board of Supervisors Staff Report dated November 25, 1996, shall be implemented by the operator as a condition of approval.
22. Pursuant to Action ~~6.4-14~~ 6.5-14 of the Cache Creek Resources Management Plan, the operator shall enter into a legally-binding agreement which ensures the implementation of channel improvement projects required by the CCRMP and CCIP, along the creek frontage adjoining the proposed mining area. Mining within each phase may occur concurrently with the CCAP channel improvements. However, CCAP channel improvements along the entire frontage of the mined phase shall be completed prior to the commencement of the overburden removal and mining within the next subsequent phase. The agreement shall also require that a deed restriction be placed on those parcels on which the improvements occur, to require future owners of the property to maintain the streambank protection improvements. A bond or other financial instrument shall be provided by the operator prior to the commencement of mining within 700 feet of the CCAP channel boundary for the maintenance of any bank stabilization features during

the 30-year permit period. Maintenance of the bank stabilization features following the completion of reclamation shall be the responsibility of the property owner.

23. Pursuant to Section 10-4.429 of the Off-Channel Mining Ordinance, ~~the northern and western slopes of the Phase 1 mining area shall be planted with a vegetative screen to reduce potential aesthetic impacts along County Roads 94B and 19. As the slopes are reclaimed, native shrubs and trees shall be planted of sufficient height and density to provide an effective visual barrier of the mining site from adjoining public rights of way.~~ stockpiled topsoils shall be utilized as a screening berm along the western edge of the mining area during mining of the area to be reclaimed to agriculture. A combination of vegetation and berming shall be used along the relevant portion of the north side of the mining area to meet the requirements of this section. The landscape buffer shall be designed by a qualified biologist or landscape architect. The reclamation plan and Habitat Restoration Plan for Phase 1 shall be revised to incorporate the landscaped slope buffers and shall be submitted to the Community Development Director for review and approval prior to the commencement of mining in Phase 1. ~~In accordance with the above ordinance section and in order to further reduce aesthetic impacts, no more than 50 acres within Phase 1 may be disturbed at any one time.~~
24. ~~The Phase 3 (Storz) mining and reclamation plans reflect shallow mining (a minimum of five feet above the average high groundwater table) at the site with reclamation to agricultural uses. The revised plans shall be submitted to the Community Development Director for approval prior to commencement of mining in Phase 3.~~ Within one year of execution of the Development Agreement the operator shall submit to the County a revised reclamation plan for the Storz site, which reflects the minimum 200-foot setback from the Cache Creek Area Plan boundary and which meets the spirit and intent of the CCAP with respect to the shape and revegetation of the proposed reclaimed lake. No mining shall occur which intrudes on the 200-foot setback. Approval of the revised plan shall be by the Community Development Director with appeal rights to the Planning Commission and the Board of Supervisors.
25. Upon the completion of reclamation within Phases 1 and 2 ~~and 3~~ of the project, the operator shall enroll each reclaimed parcel in Williamson Act contracts, ~~or~~ and provide an equivalent long-term easements or an equivalent (e.g. deed restrictions) to protect open space and agriculture.

EIR MITIGATION MEASURES

Land Use and Planning

- 26. Implement Mitigation Measures 4.2-8a; 4.4-1a; 4.4-2a, f, g, h, i, j, and k; 4.4-3a and b; and 4.4-8a of the Final EIR for the proposed project (Mitigation Measure 4.2-2a).**
- 27. Implement the performance standards contained in Sections 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance; and Sections 10-5.507, 10-5.510, 10-5.517, 10-5.519, 10-5.524, 10-5.528, 10-5.530, and 10-5.532 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.2-6a).**

Geology and Soils

- 28. Implement the performance standards included in Sections 10-5.504, 10-5.505, 10-5.512, and 10-5.526 of the County Surface Mining Reclamation Ordinance. (Mitigation Measure 4.3-1a).**
- 29. Implement the performance standards included in Sections 10-4.406, 10-4.413, and 10-4.431 of the County Off-Channel Mining Ordinance; and Sections 10-5.507, 10-5.508, and 10-5.530 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.3-2a).**

Hydrology and Water Quality

- 30. The operator shall obtain a floodplain development permit for excavation within the FEMA 100-year floodplain, as required by Section 8-3.401 of the County Flood Damage Prevention Ordinance. (Mitigation Measure 4.4-1a).**
- 31. The operator shall provide a continuous flood protection berm that is connected (tied in) with higher ground outside the 100-year flood zone. Prior to construction, detailed plans of the tie-in connection shall be submitted to the County for review and approval (Mitigation Measure 4.4-1b). Measure 4.4-1c).**
- 32. The County shall revise the CCRMP channel boundary in the vicinity of the Muller site (shown as the amended CCRMP channel boundary in Figure 4.4-11). The amended channel boundary shall reflect changes to the 100-year floodplain that**

have occurred subsequent to the COE modeling used to define the CCRMP channel boundary (COE 1994). The applicant is in the process of constructing a berm to provide 100-year flood protection for the site. The amended channel boundary shall follow the creek side of the flood protection berm, at the COE 100-year flood elevation. Alternately, the mining plan shall be revised to exclude areas within the existing CCRMP boundary (Mitigation Measure 4.4-2a).

33. Implement the performance standards contained in Sections 10-4.416 and 10-4.429 of the County Off-Channel Mining Ordinance and Section 10-5.506 of the County Surface Mining Reclamation Ordinance. Specifically, the operator shall conduct annual monitoring and maintenance of the channel banks and levees for evidence of erosion or slope instability. Monitoring shall be conducted by a licensed engineer and shall minimally include visual inspection of channel banks and levees for evidence of erosion or slope instability. Evidence of erosion shall include the existence of over steepened banks and loss of vegetation. Evidence of slope instability shall include formation tension cracks, arcuate steps, or unexcavated benches.

An annual report on channel bank and levee conditions shall be submitted to the Community Development Director along with the Annual Mining and Reclamation Report. The report shall include the identification of the location (on scaled maps and photographs) and estimated area and volume of eroded materials of slope failure, a determination of the cause(s) of erosion or slope failure, and recommendation for remedial action. Recommended remedial actions shall be implemented prior to November 1 of each year (Mitigation Measure 4.4-2f).

34. Following reclamation, the Community Development Director shall determine (on the basis of inspection of the channel banks and levees during the mining and reclamation period) the need for continued channel bank and levee monitoring and reporting. A restriction shall be placed on the deed for the underlying property requiring continued inspection and maintenance of channel banks and levees and allowing access by the County for same (Mitigation Measure 4.4-2g).
35. The applicant shall enter into a legally-binding agreement with the County that commits the applicant to participate in implementation of the Cache Creek Improvements Program for that portion of the creek frontage owned or controlled by the applicant. Participation shall include, but not be limited to, contribution of equipment and labor for channel widening projects, channel maintenance mining

recommended by the county, and channel modification at bridges near the site (Mitigation Measure 4.4-2h).

36. Prior to the commencement of mining below the groundwater level, the operator shall contact the California Division of Safety of Dams (DSD) for a determination on whether the alluvial separators that would be created by the project fall under DSD jurisdiction (Mitigation Measure 4.4-2i).
37. Implement the performance standards contained in Sections 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance; and Sections 10-5.507, 10-5.510, 10-5.519, 10-5.524, 10-5.528, and 10-5.530 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.4-3a).
38. Implement the performance standards contained in Section 10-4.427 of the Off-Channel Mining Ordinance, using MODFLOW and PATH3D for capture zone analysis (Mitigation Measure 4.4-3a).
39. Conduct groundwater modeling to identify the vertical extent of the Storz domestic well 30-day and 1-year capture zones for both the upper and lower aquifers. Modeling should explicitly account for seepage of water from the upper aquifer through the well packing materials. Excavation boundaries and/or depths shall be adjusted as necessary to ensure that the Storz well in the lower aquifer would not draw from the proposed Storz pond in the shallow aquifer. As an alternative, the applicant may select to enter into a written agreement with the owner of the affected well that the well shall be relocated or redesigned to eliminate adverse impacts (Mitigation Measure 4.4-3b).
40. In order to protect surface water and groundwater quality, the applicant shall comply with National Pollution Discharge Elimination System (NPDES) requirements by implementing a project Stormwater Pollution Prevention Plan (SWPPP) if required by the RWQCB. If the RWQCB does not require a SWPPP, the applicant shall implement an equivalent plan regulated by the County Department of Environmental Health (Mitigation Measure 4.4-4c).
41. Implement the performance standards contained in Section 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance; and Section 10-5.507, 10-5.510, 10-5.517, 10-5.519, 10-5.524, 10-5.528, 10-5.530, and 10-5.532 of the County Surface Mining Reclamation Ordinance. (Mitigation Measure 4.4-4a).

42. The operator shall limit groundwater pumping at the proposed processing plant well to levels that will not adversely effect supply wells located within 1,000 feet of the plant well (compared to currently permitted conditions).

If the applicant proposes to increase groundwater pumping to meet the increased water demand, the applicant shall demonstrate, using groundwater modeling, that the proposed pumping rate at the Woodland processing plant would not adversely affect active water supply wells within 1,000 feet of the plant well, as compared to currently permitted conditions. The proposed incremental increase in pumping shall be lessened as necessary to meet this condition. An effect shall be considered adverse if it would result in groundwater elevation declines of greater than 2 feet at any of the nearby wells, or if it would cause well failure. Groundwater conditions shall be simulated using analytical methods or MODFLOW and shall assume historic average low groundwater levels. Groundwater modeling of the project area submitted with the project application (Luhdorff and Scalmanini, 1995) could be modified to include the plant well and vicinity.

As an alternative to decreasing pumping, the operator may select to enter into a written agreement with the owner of the affected well that the well shall be relocated or redesigned to eliminate adverse impacts

If the applicant meets the additional demand without increasing groundwater pumping, such as by recycling wash water from the settling ponds, the above groundwater modeling is not required (Mitigation Measure 4.4-8a).

Agriculture

43. Implement the performance standards included in Sections 10-5.525 and ~~10-5.601~~ of the County Surface Mining Reclamation Ordinance to reduce the impact of the permanent loss of agricultural land. Compliance with this mitigation may be phased to track with the phasing of the mining (Mitigation Measure 4.5-1a).

Biological Resources

44. A CDFG Code Section 2081 authorization, or the posting of a reclamation bond or letter of credit naming CDFG as the beneficiary, or other alternative mechanism acceptable to CDFG, shall be executed prior to commencement of mining (Mitigation Measure 4.6-4a).

45. Implement the performance standard included in Sections 10-4.418, 10-4.433, and 10-4.440 of the County Off-Channel Mining Ordinance and Sections 10-5.515 and 10-5.523 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.6-6a).

Traffic

46. The applicant shall widen the curve radius for east bound right-turn movement. Within one year of project approval, the operator shall widen the curve radius for the intersection of County Road 20 and County Road 96. The specific scope of the improvements shall be as determined by the Public Works Department. The operator shall pay 100 percent of the cost of the improvements. Encroachment permits from the Public Works Department shall be obtained prior to construction. (Mitigation Measure 4.8-1a).
47. The proposed project shall assume joint pavement maintenance responsibility with the County on County Road 20 from the project entrance to County Road 98, and on County Road 96, from Road 20 to State Route 16, for the life of the permit. The operator must submit an annual evaluation of the structural integrity of the road and implement pavement improvements to maintain safe and efficient traffic operation on the road for each upcoming year (Mitigation Measure 4.8-2a).

Noise

48. Use part of the overburden on the Storz site to create a temporary berm approximately 10-feet high along the rear property lines of the two homes south of the Storz parcel (Mitigation Measure 4.9-2a).
49. Implement Section 10-4.422 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.9-1b).

Aesthetics

50. Implement Mitigation Measure 4.6-1a of the Final EIR for the proposed project (Mitigation Measures 4.10-1a and 2a).

Cultural Resources

51. **Implement the performance standard included in Section 10-4.410 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.11-1a).**
52. **The operator shall implement an explicit educational program that alerts project employees to the nature of paleontological and archaeological resources in the region, the laws that protect them, and responsibilities for reporting potential findings to appropriate authorities. This program shall be developed by a qualified cultural resource professional (Mitigation Measure 4.11-1b).**
53. **Implement Mitigation Measures 4.11-1a and 1b of the Final EIR for the proposed project (Mitigation Measures 4.11-2 and 3).**
54. **Prior to mining on the Storz parcel, the applicant shall conduct mechanical trenching in the area north and west of CA-YOL-38 to determine whether buried archaeological materials are present. This shall be done with a qualified professional archaeologist present who can identify and evaluate the importance of any discoveries that are made. Trench exposures shall be no more than 50 to 60 feet apart (30 to 40 feet long), and excavated to a depth of at least 8 to 10 feet. At this spacing, approximately 10 to 12 trenches would need to be opened to provide adequate coverage of the area (a 600-foot section at the north base of the knoll) in question (Mitigation Measure 4.11-3b).**

Hazards

55. **Implement the performance standard included in Section 10-4.415 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.12-1a).**



The Commission recessed at 10:30 and reconvened with the following item:

- 6.3 95-093 - A certification of the Final EIR and a request for a Mining Permit, Reclamation Plan, Rezoning, Increase in Annual Permitted Production, Technical Correction to the CCRMP, Floodplain Development Permit, Financial Assurances, Exceptions, Development Agreement, and Rescind Existing Mining Permits to allow gravel mining to a maximum depth of 70 feet, with reclamation to agriculture, open water, and habitat, on 698 acres in the Agricultural General (A-1) and Agricultural Preserve (A-P) Zones. The subject properties are located north of Highway 16 and south of Cache Creek, between County Roads 89 and 93, near Madison. APNs: 049-060-04, 049-060-07, 049-070-04, 049-070-05, 049-070-06, 049-070-09, 049-070-10, 049-070-12, 049-070-13, and 049-450-01. Applicant: Solano Concrete. (H. Tschudin/D. Morrison)

Heidi Tschudin gave the Staff Report and said there are no inconsistencies. Staff is in support of the application as submitted. She added that the applicant has withdrawn his request for the 200' setback exception.

A discussion regarding adding additional clarifying language to the Development Agreement took place. Staff recommends the following wording for each Development Agreement:

“Notwithstanding the provisions of Section 10-4605 (Interim Permit Review) of the Mining Ordinance, the right to mine a specified maximum tonnage on specified acreage to a specified maximum depth, is vested with the applicant pursuant to this Agreement, so long as the regulatory requirements, conditions of approval, and CCAP performance standards (e.g. Section 10-4.417 of the Mining Ordinance relating to groundwater monitoring programs, Section 10-5.517 of the Reclamation Ordinance relating to mercury bioaccumulation in wildlife, etc.) are met, and so long as there is no threat to public health or safety and the operation in and of itself does not pose a public hazard or public nuisance.”

The Public Hearing was opened at this time.

Anthony Russo, Vice-president of Solano Concrete, said that Solano Concrete has been engaged in deep pit mining for 15 years. The difference now, is the reclamation to lakes and habitat that they have not been allowed to do in the past.

Another discussion regarding Condition of Approval #10 of this application took place.

Grace Olsen, of West Sacramento, had concerns with the process of the hearings and recommended that the Commission not take action today.

Heidi Tschudin reminded everyone that the gravel applications would be heard by the Board of Supervisors on November 25, 1996.

The Public Hearing was closed at this time.

C o m m i s s i o n A c t i o n :

**T h e P l a n n i n g C o m m i s s i o n r e c o m m e n d s t h e f o l l o w i n g
a c t i o n s t o t h e B o a r d o f S u p e r v i s o r s :**

- **D I R E C T E D S T A F F t o a d d t h e f o l l o w i n g w o r d i n g t o
e a c h o f t h e D e v e l o p m e n t A g r e e m e n t s f o r t h e**

five gravel applications presently under consideration.

“Notwithstanding the provisions of Section 10-4605 (Interim Permit Review) of the Mining Ordinance, the right to mine a specified maximum tonnage on specified acreage to a specified maximum depth, is vested with the applicant pursuant to this Agreement, so long as the regulatory requirements, conditions of approval, and CCAP performance standards (e.g. Section 10-4.417 of the Mining Ordinance relating to groundwater monitoring programs, Section 10-5.517 of the Reclamation Ordinance relating to mercury bioaccumulation in wildlife, etc.) are met, and so long as there is no threat to public health or safety and the operation in and of itself does not pose a public hazard or public nuisance.”

- DIRECTED STAFF to amend the CCAP and implementing ordinances to incorporate the above wording, and to make other minor corrections and clarifications as necessary.

- DIRECTED STAFF to secure an agreement from the applicants to fund amendment of the CCAP and its implementing ordinances for this purpose, on a direct cost basis and directed Staff to include any other minor clean-up items as a part of such an amendment.

MOTION: Walker SECOND: Merewitz

AYES: Walker, Gray, Merewitz, Heringer, Lang,
and Walker

NOES: None

ABSTAIN: Rodegerdts

ABSENT: None

Commission Action:

The Planning Commission recommends the following actions to the Board of Supervisors:

- **Certify the Final Project-level EIR for the Solano Long-Term Off-Channel Mining Permit Application (SCH #96012034)** based on Findings of Fact to be prepared documenting compliance with CEQA, independent review and consideration of the information in the EIR prior to taking action on the project, and adoption of the Mitigation Monitoring Plan implementing all adopted mitigation measures.

- **Approve Long-Term Off-Channel Mining Permit No. ZF# 95-093** to allow for the excavation of 598 acres to a maximum depth of 70 feet over a thirty-year period, including portions of Assessor Parcels 049-060-04 (2 acres); 049-060-07 (13 acres); 049-070-04 (40 acres); 049-070-05 (38 acres); 049-070-06 (65 acres); 049-070-09 (196 acres); 049-070-10 (3 acres); 049-070-13 (65 acres); and 025-450-01 (176 acres) subject to conditions of approval provided in Attachment J.

- **Approve Reclamation Plan No. ZF# 95-093** to allow for the establishment of 161 acres of permanent lakes, 65 acres of woodland and marsh habitat, 223 acres of tree crop production, 223 acres of row crop production, and 26 acres of slopes and roads, on 698 acres including portions of Assessor Parcels 049-060-04 (2 acres); 049-060-07 (13 acres); 049-070-04 (40 acres); 049-

070-05 (38 acres); 049-070-06 (65 acres); 049-070-09 (196 acres); 049-070-10 (3 acres); 049-070-12 (100 acres); 049-070-13 (65 acres); and 025-450-01 (176 acres).

- **Rescind Mining Permit and Reclamation Plan Nos. ZF# 2859 and ZF# 94-065** for the Hutson parcel (APN: 049-070-12) and Farnham West parcel (APN: 049-070-04) respectively, at such time as Mining Permit No. ZF# 95-093 is exercised. The regulation of mining and reclamation activities on these parcels would be superseded by Long-Term, Off-Channel Mining Permit and Reclamation Plan No. ZF# 95-093 once the long-term permit becomes effective.
- **Rezone 558 acres to add the Sand and Gravel (SG) Zone** to the existing Agricultural General (A-1) and Agricultural Preserve (A-P) Zones, including portions of Assessor Parcels 049-060-04 (2 acres); 049-060-07 (13 acres); 049-070-05 (38 acres); 049-070-06 (65 acres); 049-070-09 (196 acres); 049-070-10 (3 acres); 049-070-13 (65 acres); and 025-450-01 (176 acres), as shown in Attachment F.
- **Rezone 235 acres to remove the Sand and Gravel (SG) Zone** from the existing Agricultural general (A-1) Zone, on a portion of Assessor Parcel 049-070-12, as shown in Attachment F.
- **Approve an increase in annual permitted production** from 772,417 tons mined (641,106 tons

sold) to 1,204,819 tons mined (1,000,000 tons sold). The annual production limit may be exceeded by 20 percent to 1,445,783 tons mined (1,200,000 tons sold) to meet temporary market demand, as long as the average of any ten consecutive years of production does not exceed 12,048,190 tons mined (10,000,000 tons sold).

- **Approve Floodplain Development Permit No. 96-070** to allow for off-channel mining and reclamation activities (performed in accordance with the approved permit) conducted within the 100-year floodplain.

- **Approve Financial Assurances** in the amount of \$699,655 to ensure that reclamation of Phase 1 will take place. Subsequent mining phases may not take place until financial assurances have been approved for these reclamation activities and submitted to the County.

- **Deny Exceptions to Section 10-4.429 of the County Off-Channel Surface Mining Ordinance** relating to setbacks from the Cache Creek channel as follows:
 - Phase 3 - an exception for approximately 1,625 feet of creek frontage on the Orrick parcel, covering an area of approximately 5 acres, to allow a setback approximately 40 feet in width.

□ Phase 5 - an exception for approximately 750 feet of creek frontage on the Snyder East parcel, covering an area of approximately 3 acres, to allow a setback approximately 40 feet in width.

□ Phase 6 - an exception for approximately 2,000 feet of creek frontage on the Snyder West parcel, covering an area of approximately 7 acres, to allow a setback approximately 40 feet in width.

■ **Approve Technical Correction to the Cache Creek Area Plan** to modify the channel boundary delineation to correspond with the existing floodplain (see Attachment H).

■ **Authorize Execution of a Development Agreement** to contractually recognize and ensure dedication to the County or a designated public agency of a portion or all of the reclaimed lakes and restored habitat for eventual recreational and/or wildlife habitat uses; the restoration of 35 acres of wildlife habitat along Cache Creek; relinquishment of in-channel mining permits held by the applicant; closure and reclamation of the processing plant and all operations at the mining site; funding of \$0.05 per ton of sold aggregate to the Cache Creek Conservancy; funding of \$0.10 per ton of sold aggregate to implement the Cache Creek Resources Management Plan; funding of \$0.03 per ton for the County to administer the OCMP;

and funding of \$0.02 per ton of sold aggregate for future maintenance and remediation of the reclaimed mine site, if needed (see Attachment I).

MOTION: Merewitz SECOND: Lang
AYES: Merewitz, Lang, Gray, Heringer, and Stephens
NOES: None
ABSTAIN: Walker and Rodegerdts
ABSENT: None

**CONDITIONS OF APPROVAL
MINING PERMIT AND RECLAMATION PLAN NO. ZF #95-093**

SOLANO CONCRETE LONG-TERM, OFF-CHANNEL APPLICATION

The following conditions of approval include all mitigation measures contained within the Final EIR, except where noted in the staff report. Modification to mitigation measures can only occur if: 1) the effectiveness of the measure in reducing the applicable environmental impact is not affected; or, 2) subsequent environmental analysis is performed to examine the new proposed measure and associated environmental impact.

MISCELLANEOUS CONDITIONS

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

2. Annual production is limited to 1,000,000 tons (sold weight) and 1,204,819 tons (sold weight). The annual production level may be exceeded by 20 percent to 1,200,000 tons (sold weight) in any one year, so long as the running ten-year production average does not exceed 10,000,000 tons (sold weight). Under no circumstances may annual production exceed 1,200,000 tons (sold weight).

3. The operator shall pay \$0.15 per ton to the County for every ton of aggregate materials sold. The operator shall pay \$0.05 per ton to the Cache Creek Conservancy for every ton of aggregate materials sold. Payment of these fees shall be in accordance with the CCAP and all implementing ordinances, and the Gravel Mining Fee Ordinance enacted for this purpose.
4. The operator shall pay \$0.10 per ton to the County for every ton of aggregate sold in excess of the 1,000,000 ton sold weight (1,204,819 mined weight) limit on annual production. Payment of these fees shall be in accordance with the CCAP and all implementing ordinances, and the Gravel Mining Fee Ordinance enacted for this purpose.
5. ~~The operator shall be limited to processing only that material within the identified 598 acre mining area.~~ The processing of aggregate material approved under this Mining Permit shall cease when either permitted reserves are depleted or the life of the permit has expired, whichever event occurs first. The operator may apply for permit approval to extend aggregate processing beyond the limits described above. The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review.
6. The Mining Permit is approved for a period not to exceed thirty years, starting from the date that mining begins. The operator shall certify in writing that mining has commenced. Written notification shall be received by the County within three days of mining commencement. If notification has not been received by the County within one year of permit approval, then this Mining Permit and its accompanying entitlements shall be null and void.

If permitted aggregate reserves are still available at the end of the approved thirty-year period, the operator may apply to renew the permit. The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review.

7. The operator shall be responsible for all costs associated with implementing and monitoring these conditions.
8. The operator shall submit financial assurances, in a form consistent with Section 10-5.702 of the Surface Mining Reclamation Ordinance, in the amount of \$699,655 for reclamation of Phase 1, naming the County of Yolo and the California

Department of Conservation as beneficiaries, prior to the commencement of mining.

9. The project to which these conditions are applicable is as described in the Project EIR and summarized in the Yolo County Planning Commission Board of Supervisors Staff Report dated November 13 ~~25~~, 1996, as modified only by the adopted conditions of approval including mitigation measures. Any subsequent substantive changes in the project description (as determined by Yolo County) may only occur subject to amendment or modification of the Mining Permit and/or Reclamation Plan.
10. Upon the completion of reclamation within each phase of the project, the operator shall enroll each reclaimed parcel in Williamson Act contracts, ~~or~~ and provide an ~~equivalent~~ long-term easements or an equivalent (e.g. deed restrictions) to protect open space and agriculture.
11. In order to comply with the compatibility findings in Section 51238 et al. of the California Land Conservation Act (Williamson Act), only that portion of the Farnham East parcel in Phase 3 (APN: 049-070-05) which will be reclaimed to prime agricultural land, shall be mined prior to 2006.
12. This Mining Permit and the accompanying entitlements, shall not be considered effective until a Development Agreement between the County and the operator has been executed. The Development Agreement shall include, but not be limited to, provisions for the following: implementation of net gain improvements, funding mechanisms for various programs associated with the project, all approved conditions of approval including EIR mitigation measures, relinquishment of existing in-channel permit rights, sun setting of the processing plant and all operations at the mining site, dedication of reclaimed land and access to the County or other non-profit organization, and other items as deemed appropriate by the executing parties.
13. The operator shall reclaim the areas south of the permanent lakes in Phases 1, 3, 4, 5, and 6 to the agricultural production of tree crops, as described in the application.
14. The aggregate processing plant, located on the northern 20 acres of the Kaupke parcel (APN: 049-070-13) shall be reclaimed in accordance with the CCAP.

15. Temporary soil stockpiles shall be located on unmined phases within the approved mining areas or may be located outside of the mining area if the stockpile is to be farmed and harvested with an agricultural crop. Stockpiles shall not otherwise impact adjoining agricultural fields outside of the mining area. A revised reclamation plan shall be submitted to the Community Development Director for review and approval, if the stockpile locations change from the original proposal as a result of this condition.
16. The operator shall comply with both the spirit and intent of all applicable requirements of SMARA, the County Code (particularly Chapters 4 and 5), and all conditions of approval. The operation must remain consistent with the spirit and intent of the Cache Creek Area Plan.
17. The operator is prohibited from proceeding with any new wet excavation, unless ambient mercury levels in the creek have been determined pursuant to Section 10-5.517 of the Reclamation Ordinance, six months prior.
18. The operator shall modify the mining and reclamation plans to account for the required 200-foot buffer from the channel boundary, less "credit" for the existing road levee. The pit slopes in modified areas may be steepened to 2:1, if supported by site-specific slope stability analyses. A slope stability analysis, prepared by a Registered Engineer, and revised mining and reclamation plans shall be submitted to the Community Development Director prior to the commencement of mining in Phase 3.
19. Pursuant to Action 2.4-13 of the Off-Channel Mining Plan, the Solano aggregate processing plant and all associated facilities must be closed, moved, and the site reclaimed consistent with the CCAP when mining has concluded at the site under the terms of the long-term permit, unless extended under subsequent permits to allow mining of additional aggregate deposits.
20. The operation is prohibited from processing imported aggregate material. This condition shall not apply to materials needed to meet construction specifications, recyclable material, aggregate obtained from in-channel maintenance work performed in accordance with the CCAP, or previously stockpiled material from prior permits.
- ~~21. Temporary soil stockpiles shall be located on unmined phases within the approved mining areas or may be located outside of the mining area if the~~

~~stockpile is to be farmed and harvested with an agricultural crop. Stockpiles shall not otherwise impact adjoining agricultural fields outside of the mining area. A revised reclamation plan shall be submitted to the Community Development Director for review and approval, if the stockpile locations change from the original proposal as a result of this condition.~~

- ~~22. The operator shall comply with both the spirit and intent of all applicable requirements of SMARA, County Code (particularly Chapters 4 and 5), and all conditions of approval. The operation must remain consistent with the spirit and intent of the Cache Creek Area Plan.~~
- ~~23. The operator is prohibited from proceeding with any new wet excavation unless ambient mercury levels in the creek have been determined pursuant to Section 10-5.517 of the Reclamation Ordinance, six months prior.~~
- ~~24. The operator shall modify the mining and reclamation plans to account for the required 200-foot buffer from the channel boundary, less "credit" for the existing roadway bench. The pit slopes in those areas may be steepened to 2:1, if supported by site-specific slope stability analysis.~~
25. Pursuant to Action 2.4-2 of the Off-Channel Mining Plan, hazardous materials business plans must be submitted biennially, as required by the California Health and Safety Code, unless the types of hazardous materials used change, in which case revised business plans must be submitted within thirty (30) days of the change.
26. Pursuant to Action 6.4-8 of the OCMP, the application shall include vegetated buffers between restored habitat areas and adjoining farmland, in order to minimize the potential for riparian areas to serve as harbors for predators and insect pests. These buffers are intended to also reduce noise, dust, and spraying generated by agricultural operations.
27. Pursuant to Action ~~6.4-14~~ 6.5-14 of the Cache Creek Resources Management Plan, the operator shall enter into a legally-binding agreement which ensures the implementation of channel improvement projects required by the CCRMP and CCIP, along the creek frontage adjoining the proposed mining area. Mining within each phase may occur concurrently with the CCAP channel improvements. However, CCAP channel improvements along the entire frontage of the mined phase shall be completed prior to the commencement of overburden removal and mining within the next subsequent phase. The agreement shall also require that

a deed restriction be placed on those parcels on which the improvements occur, to require future owners of the property to maintain the streambank protection improvements. A bond or other financial instrument shall be provided by the operator prior to the commencement of mining within 700 feet of the CCAP channel boundary for the maintenance of any bank stabilization features during the 30-year mining period. Maintenance of the bank stabilization features following the completion of reclamation shall be the responsibility of the property owner.

28. All approved modifications to the application ~~that were assumed by the staff in making the recommendation~~, as documented in the Yolo County Board of Supervisors Staff Report dated November 25, 1996, shall be implemented by the operator as a condition of approval.

EIR MITIGATION MEASURES

Land Use and Planning

29. Implement Mitigation Measures 4.4-3a, 4.4-4a, and 4.4-7a of the Final EIR for the proposed project (Mitigation Measure 4.2-1a).
30. The project mining schedule or reclamation plan shall be modified to ensure that if Phase 3 lands are to be mined before the Williamson Act contracts expire, then reclamation shall be to prime agricultural uses only. Alternatively, if mining in Phase 3 does not begin until after 2006, no change to the reclamation plan would be required (Mitigation Measure 4.2-3a).
31. The County shall determine whether the operator's offer to dedicate reclaimed lands in Phases 5 and 6 for the proposed Recreation Node fulfill the policies of the CCRMP. The County and the operator shall enter into discussions to resolve how public access to the future recreation facility can be accommodated. If determined to be feasible, the project plans shall be modified to include a public access road along the eastern boundary of the site (Mitigation Measure 4.2-8a).

Geology and Soils

- 32. Implement the performance standards included in Sections 10-5.504, 10-5.505, 10-5.512, and 10-5.526 of the County Surface Mining Reclamation Ordinance. (Mitigation Measure 4.3-1a).**
- 33. Implement the performance standards included in Sections 10-4.406, 10-4.413, and 10-4.431 of the County Off-Channel Mining Ordinance; and Sections 10-5.507, 10-5.508, and 10-5.530 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.3-2a).**
- 34. The County shall revise the CCRMP channel boundary in the vicinity of the site to reflect the Cunningham Engineering (1995) 100-year floodplain boundary. The hydraulic model used to determine the boundary assumes replacement of the Capay Bridge with a three-span bridge. If this assumption changes, additional HEC-2 modeling shall be required to establish the revised CCRMP boundary. If this boundary changes significantly upon modeling, additional review may be required (Mitigation Measure 4.3-4a).**
- 35. Portions of the northern margin of Phases 2, 3, 5, 6, and 7 shall be redesigned to provide a minimum 200-foot setback from the existing Cache Creek stream bank, in conformance with the requirements of Section 10-4.429 of the County Off-Channel Mining Ordinance. The revised project design shall be submitted prior to the commencement of mining within Phase 3 and shall be consistent with the recommended slope design presented in the current application. If the redesigned project results in changes in any other mining area boundaries, additional CEQA review may be required (Mitigation Measure 4.3-4b).**
- 36. The portions of the levee in Phases 3, 5, and 6 shall be raised to provide 100-year flood protection for these areas. Prior to raising the levee, a hydraulic analysis prepared and signed by a licensed engineer, demonstrating that off-site flooding impacts would not be created, must be submitted to the County for review. This mitigation measure would be consistent with the proposed project and the requirements of the OCMP. Any levee work performed shall be completed prior to the commencement of mining within the affected phases (Mitigation Measure 4.3-4c).**
- 37. Implement the performance standards included in Section 10-5.506 of the County Surface Mining Reclamation Ordinance. Specifically, the operator shall conduct annual monitoring and maintenance of the channel banks and levees at the northern margin of the project site during the mining and reclamation period.**

The monitoring shall be conducted by a licensed engineer and shall minimally include visual inspection of channel banks and levees for evidence of erosion or slope instability. Evidence of erosion shall include, but not be limited to, the existence of over steepened banks and loss of vegetation. Evidence of slope instability shall include formation tension cracks, arcuate scarps, or unexcavated benches.

The annual report of channel bank and levee conditions shall be submitted to the Yolo County Community Development Director with the Annual Mining and Reclamation Report. The report shall identify the location (on scaled maps and photographs), the estimated area and volume of eroded materials or slope failure, a determination of the cause(s) of erosion or slope failure, and recommendations for remedial action. Recommended remedial actions shall be implemented prior to November 1 of each year (Mitigation Measure 4.3-4d).

38. Following reclamation, the YCCDA shall determine, on the basis of inspection of the performance of the channel banks and levees during the mining and reclamation period, the need for continued channel bank and levee monitoring and reporting. The landowner shall be responsible for continued monitoring and maintenance. A restriction shall be placed on the deed for the underlying property requiring continued inspection and maintenance of channel banks and levees, and allowing access by the County for same (Mitigation Measure 4.3-4e).
39. The project design shall be revised to provide a biotechnical bank protection design to replace the placement of rip rap on that section of the south bank of Cache Creek extending 1,500 feet downstream from the I-505 bridge unless engineering evaluations demonstrate that rip rap must be used to control erosion. The revised project design shall be submitted to the Yolo County Community Development Director and Caltrans for approval prior to the commencement of mining in Phase 7 (Mitigation Measure 4.3-4f).
40. Mining within Phase 7 shall not be conducted within 700 feet of the existing stream bank until stream bank stabilization is provided for that portion of the south bank of Cache Creek upstream from the I-505 bridge. The bank protection shall be performed in accordance with the guidelines presented in the Cache Creek Resource Management Plan and Cache Creek Improvements Plan. The bank protection design shall be submitted to the Yolo County Community Development Director for approval prior to the commencement of mining in Phase 7 (Mitigation Measure 4.3-4g).

41. Recommendations of the geotechnical report for stabilization of the south bank of Cache Creek shall be implemented within one year after the commencement of mining. Bank stabilization shall be implemented only if mining will occur within 700 feet of the channel bank and stabilization measures shall be required only within the creek frontage of the phase to be mined. Prior to construction of the improvements, detailed plans identifying the type of stream bank protection shall be submitted to the Technical Advisory Committee (TAC) for review and approval. The bank protection plans shall incorporate biotechnical methods of bank stabilization when appropriate to erosion control (Mitigation Measure 4.3-4h).
42. The operator shall enter into a Development Agreement with the County that commits the operator to participate in implementation of the Cache Creek Improvements Program. Participation shall include, but not be limited to, contribution of equipment and labor for channel widening projects and channel maintenance mining recommended by the County (Mitigation Measure 4.3-4i).
43. Prior to the commencement of mining below the groundwater level, the operator shall contact the California Division of Safety of Dams (DSD) for a determination on whether the alluvial separators that would be created by the project fall under DSD jurisdiction (Mitigation Measure 4.3-4j).

Hydrology and Water Quality

44. The operator must apply for, and receive, a floodplain development permit from Yolo County prior to mining activities within U.S. Department of Housing and Urban Development designated 100-year floodplains, as required by the County General Plan and the County Flood Damage Prevention Ordinance (Mitigation Measure 4.4-1a).
45. Implement the performance standards contained in Sections 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance; and Sections 10-5.507, 10-5.510, 10-5.519, 10-5.524, 10-5.528, and 10-5.530 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.4-3a).
46. Implement the performance standards contained in Section 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance; and Section 10-5.507, 10-5.510, 10-5.517, 10-5.519, 10-5.524, 10-5.528, 10-5.530, and 10-5.532 of the County Surface Mining Reclamation Ordinance. (Mitigation Measure 4.4-4a).

47. All reclaimed lowered agricultural surfaces shall be, at minimum, five feet above average high groundwater. The reclamation plan for the Solano West parcel (Phase 7) shall be modified to meet this requirement (Mitigation Measure 4.4-7a).

Agriculture

48. Implement the performance standards included in Sections 10-5.525 and ~~10-5.601~~ of the County Surface Mining Reclamation Ordinance to reduce the impact of the permanent loss of agricultural land. Compliance with this mitigation may be phased to track with the phasing of the mining. Compliance shall be verified by phase (Mitigation Measure 4.5-2a).
49. Implement the performance standard included in Section 10-5.516 of the County Surface Mining Reclamation Ordinance to mitigate the potential impacts of high seasonal groundwater on crop productivity. The mitigation requires that all reclaimed agricultural surfaces are a minimum of five feet above the average seasonal high groundwater level. To meet this standard, the elevation of the reclaimed agricultural fields within the Solano West parcel in Phase 7 shall be raised two or more feet above the reclaimed surface elevation (Mitigation Measure 4.5-5a).
50. Implement Mitigation Measure 4.5-2a of the Final EIR for the proposed project (Mitigation Measure 4.5-8a).

Biological Resources

51. Figure 8 of the HRP shall be revised to indicate the location of hedgerow plantings, around the Hutson parcel in Phase 1 or as specified as part of habitat enhancement in a Section 2081 permit if required by the CDFG, or to mitigate as a 1:1 ratio the actual loss of fence row habitat (Mitigation Measure 4.6-2a).
52. Mature oak trees at the fringe of mining areas shall be preserved. These shall include: the two oaks at the southwestern corner of the mining area on the Solano West parcel in Phase 7; the two oaks at the southeastern corner of the mining area along the boundary between the Farnham West and Hutson parcels on Phase 1; and the single oak at the southeastern edge of the mining area on the Snyder East parcel in Phase 4. Stockpiling of topsoil and overburden in the vicinity of these five trees shall be restricted to beyond the tree driplines. As

required by Section 10-4.436 of the County Off-Channel Mining Ordinance, temporary fencing shall be provided around the dripline of these trees to prevent possible construction-related damage. Fencing shall remain in place until stockpiles are removed and the surrounding lands are returned to agricultural production (Mitigation Measure 4.6-2b).

53. As required by Section 10-4.436 of the County Off-Channel Mining Ordinance, temporary fencing shall be installed at the boundary of the habitat restoration area along the Cache Creek corridor, prior to initiation of any mining activity for each phase of the project. The fencing shall remain in place throughout the duration of active mining until reclamation has been completed for each project phase (Mitigation Measure 4.6-2c).
54. Levee and channel stabilization improvements shall be designed to avoid impacts to riparian habitat on the site. Levee improvements on the Snyder East and West parcels in Phases 3, 5, and 6 shall be set back from the edge of the upper terrace to eliminate fill slopes which would extend into the riparian habitat. The project design shall be revised to provide a biotechnical bank protection design to replace the replacement of rip rap on that section of the south bank of Cache Creek extending 1,500 feet downstream from the I-505 bridge, unless engineering evaluations demonstrate that rip rap must be used at certain locations to control severe erosion (Mitigation Measure 4.6-2d).
55. The HRP shall be revised to include provisions to remove tamarisk and giant reed from the site as part of the creek restoration effort and to modify restoration plans for the in-channel depression north on the Snyder East parcel in Phase 6 to enhance the existing riparian woodland rather than establishing seasonal marsh at this location (Mitigation Measure 4.6-2e)..
56. At least one permanent island shall be created on one of the permanent lakes to improve their wildlife habitat value. The artificial islands and submerged peninsulas described in the HRP shall be retained on all lakes. Characteristics of the permanent island shall include the following:
 - a. The elevation of the island shall extend a minimum of five feet above the average high groundwater level (approximately 125-foot elevation) to prevent complete inundation during the winter months. Slopes of the island shall not exceed 3:1 above the average low groundwater level.

- b. **The channel of water separating the island from the mainland shall have a minimum distance of 20 feet and a depth reaching at least 5 feet during the average summer low groundwater level to prevent predators from wading to the island during the summer months. A temporary levee to permit vehicle access and maintenance of restoration plantings on the island shall be included in the design, but the levee shall be removed following completion of the minimum five year monitoring program for the restoration effort.**
 - c. **The island shall be revegetated according to the HRP, with perennial marsh at the lowest elevations and low terrace riparian species up to the average high groundwater level, with a cover of grassland and scattered shrubs provided over the top of the island (Mitigation Measure 4.6-3a).**
57. **The unique bluff habitat between the upper terrace and the existing haul road on the Snyder East parcel in Phase 6 shall be preserved. Mitigation Measure 4.3-4a of the Final EIR for the proposed project provides appropriate mitigation for this impact (Mitigation Measure 4.6-3b).**
 58. **A CDFG Code Section 2081 authorization, or the posting of a reclamation bond or letter of credit naming CDFG as the beneficiary, or other alternative mechanism acceptable to CDFG, shall be executed prior to commencement of mining (Mitigation Measure 4.6-4a).**
 59. **The HRP shall be revised to include specific provisions to ensure compliance with the USFWS “General Compensation Guidelines for the Valley Elderberry Longhorn Beetle.” This shall include measures to: protect all elderberry shrubs to be retained; transplanting shrubs that cannot be avoided; planting replacement elderberry seedlings and associated riparian vegetation at appropriate ratios; and define short and long-term maintenance, monitoring, and protection methods for the designated mitigation areas. All elderberry shrubs to be retained shall be flagged and fencing provided where necessary to preclude possible damage or loss of shrubs (Mitigation Measure 4.6-5a).**
 60. **Implement the performance standard included in Section 10-4.433 to prevent the inadvertent take of bank swallows (Mitigation Measure 4.6-5b).**
 61. **The HRP shall be revised to include specific provisions to replace the artificial bank swallow nesting habitat created by past mining activities on the Hutson**

parcel. These provisions shall include design, construction, and maintenance activities necessary to implement one or more of the following options: establishing suitable nesting habitat on designated side slopes of the permanent lakes, replicating conditions on the Hutson parcel in Phase 1 at a new location; restoring the vertical bluffs above the mining-related riparian habitat in the northern portion of the Snyder East parcel in Phase 6; and/or creating and perpetuating a vertical bank along a designated segment of the active channel of Cache Creek (Mitigation Measure 4.6-5c).

62. Channel bank modifications shall be coordinated with the U.S. Army Corps and California Department of Fish and Game. If required by jurisdictional agencies, appropriate authorization to modify jurisdictional habitat shall be obtained prior to grading or other modifications. Use of biotechnical bank protection design methods shall be encouraged where bank stabilization is required, such as the segment of active erosion on the Kaupke parcel north of Phase 2 (Mitigation Measure 4.6-6a).

6.2 95-079 - A certification of the Final EIR and a request for a Mining Permit, Reclamation Plan, Rezoning, Increase in Annual Permitted Production, Technical Correction to the CCRMP, Floodplain Development Permit, Financial Assurances, and Development Agreement to allow gravel mining to a maximum depth of 80 feet, with reclamation to agriculture, open water, and habitat, on 734 acres in the Agricultural General (A-1) and Agricultural Preserve (A-P) Zones. The subject properties are located north of Highway 16 and south of Cache Creek, between County Roads 87 and 89, near Madison and Esparto. APNs: 049-060-14, 049-120-05, 049-120-06, 049-120-16, 049-130-05, and 049-130-27. Applicant: Syar Industries. (H. Tschudin/D. Morrison)

AND

6.6 96-003 - A certification of the Final EIR and a request for Rezoning to add the SGR (Sand and Gravel Reserve) Overlay on 408 acres in the Agricultural General (A-1) and Agricultural Preserve (A-P) Zones. The subject properties are located north of Cache Creek and south of County Road 19, east and west of County Road 87, near Esparto. APNs: 048-210-03, 048-210-04, 048-220-14, and 048-220-15. Applicants: Syar Industries and Anna Stephens et al. (H. Tschudin/D. Morrison)

Heidi Tschudin gave the Staff Report. She said that Staff is not in support of the applicant's request to mine 2.2 million tons per year over the 30 year span. Staff recommends 1 million tons sold.

The Public Hearing was opened at this time.

Malcolm Carpenter, a planner for Syar Industries, had concerns regarding the proposed conveyor system. He asked that the "expectation date" not be specifically mandated for the year 2000.

Tina Thomas said that since the application was analyzed with the conveyor system included, the date would have to remain.

A discussion regarding extending the commencement period from one year to two years in Condition of Approval #6 took place.

Malcolm Carpenter proposed the following net gain package:

- 1) Dedicate Flood Easements
- 2) Construct Flood Mitigation Improvements
- 3) Dedicate an access easement along pond to the Creek
- 4) Dedicate 7 seven acre habitat area
- 5) Dedicate the lake to appropriate agency when mining is complete
- 6) Implement the "island" vs. the "peninsula" idea.

Tammy Fullerton, the Chair of the Esparto Advisory Committee, said Syar has addressed the needs of the Community and agrees with Staff's recommendation. However, she was concerned with night operations at the plant.

The Public Hearing was closed.

Commission Action:

The Planning Commission recommends the following to the Board of Supervisors:

- To modify Condition #10 and to include the proposed additions to the net gain package offered by the applicant as well as the following recommendations to the Board of Supervisors.

- Certify the Final Project-level EIR for the Syar Long-Term, Off-Channel Mining Permit Application (SCH #96012030) based on Findings of Fact to be prepared documenting compliance with CEQA, independent review and consideration of the information in the EIR prior to taking action on the project, and adoption of the Mitigation Monitoring Plan implementing all adopted mitigation measures.

- Approve Long-Term Off-Channel Mining Permit No. ZF# 95-079 to allow for the excavation of 734 acres to a maximum depth of 80 feet over a thirty-year period, including portions of Assessor Parcels 049-060-14 (43 acres); 049-120-05 (60 acres); 049-120-06 (76 acres); 049-120-16 (159 acres); 049-130-05 (194 acres); and 049-130-27 (202 acres), subject to conditions of approval provided in Attachment I.

- Approve Reclamation Plan No. ZF# 95-079 to allow for the establishment of 240 acres of permanent lakes, 42 acres of native habitat, 141 acres of tree crop production, 235 acres of row crop production, and 76 acres of slopes and roads.

- **Rezone 734 acres to add the Sand and Gravel (SG) Zone** to the existing Agricultural General (A-1) and Agricultural Preserve (A-P) Zones. as shown in Attachment F.

- **Rezone 396 acres to add the Sand and Gravel Reserve (SGR) Zone** to the existing A-P Zone, including portions of Assessor Parcels 048-220-14 (266 acres); 048-220-15 (18 acres); 048-210-03 (84 acres); and 048-210-04 (28 acres), as shown in Attachment F.

- **Approve an increase in annual permitted production** from 960,871 tons mined to 1,111,111 tons mined (1,000,000 tons sold). The annual production limit may be exceeded pursuant to Section 10-4.405 of the Mining Ordinance by 20 percent to 1,333,333 tons mined (1,200,000 tons sold) to meet temporary market demand, as long as the average of any ten consecutive years of production does not exceed 11,111,111 tons mined (10,000,000 tons sold).

- **Approve Floodplain Development Permit No. 96-072** to allow for off-channel mining and reclamation activities (performed in accordance with the approved permit) conducted within the 100-year floodplain.

- **Approve Financial Assurances** in the amount of \$277,160 to ensure that reclamation of Phase 1

will take place. Subsequent mining phases may not take place until financial assurances have been approved for those reclamation activities and submitted to the County.

- **Approve Technical Correction to the Cache Creek Area Plan** to modify the plan boundary delineation to correspond with the existing floodplain (see Attachment G).

- **Authorize Execution of a Development Agreement** to contractually recognize and ensure the dedication to the County or designated public agency of all or a portion of the reclaimed lake and restored habitat for eventual recreation and/or wildlife habitat uses; the restoration of habitat along Cache Creek; relinquishment of in-channel mining permits held by the applicant; closure and reclamation of the processing plant and all operations at the mining site; funding of \$0.05 per ton of sold aggregate to the Cache Creek Conservancy; funding of \$0.10 per ton of sold aggregate to implement the CCRMP; funding of \$0.03 per ton for the County to administer the OCMP; and funding of \$0.02 per ton of sold aggregate for future remediation and maintenance of the reclaimed mine site, if needed (see Attachment H).

MOTION: Merewitz SECOND: Lang

AYES: Heringer, Lang, Gray, Stephens, and
 Merewitz

NOES: None

ABSENT: None

ABSTAIN: Walker and Rodegerdts

CONDITIONS OF APPROVAL

MINING PERMIT AND RECLAMATION PLAN NO. ZF# 95 -
079

SYAR INDUSTRIES LONG-TERM OFF-CHANNEL APPLICATION

The following conditions of approval include all mitigation measures contained within the Final EIR, except where noted in the staff report. Modification to mitigation measures can only occur if: 1) the effectiveness of the measure in reducing the applicable environmental impact is not affected; or, 2) subsequent environmental analysis is performed to examine the new proposed measure and associated environmental impact.

MISCELLANEOUS CONDITIONS

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

2. Annual production is limited to 1,000,000 tons (sold weight) and 1,111,111 (mined tonnage). The annual production level may be exceeded by 20 percent to 1,200,000 tons (sold weight) in any one year, so long as

the running ten-year production average does not exceed 10,000,000 tons (sold weight). Under no circumstances may annual production exceed 1,200,000 tons.

3. The applicant shall pay \$0.15 per ton to the County for every ton of aggregate materials sold. The applicant shall pay \$0.05 per ton to the Cache Creek Conservancy for every ton of aggregate materials sold. Payment of these fees shall be in accordance with the CCAP and all implementing ordinances, and the Gravel Mining Fee Ordinance enacted for this purpose.

4. Any aggregate produced in excess of the 1,000,000 ton limit, shall be subject to an additional surcharge of \$0.10 per ton. The revenues from the additional surcharge shall be collected by the County and evenly divided between the Maintenance and Remediation Fund, and implementation of the CCRMP. These funds may not be used by the County for any purpose other than those specified in this condition.

5. ~~The operator shall be limited to processing only that material within the identified 734 acre mining area.~~ The processing of aggregate material approved under this

Mining Permit shall cease when either permitted reserves are depleted or the life of the permit has expired, whichever event occurs first. The operator may apply for permit approval to extend aggregate processing beyond the limits described above. The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review.

6. The Mining Permit is approved for a period not to exceed thirty years, starting from the date that mining begins. The operator shall certify in writing that mining has commenced. Written notification shall be received by the County within three days of mining commencement. If notification has not been received by the County within one year after permit approval, then this Mining Permit shall be null and void.

If permitted aggregate reserves are still available at the end of the approved thirty-year period, the operator may apply for Mining Permit approval to extend mining beyond the 30-year limit described above. The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review.

7. The operator shall be responsible for all costs associated with implementing and monitoring these conditions.
8. The operator shall submit financial assurances, in a form consistent with Section 10-5.702 of the Surface Mining Reclamation Ordinance, in the amount of \$277,160 for reclamation of Phase 1, naming the County of Yolo ~~and~~ or the California Department of Conservation as beneficiaries, prior to the commencement of mining.
9. The project to which these conditions are applicable is as described in the Project EIR and summarized in the Yolo County ~~Planning Commission~~ Board of Supervisors Staff Report dated November ~~13~~ 25, 1996, as modified only by the adopted conditions of approval including mitigation measures. Any subsequent substantive changes in the project description (as determined by Yolo County) may only occur subject to amendment or modification of the Mining Permit and/or Reclamation Plan.
10. **Upon the completion of reclamation within each phase of the project, the operator shall enroll each reclaimed parcel in Williamson Act contracts, ~~or~~ and**

provide an equivalent long-term easements or an equivalent (e.g. deed restrictions) to protect open space and agriculture.

11. In order to comply with the compatibility findings in Section 51238 et al. of the California Land Conservation Act (Williamson Act), a Notice of Nonrenewal shall be filed for the land within Phase F (APN: 049-130-05). Mining in Phase F shall not commence until the Williamson Act contract has expired.

12. This Mining Permit, and the accompanying entitlements, shall not be considered effective until a Development Agreement between the County and the operator has been executed. The Development Agreement shall include, but not be limited to, provisions for the following: implementation of net gain improvements, funding mechanisms for various programs associated with the project, all approved conditions of approval including EIR mitigation measures, relinquishment of existing in-channel permit rights, dedication of reclaimed land and access to the County or other non-profit organization, and other items as deemed appropriate by the executing parties.

13. The operator must apply for, and receive, a floodplain development permit from Yolo County prior to mining activities within U.S. Department of Housing and Urban Development designated 100-year floodplains.
14. The operator shall voluntarily implement a Trip Reduction Program consistent with the Yolo County Congestion Management Program, to promote the use of alternative commute modes by its employees.
15. The aggregate processing plant, located on an approximately 40-acre site (APN: 049-060-14) north of Phase A, shall be reclaimed in accordance with the CCAP.
16. Temporary soil stockpiles shall be located on unmined phases within the approved mining areas or may be located outside of the mining area if the stockpile is to be farmed and harvested with an agricultural crop. Stockpiles shall not otherwise impact adjoining agricultural fields outside of the mining area. A revised reclamation plan shall be submitted to the Community Development Director for review and approval, if the stockpile locations change from the original proposal as a result of this condition.

17. The operator shall comply with both the spirit and intent of all applicable requirements of SMARA, County Code (particularly Chapters 4 and 5), and all conditions of approval. The operation must remain consistent with the spirit and intent of the Cache Creek Area Plan.

18. The operator is prohibited from proceeding with any new wet excavation that would be reclaimed to a permanent lake unless ambient mercury levels in the creek have been determined pursuant to Section 10-5.517 of the Reclamation Ordinance, six months prior.

19. Pursuant to Action 2.4-2 of the Off-Channel Mining Plan, hazardous materials business plans must be submitted biennially, as required by the California Health and Safety Code, unless the types of hazardous materials used change, in which case revised business plans must be submitted within thirty (30) days of the change.

20. The operation is prohibited from processing imported aggregate material. This condition shall not apply to materials needed to meet construction specifications, recyclable material, aggregate obtained from in-channel maintenance work performed in accordance

with the CCAP, or previously stockpiled material from prior permits.

21. Pursuant to Action 2.4-13 of the Off-Channel Mining Plan, the Syar aggregate processing plant and all associated facilities must be closed, moved, and the site reclaimed consistent with the ~~CCRMP~~ CCAP when mining has concluded at the site under the terms of the long-term permit, unless the long-term permit is expanded under subsequent permits to allow mining of additional aggregate deposits.

22. The operator shall reclaim the permanent lake in Phase F to provide a minimum 40-foot successive riparian habitat strip around the perimeter of the shoreline, and on the permanent island to be constructed in Cell F.5. Riparian, wetland, and/or oak woodland habitat shall be provided, as appropriate, without decreasing the acreage of adjoining reclaimed agricultural areas. The shoreline of the permanent lake shall be contoured to include peninsulas, scalloped edges, and shallow benches throughout the perimeter. ~~In addition, the operator shall reclaim the area located between the proposed mining area in Phases B, C, D, E, and F, and the channel bank to provide a continuous habitat~~

~~corridor.~~ The operator shall submit a revised reclamation plan and habitat restoration plan to the County, showing the location and type of proposed species, and guidelines for planting, maintenance, and monitoring. The revised reclamation plan shall be approved by the Community Development Director prior to the commencement of mining in Phase B.

23. Pursuant to Action 6.4-8 of the Off-Channel Mining Plan, the application shall include vegetated buffers between restored habitat areas and adjoining farmland, in order to minimize the potential for riparian areas to serve as harbors for predators and insect pests. These buffers are intended to also reduce noise, dust, and spraying by agricultural operations.

24. All approved modifications to the application ~~that were assumed by the staff in making the recommendation,~~ as documented in the Yolo County Board of Supervisors Staff Report dated November 25, 1996, shall be implemented by the operator as a condition of approval.

25. Pursuant to Action ~~6.4-14~~ 6.5-14 of the Cache Creek Resources Management Plan, the

operator shall enter into a legally-binding agreement which ensures the implementation of channel improvement projects required by the CCRMP and CCIP, along the frontage adjoining the proposed mining area. Mining within each phase may occur concurrently with the CCAP channel improvements. However, CCAP channel improvements along the entire frontage of the mined phase shall be completed prior to the commencement of overburden removal and mining within the next subsequent phase. The agreement shall also require that a deed restriction be placed on those parcels on which the improvements occur, to require future owners of the property to maintain the streambank protection improvements. A bond or other financial instrument shall be provided by the operator prior to the commencement of mining within 700 feet of the CCAP channel boundary for the maintenance of any bank stabilization features during the 30-year mining period. Maintenance of the bank stabilization features following the completion of reclamation shall be the responsibility of the property owner.

25a. The phasing plan shall be modified to allow for the construction of facilities designed to reduce flooding along Willow

Slough. Excavations associated with the construction of flood control facilities may be undertaken concurrently with the mining of Phase A, in order to implement the operator's net gain offer as early as possible. If the flood control detention basin is excavated below the streambed elevation of the adjoining segment of Cache Creek, and within 700 feet of the CCAP channel boundary, then CCIP channel improvements and stream bank stabilization measures shall be implemented as required. Should the flood control facilities result in any permanent changes to on-site drainage and/or grading, then revised Mining and Reclamation Plans shall be submitted to the Community Development Director for review and approval prior to the commencement of mining within the affected phase. A grading permit for the flood control facilities shall be obtained from the Community Development Agency prior to construction.

EIR MITIGATION MEASURES

Land Use and Planning

26. Implement the performance standards included in Sections 10-5.510, 10-5.517, 10-5.519,

10-5.528, 10-5.530, 10-5.532, and 10-5.529 in the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.2-1a).

27. The southern portions of parcel R2 (APN: 048-210-03) and parcel R4 (APN: 048-220-15) within the CCAP channel boundary (approximately 18 acres) shall be rezoned to Open Space (OS) consistent with the OCMP and CCRMP (Mitigation Measure 4.2-3a).

28. To mitigate potential land use incompatibilities between the mining operations and future land uses planned within the Esparto CSD Sphere of Influence, south of County Road 20X, the operator shall revise the mining and reclamation plans. If residences, schools, or other sensitive land uses are planned for the area south of County Road 20X, the operator shall plant a continuous landscaped buffer south of the stockpile along County Road 20X prior to the commencement of mining in Phase B. A landscaping plan shall be prepared to provide an adequate buffer between planned urban land uses and to incorporate native tree species and shrubs to the extent possible. The landscaping plan shall also include a plan to construct a nine-foot high

earthen berm, similar to the one along County Road 87 (Mitigation Measure 4.2-8a).

29. To avoid adverse noise impacts to the operator-owned house at the end of County Road 20X, the operator shall not rent or lease the residence during the period when mining and reclamation occurs in cell F2, which is approximately 600 feet away, unless the renter signs a waiver acknowledging the potential for noise impacts (Mitigation Measure 4.2-8b).

30. The County shall solicit the dedication of lands at or near the planned Recreation Nodes to fulfill the Open Space and Recreation goals of the OCMP for those segments of the creek. The County shall also coordinate with the operator as to how adequate public access to the planned Recreation Nodes will be accommodated. The operator's reclamation plans shall be revised, as appropriate (Mitigation Measure 4.2-8c).

Geology and Soils

31. Implement the performance standards included in Sections 10-5.504, 10-5.505, 10-5.512, and 10-5.526 of the County Surface Mining

Reclamation Ordinance. (Mitigation Measure 4.3-1a).

32. Implement the performance standards included in Sections 10-4.406, 10-4.413, and 10-4.431 of the County Off-Channel Mining Ordinance; and Sections 10-5.507, 10-5.508, and 10-5.530 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.3-2a).

33. The northern margin of the mining areas shall be redesigned, if necessary, to provide a minimum 200-foot setback from the CCAP channel boundary, in conformance with Section 10-4.429 and all other pertinent performance standards in the County Off-Channel Mining Ordinance. The revised project design shall be submitted prior to commencement of mining and consistent with the recommended slope design presented in the current application. If the redesigned project results in changes in any other mining area boundaries, additional CEQA review may be required (Mitigation Measure 4.3-4a).

34. Implement the performance standard included in Section 10-5.506 of the County Surface Mining Reclamation Ordinance. Specifically,

the operator shall conduct annual monitoring and maintenance of the channel banks and levees at the northern margin of the project site during the mining and reclamation period. The monitoring shall be conducted by a licensed engineer and shall minimally include visual inspection of channel banks and levees for evidence of erosion or slope instability. Evidence of erosion shall include, but not be limited to, the existence of oversteepened banks and loss of vegetation. Evidence of slope instability shall include formation tension cracks, arcuate scarps, or unexcavated benches.

The annual report of channel bank and levee conditions shall be submitted to the Yolo County Community Development Director with the Annual Mining and Reclamation Report. The report shall identify the location of eroded areas (on scaled maps and photographs), the estimated area and volume of eroded materials or slope failure, a determination of the cause(s) of erosion or slope failure, and recommendations for remedial action. Recommended remedial actions shall be implemented prior to November 1 of each year (Mitigation Measure 4.3-4b).

35. Following reclamation, the YCCDA shall determine, on the basis of inspection of the performance of the channel banks and levees during the mining and reclamation period, the need for continued channel bank and levee monitoring and reporting. A restriction shall be placed on the deed for the underlying property requiring continued inspection and maintenance of channel banks and levees, and allowing access by the County for same (Mitigation Measure 4.3-4c).

36. Recommendations of the geotechnical report for stabilization of the south bank of Cache Creek shall be implemented within one year of after the commencement of mining. Bank stabilization shall be implemented only if mining will occur within 700 feet of the channel bank and stabilization measures shall be required only within the creek frontage of the phase to be mined. Prior to construction of the improvements, detailed plans identifying the type of stream bank protection shall be submitted to the Technical Advisory Committee (TAC) and Caltrans for review and approval. The bank protection plans shall incorporate, to the extent appropriate, biotechnical methods of bank stabilization (Mitigation Measure 4.3-4d).

37. Prior to the commencement of mining below the groundwater level, the operator shall contact the California Division of Safety of Dams (DSD) for a determination on whether the alluvial separators that would be created by the project fall under DSD jurisdiction (Mitigation Measure 4.3-4e).
38. The County shall revise the CCRMP channel boundary in the vicinity of the site to reflect the Cunningham Engineering (1995) 100-year floodplain boundary. The hydraulic model used to determine the boundary assumes replacement of the Capay bridge with a three-span bridge. If this assumption changes, additional HEC-2 modeling will be required to establish the revised CCRMP boundary. If this boundary changes significantly upon modeling, additional review may be required (Mitigation Measure 4.3-4f).
39. The operator shall enter into a Development Agreement with the County that commits the operator to participate in implementation of the Cache Creek Improvements Program. Participation shall include, but not be limited to, contribution of equipment and labor for channel widening projects and

channel maintenance mining recommended by the County (Mitigation Measure 4.3-4g).

Hydrology and Water Quality

40. The mining plan shall be altered to avoid encroaching into the 100-year floodplain of the Willow Slough or engineering and hydraulic analyses shall be conducted to design appropriate flood protection for the mining area. The engineering design shall include measures to ensure that base flood elevations in the vicinity and downstream areas are not impacted (Mitigation Measure 4.4-1a).

41. Implement the performance standards contained in Sections 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance; and Sections 10-5.507, 10-5.510, 10-5.519, 10-5.524, 10-5.528, and 10-

5.530 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.4-3a).

42. Implement the performance standards contained in Sections 10-5.507, 10-5.510, 10-5.517, 10-5.519, 10-5.524, 10-5.528, 10-

5.530, and 10-5.532 of the County Surface Mining Reclamation Ordinance. (Mitigation Measure 4.4-4a).

43. The operator shall evaluate all supply wells within 1,000 feet of permitted mining areas, as required in Section 10-5.503 of the County Surface Mining Reclamation Ordinance. Compliance with the Ordinance, as adopted, would be sufficient mitigation for this impact. The results of the evaluation shall be submitted to and approved by the Community Development Director prior to the commencement of wet pit mining (Mitigation Measure 4.4-5a).

44. All reclaimed lowered agricultural surfaces shall be, at minimum, five feet above average high groundwater. The reclamation plan for Phases B and E mining areas shall be modified to meet this requirement (Mitigation Measure 4.4-7a).

Agriculture

45. Implement the performance standards included in Sections 10-5.525 and ~~10-5.601~~ of the County Surface Mining Reclamation Ordinance to reduce the impact of the permanent loss of agricultural land. Compliance with this

mitigation may be phased to track with the phasing of the mining. Compliance shall be verified by phase (Mitigation Measure 4.5-2a).

46. Implement Mitigation Measure 4.5-2a of the Final EIR for the proposed project (Mitigation Measure 4.5-8a).

Biological Resources

47. The Habitat Restoration Plan shall be revised to include provisions to re-establish grassland cover on the side slopes of the reclaimed agricultural fields. Slopes shall be seeded with a mixture of non-native and native grasses, including California brome (*Bromus carinatus*), to control erosion and provide a grassland cover. Slopes shall be seeded by the first of each November, prior to the winter rainy season. Monitoring provisions for weed control shall be expanded to include the revegetated side slopes (Mitigation Measure 4.6-1a).

48. Mature oak trees at the fringe of mining areas shall be preserved through restrictions on mining activities with grading and storage of stockpiled material restricted to outside the tree driplines.

These restrictions shall include: a setback of at least 20 feet from the fencerow between Phases A and C to protect the more than 20 trees and elderberry shrubs at this location; protection of the row of 18 young trees at the western edge of boundary between Phases A and G; protection of the two oaks in the northeastern corner of Phase D; protection of the two oaks in the northwestern corner of Phase B; and a setback of at least 50 feet from the trunk of the 66-inch diameter oak along the southern boundary of Phase A. As required by Section 10-4.436 of the County Off-Channel Mining Ordinance, temporary fencing shall be provided around the dripline or specified setback for each of these trees to prevent possible construction-related damage. Fencing shall remain in place until the surrounding lands are returned to agricultural production (Mitigation Measure 4.6-2b).

49. As required by Section 10-4.436 of the County Off-Channel Mining Ordinance, temporary fencing shall be installed at the boundary of the creekside zone along the Cache Creek corridor, prior to initiation of any mining activity for each phase of the project. The fencing shall remain in place

throughout the duration of active mining until reclamation has been completed for each project phase (Mitigation Measure 4.6-2b).

50. Channel stabilization improvements shall be designed to avoid impacts to riparian habitat on the site. Biotechnical slope stabilization methods (e.g. willow cuttings) shall be used to control erosion along the active channel, unless engineering evaluations demonstrate that riprap must be used at certain locations to control severe erosion (Mitigation Measure 4.6-2c).

51. At least one permanent island shall be created on the permanent lake to improve its wildlife habitat value. The permanent island would provide for secure nesting and roosting habitat on the lake. The artificial islands shall be located along the northern edge of the lake to complement the habitat enhancement in this location and strengthen its relationship to the creek corridor. Characteristics of the permanent island shall include the following:

a. The northern fringe of the peninsula along the southern edge of the lake shall be modified to create an island with a

minimum width of 50 feet and length of 500 feet above the average high water level. A temporary levee to permit vehicle access and maintenance of restoration plantings on the island shall be included in the design, but the levee shall be removed following completion of the minimum five-year monitoring program for the restoration effort.

- a. The elevation of the island shall extend a minimum of five feet above the average high groundwater level (approximately 150-foot elevation) to prevent complete inundation during the winter months. Slopes of the island shall not exceed 3:1 above the average low groundwater level to allow for the establishment of marshland and riparian species. Use of a 2:1 slope for the shoreline of the mainland bordering the island shall be permitted to minimize the land area devoted to side slopes along the edge of the lake.

- c. The channel of water separating the island from the mainland shall have a minimum distance of 20 feet and a depth reaching at least 5 feet during the average summer low groundwater level to

prevent predators from wading to the island during the summer months.

d. The island shall be revegetated according to the HRP, with perennial marsh at the lowest elevations and low terrace riparian species up to the average high groundwater level, with a cover of grassland, scattered elderberry clumps, and oak woodland plantings over the top of the island (Mitigation Measure 4.6-3a).

52. A CDFG Code Section 2081 authorization, or the posting of a reclamation bond or letter of credit naming CDFG as the beneficiary, or other alternative mechanism acceptable to CDFG, shall be executed prior to commencement of mining for the estimated loss of 462 agricultural acres converted to tree crops and open water habitat (Mitigation Measure 4.6-4a).

53. The HRP shall be revised to include specific provisions to ensure compliance with the USFWS "General Compensation Guidelines for the Valley Elderberry Longhorn Beetle." This shall include measures to: protect all elderberry shrubs to be retained; transplanting shrubs that cannot be avoided;

planting replacement elderberry seedlings and associated riparian vegetation at appropriate ratios; and define short and long-term maintenance, monitoring, and protection methods for the designated mitigation areas. All elderberry shrubs along the southern bank of Cache Creek, which could be affected by project-related improvements, shall be mapped and incorporated into the inventory contained in the HRP. All elderberry shrubs to be retained shall be flagged and fencing provided where necessary to preclude possible damage or loss of shrubs (Mitigation Measure 4.6-5a).

54. Implement the performance standard included in Section 10-4.433 to prevent the inadvertent take of bank swallows (Mitigation Measure 4.6-5b).

55. Channel bank modifications shall be coordinated with the U.S. Army Corps and California Department of Fish and Game. If required by jurisdictional agencies, appropriate authorization to modify jurisdictional habitat shall be obtained prior to grading or other modifications (Mitigation Measure 4.6-6a).

Air Quality

56. Implement the performance standard included in Section 10-4.407 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.7-1a).
57. Upgrades for the existing aggregate and asphalt plants shall include Best Available Control Technology (BACT) for control of air pollutant emissions. The YSAQMD shall be responsible for review and approval of plant upgrades prior to any increase in production levels allowed under current permits (Mitigation Measure 4.7-1b).
58. Implement the performance standards included in Sections 10-4.407 and 10-4.415 of the Off-Channel Mining Ordinance (Mitigation Measure 4.7-2a).
59. Implement Mitigation Measures 4.7-1a and 4.7-2a of the Final EIR for the proposed project (Mitigation Measure 4.7-3a).
60. During the mining and reclamation of Phase B, the following requirements shall be met to reduce the exposure of dust to sensitive receptors at the western margin of the project site:

- a. Overburden removal within 300 feet of the property line shall be performed by no more than one scraper.
- b. Haul roads shall not be established within 300 feet of the property line.
- c. Soil stockpiles shall be located at least 500 feet from the closest residence (Mitigation Measure 4.7-5a).

Traffic and Circulation

61. The operator shall pay a fair share toward the construction of left-turn lanes on each approach, and the installation of a traffic signal, at the SR 16/County Road 98/Main Street intersection to maintain acceptable levels of service. Prior to the commencement of mining, the operator shall pay \$1,000 to the City of Woodland Public Works Department, to be used in the construction of turn lanes and a traffic signal at the intersection of State Route 16 and County Road 98. This amount has been determined to be the operator's fair share portion of the cost of improvements at the intersection and will fully mitigate the

potential traffic impacts at this location (Mitigation Measure 4.8-2a).

62. Within three years of project approval, the operator shall construct turn lanes and widen the curve radius for westbound, right-turn traffic movements at the intersection of State Route 16 and County Road 89. The operator shall also replace the two non-standard bridges located on County Road 89, north of State Route 16. The operator shall pay 100 percent of the local share of the total cost of the improvements, and shall not be responsible for any portion of the cost reimbursed by the federal government through grant programs. The County Public Works Department shall apply for federal grant funds within one year after project approval. Encroachment Permits from both Caltrans and the Public Works Department will be obtained prior to construction, if required (Mitigation Measures 4.8-2a and 4.8-3a).

63. The operator shall pay a fair share amount of local funding to install a traffic signal at the intersection of State Route 16 and County Road 89. The first year the operation exceeds 1,000,000 tons (sold weight), the Resource Management Coordinator

shall contact Caltrans to determine if a traffic signal is warranted at the intersection of State Route 16 and County Road 89. If Caltrans determines that the signal is needed, according to State-established criteria, then the operator shall install the traffic signal within six months of notification by the County. The operator shall pay 100 percent of the local share of the total cost of the improvements, and shall not be responsible for any portion of the cost reimbursed by the federal government through grant programs. The County Public Works Department shall apply for federal grant funds within one year after project approval. Encroachment Permits from both Caltrans and the Public Works Department will be obtained prior to construction, if required (Mitigation Measure 4.8-4a).

64. The operator shall assume joint pavement maintenance responsibility with Yolo County on County Road 89 over the life of the permit. The operator shall submit an annual evaluation of the structural integrity of the road to the County and shall implement pavement improvements to maintain safe and efficient traffic operation on the road for

each upcoming year (Mitigation Measure 4.8-5a).

Noise

65. Daytime noise levels at the property boundary shall not exceed 80 dBA Leq during mining and reclamation of the site. If earth moving operations are conducted at grade within less than 58 feet from the property boundary, the operator shall ensure that no more than one scraper is used at any one time (Mitigation Measure 4.9-1a).

66. Night time noise levels resulting from activities at the project site shall not exceed 65 dBA Leq as measured at the outermost property boundary. Between 6:00 p.m. and 6:00 a.m., mining operations occurring at or near the grade of the land outside of the property shall be set back 250 feet if one scraper is being used, or 350 feet if two scrapers are being used in proximity to each other. Loading of haul trucks at grade between 6:00 p.m. and 6:00 a.m. shall not occur within 500 feet of the property boundary (Mitigation Measure 4.9-1b).

67. To avoid noise levels greater than 65 dBA Leq at the site boundary during the night time, haul trucks shall not use roads west of mining cells B-1 and B-2, north of mining cells B-1 and B-3, or west of mining cell B-5, except in emergencies (Mitigation Measure 4.9-1c).

68. Future operation of the rock processing and asphaltic concrete plants between 6:00 p.m. and 6:00 a.m. shall not cause noise levels to exceed 65 dBA Leq at the property boundaries. The layout and design of the new or upgraded plant facilities shall ensure compliance with this night time noise standard. Within 60 days after processing plant equipment upgrades have been installed, the operator shall perform noise monitoring of the plant in operation to ensure that it is consistent with the requirements of Section 10-4.421 of the County Off-Channel Mining Ordinance. Monitoring shall be performed by a qualified acoustical consultant and the results of the monitoring shall be submitted to the Community Development Director for review and approval. All measures recommended by the acoustic consultant to reduce levels to the levels contained in the Mining Ordinance

shall be implemented (Mitigation Measure 4.9-1d).

69. Noise levels resulting from activities at the project site shall not exceed 60 dB CNEL at residences located along County Road 87.

Earth berms along the western edge of Phase B, and along the southern and eastern boundary of the Garcia property (APN: 049-130-28), shall be designed to provide at least 6 dB noise attenuation to nearby residences. A nine-foot high berm built in front of the residences shall be sufficient to meet this standard. Mining, reclamation, truck loading and hauling activities along mining areas, and plant operations, particularly during the night time, shall comply with Section 10-4.421 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.9-2a).

70. The operator, in consultation with a qualified noise consultant, shall develop a program for construction and maintenance of the stockpile in Phase B that ensures that operation of heavy equipment on the stockpile does not cause noise levels to exceed 60 dB CNEL at existing or future residences and the future school facility

near County Road 20X. (Mitigation Measure 4.9-2b).

71. Implement the performance standard included in Section 10-4.422 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.9-3a).

A e s t h e t i c s

72. Implement the performance standard included in Section 10-4.429 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.10-1a).

73. A continuous landscaped buffer shall be planted along the southern border of Phase B prior to the commencement of mining activities to provide a permanent visual buffer between existing and future residential uses, and the permitted mining and reclamation activities. A landscape plan shall be prepared providing an adequate visual buffer between these land uses and shall incorporate native tree species and shrubs to the extent possible; the plan shall include provisions for 15-gallon size plantings of fast-growing trees and shrubs capable of achieving a height of more than 40 feet, as well as appreciable width and

density. The plan shall be submitted to the Community Development Director for approval prior to the commencement of mining in Phase B. This landscaped buffer shall remain after reclamation has been completed to continue to provide a visual separation between the residential and recreation uses and the reclaimed agricultural fields (Mitigation Measure 4.10-3a).

Cultural Resources

74. Implement the performance standard included in Section 10-4.410 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.11-1a).

75. The operator shall implement a training program that alerts project employees involved with earthmoving as to the nature of paleontological and archaeological resources in the region, the laws that protect the resources, and responsibilities for reporting potential findings to appropriate authorities. This program shall be developed by a qualified cultural resource professional (Mitigation Measure 4.11-1b).

76. No mining within Phases A, B, C, or D shall be conducted until subsurface testing and accurate mapping of 4-YOL-72, H&A-1, and H&A-2 are completed, and evaluation of the 19 isolated findings is conducted to determine if they are possibly remains of additional concentrations of materials (such as a midden) currently buried under existing soils. After mapping is complete, the cultural sites and isolated findings shall also be evaluated by an archaeologist to determine their significance and uniqueness.

The following tasks shall be performed:

- a. Contract an archaeologist to conduct mechanical subsurface testing around the borders of the three identified sites to allow the accurate determination of their volume (depth below the surface combined with area extent). Upon completion of mechanical testing, the borders of the deposits shall be staked by the archaeologist.

- b. Contract an archaeologist to conduct random mechanical subsurface testing (at regular intervals) in the areas surrounding the isolated artifact discoveries to search for possible buried archaeological deposits. If a

concentration of deposits is discovered, conduct further subsurface testing, as required to determine the borders of these deposits. The borders of any identified concentration of deposits shall be staked by the archaeologist.

- c. Following the staking of cultural resource sites, the sites shall be mapped by professional surveyors. Mapping of the resources shall be completed prior to the commencement of mining in each phase that includes cultural resources.
- d. Register all identified sites as prehistoric archaeological sites on State of California Archaeological Site Survey forms for filing at the State Historical Preservation Regional Office located at Sonoma State University. Prepare a professional report with all cultural resources information obtained and submit it for approval to the Northwest Information Center. A copy shall also be sent to the Community Development Director.
- e. Contract an archaeologist to evaluate each identified site and determine their significance and uniqueness as defined in Appendix K of the CEQA Guidelines. The

evaluation of these sites shall be extensive enough to guide the development of a mitigation program for the sites found to be significant. If the site is not found to be significant or unique, no archaeological mitigation program, such as in-field data retrieval through hand excavation and recording of findings, will be required. However, an archaeologist must be present during the excavation of these nonsignificant sites to monitor for indicators of human skeletal remains.

- f. If it is determined that any site contains significant cultural resources, an appropriate mitigation program shall be developed, based on the information obtained during the site evaluation. This mitigation program shall include an extensive in-field data retrieval through hand excavation. This program of data retrieval must be conducted by an archaeologist and shall include but not be limited to professional in-field excavation of a percent of the area to be destroyed by the project to record the artifacts encountered and other data that might contribute to the scientific understanding of the culture and the way

of life of the prehistoric people who lived in the region. In addition, an archaeologist must be present during the mining of the portion of the site that was not hand excavated to monitor for any indication of human skeletal remains (Mitigation Measure 4.11-2a).

77. Implement Mitigation Measure 4.11-1b of the Final EIR for the proposed project (Mitigation Measure 4.11-2b).

78. Implement the performance standard included in Section 10-4.410 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.11-2c).

H a z a r d s

79. Implement the performance standard included in Section 10-4.415 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.12-1a).

80. Implement the performance standard included in Sections 10-4.406 and 10-4.431 of the County Off-Channel Mining Ordinance; and Sections 10-5.510 and 10-5.530 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.12-3a).



- 6.1 95-078 - A certification of the Final EIR and a request for a Mining Permit, Reclamation Plan, Rezoning, Increase in Annual Permitted Production, Technical Correction to the CCRMP, Operation of Processing Plant Facilities, Floodplain Development Permit, Financial Assurances, Development Agreement, and Rescind an Existing Mining Permit to allow gravel mining to a maximum depth of 95 feet, with reclamation to open water, agriculture, and habitat, on 360 acres in the Agricultural Preserve (A-P) Zone. The subject properties are located south of County Road 19 and north of Cache Creek, between County Roads 85 and 87, near Esparto. APNs: 048-140-20, 048-140-22, 048-220-02, and 048-220-16. Applicant: Cache Creek Aggregates. (H. Tschudin/D. Morrison)

Heidi Tschudin gave the Staff Report. She said her main concern was to try to improve on the dedication and the net gain issue. She asked that language similar to the Teichert Woodland application be used for the dedication of Phase 6 or some other alternative.

A discussion took place regarding whether or not to add the standard condition that was used in the previous applications regarding Williamson Act contracts;

Upon the completion of reclamation within each phase of the project, the operator shall enroll each reclaimed parcel in Williamson Act contracts, and provide long-term easements or an equivalent (e.g. deed restrictions) to protect open space and agriculture.

The Public Hearing was opened at this time.

Ben Adamo, of Cache Creek Aggregates, distributed a memo reflecting corrections to the Staff Report. He said the major disadvantage has always been access to

the property. He also asked that Condition #16 be deleted.

The Public Hearing was closed.

Heidi Tschudin addressed the concerns brought up by Ben Adamo.

Commission Action:

The Planning Commission recommends to the Board of Supervisors:

- To include a Condition of Approval that "Upon the completion of reclamation within each phase of the project, the operator shall enroll each reclaimed parcel in Williamson Act contracts, and provide long-term easements or an equivalent (e.g. deed restrictions) to protect open space and agriculture."

- To include a language in the Development Agreement that would require the dedication of the lake, or an equivalent dedication in the same general area of the same general size and the same general public benefit value, or an equivalent alternative net gain proposal.

- **Certify the Final Project-level EIR for the Cache Creek Aggregates Long-Term Off-Channel Mining Permit Application (SCH #96012035) based on Findings of Fact to be prepared documenting**

compliance with CEQA, independent review and consideration of the information in the EIR prior to taking action on the project, and adoption of the Mitigation Monitoring Plan implementing all adopted mitigation measures.

- **Approve the Long-Term Off-Channel Mining Permit No. ZF# 95-078** to allow for the excavation of 360 acres to a maximum depth of 95 feet over a thirty-year period, including portions of Assessor Parcels 048-140-20 (163 acres); 048-140-22 (20 acres); 048-220-02 (157 acres); and 048-220-16 (20 acres) subject to conditions of approval provided in Attachment I.

- **Approve Reclamation Plan No. ZF# 95-078** to allow for the establishment of 161 acres of permanent lakes, 53.5 acres of woodland and marsh habitat, 44.5 acres of agricultural pasture, 85.5 acres of row crop production, and 15 acres of slopes and roads, on 360 acres.

- **Approve Operation of An Aggregate Processing Plant** including an aggregate washing and sorting plant (capacity of 1,100,000 tons/year), conveyors, stockpiles, sedimentation basins, storage tanks, and other related facilities on 45 acres of Assessor Parcels 048-040-20, or alternatively, Assessor Parcels 048-220-02 and 048-220-16.

- **Rescind Mining Permit and Reclamation Plan No. ZF# 4040** for a 65-acre portion of the Porter

parcel (APN: 048-140-20) at such time as Mining Permit ZF# 95-078 is exercised. The regulation of mining and reclamation activities on this parcel as well as aggregate processing, would be superseded by Long-Term, Off-Channel Mining Permit and Reclamation Plan No. ZF# 95-078 once the long-term permit becomes effective.

- **Rezone 360 acres to add the Sand and Gravel (SG) Zone** to the existing Agricultural Preserve (A-P) Zone, including portions of Assessor Parcels 048-140-20 (163 acres); 048-140-22 (20 acres); 048220-02 (157 acres); and 048-220-16 (20 acres), as shown in Attachment F.

- **Approve an increase in annual permitted production** from 748,650 tons mined (696,245 tons sold) to 1,075,269 tons mined (1,000,000 tons sold). The annual production limit may not be exceeded pursuant to Section 10-4.405 of the Mining Ordinance, unless additional levels of production are analyzed in subsequent environmental analysis.

- **Approve Floodplain Development Permit No. 96-073** to allow for off-channel mining and reclamation activities (performed in accordance with the approved permit) conducted within the 100-year floodplain.

- **Approve Financial Assurances** in the amount of \$78,906 to ensure that reclamation of Phase 1 and the processing plant site will take place. Subsequent mining phases may not take place until

financial assurances have been approved for those reclamation activities and submitted to the County.

- **Approve Technical Correction to the Cache Creek Area Plan** to modify the channel boundary delineation to correspond with the existing floodplain (see Attachment G).

- **Authorize Execution of a Development Agreement** to contractually recognize and ensure dedication to the County or a designated public agency of a portion or all of the reclaimed lakes and restored habitat; the restoration of 34 acres of wildlife habitat along Cache Creek; relinquishment of inchannel mining permits held by the applicant; closure and reclamation of the processing plant and all operations at the mine site; funding of \$0.05 per ton of sold aggregate to the Cache Creek Conservancy; funding of \$0.10 per ton of sold aggregate to implement the CCRMP; funding of \$0.03 per ton to administer the OCMP; and funding of \$0.02 per ton of sold aggregate for future maintenance and remediation of the reclaimed mine site, if needed (see Attachment H).

MOTION: Merewitz SECOND: Stephens

AYES: Merewitz, Stephens, Lang, Gray, and
 Heringer

NOES: None

ABSTAIN: Walker and Rodegerdts

ABSENT: None

CONDITIONS OF APPROVAL

MINING PERMIT AND RECLAMATION PLAN NO. ZF# 95-078

CACHE CREEK AGGREGATES LONG-TERM, OFF-CHANNEL
APPLICATION

The following conditions of approval include all mitigation measures contained within the Final EIR, except where noted in the staff report. Modification to EIR mitigation measures can only occur if: 1) the effectiveness of the measure in reducing the applicable environmental impact is not affected; or, 2) subsequent environmental analysis is performed to examine the new proposed measure and associated environmental impact.

MISCELLANEOUS CONDITIONS

1. The operator 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's 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 operator of any claim, action, or proceeding, and must cooperate fully in the defense. If the County

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

2. Annual production is limited to 1,000,000 tons (sold weight) and 1,075,269 (mined tonnage). Any increase in the annual production limit to allow for temporary responses to market demand under Section 10-4.405 of the Off-Channel Mining Ordinance will require approval by the Planning Commission and appropriate environmental review.
3. The operator shall pay \$0.15 per ton to the County for every ton of aggregate materials sold. The operator shall pay \$0.05 per ton to the Cache Creek Conservancy for every ton of aggregate materials sold. Payment of these fees shall be in accordance with the CCAP and all implementing ordinances, and the Gravel Mining Fee Ordinance enacted for this purpose.
4. ~~The operator shall be limited to processing only that material within the identified 360 acre mining area.~~ The processing of aggregate material approved under this Mining Permit shall cease when either permitted reserves are depleted or the life of the permit has expired, whichever event occurs

first. The operator may apply for permit approval to extend aggregate processing beyond the limits described above. The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review.

5. The Mining Permit, including operation of the processing plant, is approved for a period not to exceed thirty years, starting from the date that mining begins. The operator shall certify in writing that mining has commenced. Written notification shall be received by the County within three days of mining commencement. If notification has not been received by the County within one year after permit approval, then this Mining Permit shall be null and void.

If permitted aggregate reserves are still available at the end of the approved thirty-year period, the operator may apply for Mining Permit approval to extend mining beyond the 30-year limit described above. The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review.

6. The operator shall be responsible for all costs associated with implementing and monitoring these conditions.

7. The operator shall submit financial assurances, in a form consistent with Section 10-5.702 of the Surface Mining Reclamation Ordinance, in the amount of \$78,907 for reclamation of Phase 1 and the processing plant site, naming the County of Yolo

and the California Department of Conservation as beneficiaries, prior to the commencement of mining.

8. The project to which these conditions are applicable is as described in the Project EIR and summarized in the Yolo County ~~Planning Commission~~ Board of Supervisors Staff Report dated November ~~13~~ 25, 1996, as modified only by the adopted conditions of approval including mitigation measures. Any subsequent substantive changes in the project description (as determined by Yolo County) may only occur subject to amendment or modification of the Mining Permit and/or Reclamation Plan.

9. This Mining Permit and the accompanying entitlements, shall not be considered effective until a Development Agreement between the County and the operator has been executed. The Development Agreement shall include, but not be limited to, provisions for the following: implementation of net gain improvements, funding mechanisms for various programs associated with the project, all approved conditions of approval including EIR mitigation measures, relinquishment of existing in-channel permit rights, sun setting of the processing plant and all operations at the mining site, dedication of reclaimed land and access to the County or other non-profit organization, and other items as deemed appropriate by the executing parties.

10. Temporary soil stockpiles shall be located on unmined phases within the approved mining areas or

may be located outside of the mining area if the stockpile is to be farmed and harvested with an agricultural crop. Stockpiles shall not otherwise impact adjoining agricultural fields outside of the mining area. A revised reclamation plan shall be submitted to the Community Development Director for review and approval, if the stockpile locations change from the original proposal as a result of this condition.

11. The operator shall comply with both the spirit and intent of all applicable requirements of SMARA, County Code (particularly Chapters 4 and 5), and all conditions of approval. The operation must remain consistent with the spirit and intent of the Cache Creek Area Plan.
12. The operator is prohibited from proceeding with any new wet excavation unless ambient mercury levels in the creek have been determined pursuant to Section 10-5.517 of the Reclamation Ordinance, six months prior.
13. Pursuant to Action 2.4-2 of the Off-Channel Mining Plan, hazardous materials business plans must be submitted biennially, as required by the California Health and Safety Code, unless the types of hazardous materials used change, in which case revised business plans must be submitted within thirty (30) days of the change.
14. Pursuant to Action 6.4-8 of the Off-Channel Mining Plan, the application shall be amended to include vegetated buffers between restored habitat areas

and adjoining farmland, in order to minimize the potential for riparian areas to serve as harbors for predators and insect pests. These buffers are intended to also reduce noise, dust, and spraying generated by agricultural operations.

15. The operation is prohibited from processing imported aggregate material. This condition shall apply to materials needed to meet construction specifications, recyclable material, aggregate obtained from in-channel maintenance work performed in accordance with the CCAP, or previously stockpiled material from prior permits.

16. The reclamation plans for Phases 4 and 6 shall be revised to show grading and contouring appropriate for wetland habitat restoration along the northern and eastern sides of the reclaimed permanent lakes. The Habitat Restoration Plan (HRP) shall be amended to include reclamation of these additional habitat areas. ~~Vegetative screening, consisting of native species, shall be planted around the ranch house complex adjoining Phase 6, to protect the structures from activities associated with mining and reclamation.~~ Revised reclamation plans and HRP shall be submitted to the Community Development Director for review and approval prior to the commencement of mining in Phase 4.

17. Pursuant to Action ~~6.4-14~~ 6.5-14 of the Cache Creek Resources Management Plan, the operator shall enter into a legally-binding agreement which ensures the implementation of channel improvement projects

required by the CCRMP and CCIP, along the creek frontage adjoining the proposed mining area. Mining within each phase may occur concurrently with the CCAP channel improvements. However, CCAP channel improvements along the entire frontage of the mined phase shall be completed prior to the commencement of overburden removal and mining within the next subsequent phase. The agreement shall also require that a deed restriction be placed on those parcels on which the improvements occur, to require future owners of the property to maintain the streambank protection improvements. A bond or other financial instrument shall be provided by the operator to prior to the commencement of mining within 700 feet of the CCAP channel boundary for the maintenance of any bank stabilization features during the 30-year mining period. Maintenance of the bank stabilization features following the completion of reclamation shall be the responsibility of the property owner.

18. If Option 4b of Alternative 4 is implemented by the operator, as analyzed in the Final EIR for this project, then the private driveway extending from County Road 87 to the project site shall be maintained with an all-weather surface (minimum 20 feet wide) during the life of the Mining Permit. Maintenance of the private driveways to provide ~~state~~ safe passage of local traffic and emergency vehicles shall be the responsibility of the operator.

19. All approved modifications to the application ~~that were assumed by the staff in making the recommendation~~, as documented in the Yolo County Board of Supervisors Staff Report dated November 25, 1996, shall be implemented by the operator as a condition of approval.

19a. Upon the completion of reclamation within Phases 1, 2, 5, and 7 of the project the operator shall enroll each reclaimed parcel in Williamson Act contracts (if necessary) and shall provide long-term easements or an equivalent (e.g. deed restrictions) to protect open space and agriculture.

EIR MITIGATION MEASURES

Land Use and Planning

20. Implement Mitigation Measures 4.2-8a; 4.4-1a, b, and c; 4.4-2a, b, and c; 4.4-6; 4.4-8a and b; 4.4-9; 4.4-10; 4.4-11; and 4.4-12 of the Final EIR for the proposed project (Mitigation Measure 4.2-1).

21. Implement the performance standards contained in Sections 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance; and Sections 10-5.507, 10-5.510, 10-5.517, 10-5.519, 10-5.524, 10-5.528, 10-5.530, and 10-5.532 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.2-6a).

22. All operations shall be made consistent with existing and planned uses. The County shall solicit the dedication of all or a portion of Phases 3 and 4 of the project to fulfill the open space and recreational goals of the OCMP for that segment of the creek. The County shall also coordinate with the operator to provide public access to the planned recreation node. The applicant's reclamation plan shall be revised as appropriate (Mitigation Measure 4.2-8a).

Geology and Soils

23. Implement the performance standards included in Sections 10-5.504, 10-5.505, 10-5.512, and 10-5.526 of the County Surface Mining Reclamation Ordinance. (Mitigation Measure 4.3-1a).

24. Implement the performance standards included in Sections 10-4.406, 10-4.413, and 10-4.431 of the County Off-Channel Mining Ordinance; and Sections 10-5.507, 10-5.508, and 10-5.530 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.3-2a).

Hydrology and Water Quality

25. Implement the performance standards included in Section 10-4.416 of the County Off-Channel Mining Ordinance. The operator's flood protection design shall be verified with HEC-2 hydraulic modeling, submitted to and approved by the Community Development Director prior to construction. As

recommended in the geotechnical report (WKA 1995), the existing levee shall be reinforced by constructing a buttress fill on each side. All levee and channel bank improvements shall be implemented prior to mining within 700 feet of the CCRMP boundary. Prior to construction, detailed plans identifying the type and location of bank and levee improvements shall be submitted to the Community Development Director for review and approval (Mitigation Measure 4.4-1a).

26. The operator shall obtain a floodplain development permit for excavation within the FEMA 100-year floodplain, as required by Section 8-3.401 of the County Flood Damage Prevention Ordinance. Compliance with Section 10-4.416 of the County Off-Channel Mining Ordinance shall ensure that no measurable increase in flood impacts on downstream communities will occur (Mitigation Measure 4.4-1b).
27. The operator shall implement the recommendations providing for erosion control downstream of the Capay Bridge, as described in the technical report by Cunningham Engineering (1995). The operator shall coordinate with County efforts to provide erosion protection for the Capay Bridge (Mitigation Measure 4.4-1c).
28. The County shall revise the CCRMP channel boundary in the vicinity of the site to reflect the Cunningham Engineering (1995) 100-year floodplain boundary (shown as the amended CCRMP channel boundary in Figure 4.4-9 of the project-level EIR).

If the assumptions upon which the hydraulic modeling is based should change, additional HEC-2 modeling may be required to establish the position of the 100-year flood boundary (Mitigation Measure 4.4-2a).

29. The operator shall provide a minimum 200-foot setback from the amended CCRMP channel boundary, in accordance with Section 10-4.429 of the County Off-Channel Mining Ordinance. The mining boundary in Phase 3 shall be adjusted so that no mining occurs within the 200-foot setback area. The location of the setback area shall be as shown conceptually in Figure 4.4-9 of the project-level EIR. The revised project design shall be submitted to the Community Development Director for review and approval prior to the commencement of mining in Phase 3 (Mitigation Measure 4.4-2b).

30. Mining within Phases 2, 3, 4, 6, and 7 shall not be conducted within 700 feet of the amended CCRMP boundary until all levees and channel bank improvements have been implemented and additional engineered bank stabilization has been provided along the length of the channel bank. Bank protection shall be in conformance with the CCRMP. Prior to construction, detailed plans identifying the type and location of bank protection shall be submitted to the County for review and approval. If any proposed bank protection structures encroach into the conveyance area of the 100-year flood channel (e.g. spur dikes), additional hydraulic modeling will be required to ensure that the

structures would not have adverse flooding impacts. Bank protection structures shall not conflict with implementation of the Test 3 conceptual channel configuration. Bank protection plans shall incorporate biotechnical methods of bank stabilization. Prior to mining within 700 feet of the amended CCRMP boundary, the operator shall obtain certification by a licensed engineer that channel bank and levee slopes are stable and that all backfilled materials have been compacted as appropriate for the end use (Mitigation Measure 4.4-2c).

31. Implement the performance standards contained in Sections 10-4.416 and 10-4.429 of the County Off-Channel Mining Ordinance and Section 10-5.506 of the County Surface Mining Reclamation Ordinance. Specifically, the operator shall conduct annual monitoring and maintenance of channel banks and levees adjoining the project area during the mining and reclamation period. Monitoring shall be conducted by a licensed engineer and shall minimally include visual inspection of channel banks and levees for evidence of erosion or slope instability. Evidence of erosion shall include the existence of over steepened banks and loss of vegetation. Evidence of slope instability shall include formation cracks, arcuate steps, or unexcavated benches.

An annual report on channel bank and levee conditions shall be submitted to the Community Development Director along with the Annual Mining

and Reclamation Report. The report shall include the identification of the location (on scaled maps and photographs) and estimated area and volume of eroded materials, a determination of the cause(s) of erosion or slope failure, and recommendations for remedial action. Recommended remedial actions shall be implemented prior to November 1 of each year (Mitigation Measure 4.4-2d).

32. Following reclamation, the Community Development Agency shall determine (on the basis of inspection of the channel banks and levees during the mining and reclamation period) the need for continued channel bank and levee monitoring and reporting. A restriction shall be placed on the deed for the underlying property requiring continued inspection and maintenance of channel banks and levees and allowing access by the County for same.

The applicant shall enter into a legally-binding agreement with the County that commits the applicant to participate in implementation of the Cache Creek Improvements Program. Participation shall include, but not be limited to, contribution of equipment and labor for channel widening projects, channel maintenance mining recommended by the TAC (Mitigation Measure 4.4-2e).

33. Prior to the commencement of mining below the groundwater level, the operator shall contact the California Division of Safety of Dams (DSD) for a determination on whether the alluvial separators

that would be created by the project fall under DSD jurisdiction (Mitigation Measure 4.4-2f).

34. Implement the performance standards contained in Sections 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance; and Sections 10-5.507, 10-5.510, 10-5.519, 10-5.524, 10-5.528, and 10-5.530 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.4-3a).
35. Implement the performance standards contained in Section 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance; and Section 10-5.507, 10-5.510, 10-5.517, 10-5.519, 10-5.524, 10-5.528, 10-5.530, and 10-5.532 of the County Surface Mining Reclamation Ordinance. (Mitigation Measure 4.4-4a).
36. The operator shall limit groundwater pumping at the proposed processing plant well to levels that will not adversely effect supply wells located within 1,000 feet of the plant well.

The operator shall indicate on its mining plan the location of the plant water supply well and all active, water supply wells within 1,000 feet. If there are active wells located within 1,000 feet of the proposed plant well, the applicant shall demonstrate, using groundwater modeling, that the proposed pumping rate at the processing plant would not adversely affect active off-site wells within 1,000 feet of the proposed mining area. An effect shall be considered adverse if it would result in

groundwater elevation declines of greater than 2 feet at any of the nearby wells, or if it would cause well failure. Groundwater conditions shall be simulated using MODFLOW (or a similar model of equal capability and proven reliability, as approved by the Yolo County Community Development Director) and assuming historic average low groundwater conditions.

As an alternative to decreasing pumping, the operator may select to enter into a written agreement with the owner of the affected well that the well shall be relocated or redesigned to eliminate adverse impacts (Mitigation Measure 4.4-8a).

Agriculture

37. Implement the performance standards included in Section 10-5.525 of the County Surface Mining Reclamation Ordinance to reduce the impact of the permanent loss of agricultural land. Compliance with this mitigation may be phased to track with the phasing of the mining. Compliance shall be verified by phase (Mitigation Measure 4.5-7a).

Biological Resources

38. Create at least one permanent island to improve the wildlife habitat value of the created wetlands. The artificial islands and submerged peninsulas described in the HRP shall be retained on all

lakes. Characteristics of the permanent island shall include the following parameters:

- a. The elevation of the island shall extend a minimum of five feet above the average high groundwater level to prevent complete inundation during the winter months.
- b. Slopes of the island shall not exceed 3:1 above the average low groundwater level.
- c. The island shall be revegetated consistent with the reclamation plan, with perennial marsh and riparian vegetation in the lower terraces and drought-tolerant shrubs near the summit.
- d. A linear island is suggested for increased edge length and maximum possible distances between nesting birds.
- e. The channel of water separating the island from the shoreline shall be at least 20 feet wide and 5 feet deep at average low water elevations (Mitigation Measure 4.6-3a).

39. A CDFG Code Section 2081 authorization, or the posting of a reclamation bond or letter of credit naming CDFG as the beneficiary, or other alternative mechanism acceptable to CDFG, shall be executed prior to commencement of mining (Mitigation Measure 4.6-4a).

40. The proposed reclamation plan shall be revised to include specific provisions to ensure compliance

with the USFWS "General Compensation Guidelines for the Valley Elderberry Longhorn Beetle." This shall include measures to: protect all elderberry shrubs to be retained; transplanting shrubs that cannot be avoided; planting replacement elderberry seedlings and associated riparian vegetation at appropriate ratios; and define short and long-term maintenance, monitoring, and protection methods for the designated mitigation areas. All elderberry shrubs to be retained shall be flagged and fencing provided where necessary to preclude possible damage or loss of shrubs (Mitigation Measure 4.6-5a).

41. Implement the performance standard included in Sections 10-4.418, 10-4.433, and 10-4.440 of the County Off-Channel Mining Ordinance and Sections 10-5.515 and 10-5.523 of the County Surface Mining Reclamation Ordinance to prevent the inadvertent take of bank swallows (Mitigation Measure 4.6-6a).
42. Modifications to wetlands shall be coordinated with the U.S. Army Corps and California Department of Fish and Game. If required by jurisdictional agencies, appropriate authorization to modify jurisdictional habitat shall be obtained prior to grading or other modifications. The operator shall comply with all terms of any such authorization. The operator shall comply with all terms of any such authorization (Mitigation Measure 4.6-6a).

Air Quality

43. Implement the performance standard included in Section 10-4.407 of the County Off-Channel Mining Ordinance (Mitigation Measures 4.7-1a).
44. Implement the performance standards included in Sections 10-4.407 and 10-4.415 of the Off-Channel Mining Ordinance (Mitigation Measure 4.7-2a).
45. Implement Mitigation Measures 4.7-1a and 4.7-2a of the Final EIR for the proposed project (Mitigation Measure 4.7-3a).

T r a f f i c

46. The applicant shall pay its fair share toward the construction of left-turn lanes on each approach and installation of a traffic signal at the State Route 16/County Road 98/Main Street intersection to maintain an acceptable level of service. Prior to the commencement of mining, the operator shall pay \$900 to the City of Woodland Public Works Department, to be used in the construction of turn lanes and a traffic signal at the intersection of State Route 16 and County Road 98. This amount has been determined to be the operator's fair share portion of the cost of improvements at the intersection and will fully mitigate the potential traffic impacts at this location (Mitigation Measure 4.8-1a).

47. Within three years of project approval, the operator shall replace or widen the non-standard bridge located on County Road 19, and shall realign or widen the travel lanes on the non-standard segment of County Road 19. Both the bridge and the non-standard road segment are located west of Interstate 505. Construction of the improvements shall be coordinated and shall be completed simultaneously. The operator shall be responsible for 50 percent of the costs of the improvement. Teichert Aggregates (Esparto), or its successor in interest, shall be responsible for the remaining 50 percent of improvement costs. The operator shall not be responsible for any portion of the cost reimbursed by the federal government through grant programs. The County Public Works Department shall apply for federal grant funds within one year after project approval. Project design, permitting, and contracting work shall be performed by the Public Works Department. Encroachment Permits from the Public Works Department shall be obtained prior to construction (Alternative 4).

48. Within one year of project approval, the operator shall widen the curve radius for the intersection of County Road 87 and County Road 19. The specific scope of the improvements shall be as determined by the Public Works Department. The operator shall pay 100 percent of the cost of the improvements. Encroachment permits from the Public Works Department shall be obtained prior to construction (Alternative 4).

49. The operator shall assume joint pavement maintenance responsibility with Yolo County for County Road 87, from the plant driveway to County Road 19, and on County Road 19, from Road 87 to the Teichert (Esparto) driveway. Joint maintenance responsibility (beyond regularly scheduled County maintenance activities) for County Road 19, from the Teichert (Esparto) driveway to Interstate 505, shall be proportionally shared between the operator and Teichert Aggregates or its successor in interest. Proportional maintenance costs shall be determined based upon the previous year's sales figures for each of the two operations, as reported to the County. The operator's joint maintenance responsibility for the roads specified above shall continue throughout the life of the permit.

Specific initial improvements shall be determined by the Public Works Department and shall be constructed by the operator, or by the operator and Teichert Aggregates or its successor in interest, within one year of mining commencement. The operator (and where appropriate, Teichert Aggregates or their successor in interest) shall submit an annual evaluation of the structural integrity of the road to the County and shall implement pavement improvements to maintain safe and efficient traffic operation on the road for each upcoming year (Alternative 4).

Noise

50. The processing plant shall be shielded by stockpiles or other means (such as equipment shielding) to reduce noise impacts on nearby existing sensitive receptors (Mitigation Measure 4.9-1a).

51. Implement Sections 10-4.421 and 10-4.422 of the County Off-Channel Mining Ordinance. Night time operations of the processing plant shall only occur upon demonstration of performance of compliance with relevant ordinance requirements. Within six months of the commencement of plant operations and prior to the commencement of operations after 6:00pm, a qualified acoustic consultant shall conduct noise monitoring of the processing plant. In addition, within six months of the commencement of wet pit mining operations, the acoustic consultant shall also conduct noise monitoring of the dredge or dragline. The consultant shall make recommendations to bring any excessive noise levels into conformance with Section 10-4.421 of the County Off-Channel Mining Ordinance. The acoustic consultant shall submit reports of noise measurements and recommended actions to the Community Development Director for review and approval, and all recommended actions shall be implemented (Mitigation Measure 4.9-1b).

52. Construct stockpiles to shield site boundaries located within 1,100 feet of the plant or require other plant/site-specific engineering controls (such as equipment shielding) to ensure compliance

with property line noise limits (Mitigation Measure 4.9-1c).

53. Scrapers shall not operate within 70 feet of the permit boundary between 6:00 p.m. and 6:00 a.m. The operator shall comply with noise mitigation measures identified by subsequent noise monitoring in order to ensure compliance with County ordinance requirements (Mitigation Measure 4.9-2a).
54. To avoid adverse noise impacts to the occupants of the nearest residence to the west (APN: 048-140-20), the operator shall provide written notification 60 days in advance of overburden removal. The operator shall also provide the occupants with the option of temporary housing should the occupants so choose, during the period when overburden removal occurs within 300 feet of the affected residence (Mitigation Measure 4.9-3a).
55. Implement the performance standard included in Section 10-4.422 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.9-7a).

A e s t h e t i c s

56. The operator shall implement a landscaped buffer along County Road 85 designed as a visual screen between the residence on County Road 85 and the proposed mining area. The buffer shall be established at the initiation of mining, such that an effective screen would be developed at the time

mining would occur in Phases 3 and 4, near the road (Mitigation Measure 4.10-1).

Cultural Resources

57. Implement the performance standard included in Section 10-4.410 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.11-1a).

58. The operator shall implement an explicit educational program that alerts project employees to the nature of paleontological and archaeological resources in the region, the laws that protect the resources, and responsibilities for reporting potential findings to appropriate authorities. This program shall be developed by a qualified cultural resource professional (Mitigation Measure 4.11-2a).

Hazards

59. Implement the performance standard included in Section 10-4.415 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.12-1a).

60. Implement the performance standard included in Sections 10-4.406 and 10-4.431 of the County Off-Channel Mining Ordinance; and Sections 10-5.510 and 10-5.530 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.12-3a).

◆ ◆ ◆

6.7 96-001 - A certification of the Final EIR and a request for Rezoning to add the SGR (Sand and Gravel Reserve) Overlay on 250 acres in the Agricultural Preserve (A-P) Zone. The subject property is located north of Cache Creek and south of County Road 19, west of County Road 89, near Madison. APN: 049-050-10. Applicants: Teichert Aggregates and Marie Nitz et al. (H. Tschudin/D. Morrison)

AND

6.4 94-094 - A certification of the Final EIR and a request for a Mining Permit, Reclamation Plan, Rezoning, Increase in Annual Permitted Production, Operation of Processing Plant Facilities, Floodplain Development Permit, Financial Assurances, Development Agreement, and Rescind an Existing Mining Permit to allow gravel mining to a maximum depth of 150 feet, with reclamation to open water and habitat, on 148 acres in the Agricultural General (A-1) and Agricultural Preserve (A-P) Zones. The subject properties are located south of County Road 19 and north of Cache Creek, between County Roads 87 and 89, near Esparto. APNs: 048-210-06, 048-210-10, and 048-210-11. Applicant: Teichert Aggregates. (H. Tschudin/D. Morrison)

The Staff Report was given by Heidi Tschudin. She spoke about the different phases of the project. She suggested that this application be modified to include the tonnage lost at Woodland site.

The Public Hearing was opened.

Randy Sater, of Teichert Aggregates, said he had reached an agreement with the Mast family. Teichert would dedicate 87.8 acres per Staff's recommendation, or an alternative dedication which would be comparable.

Joe Scalmanini answered questions regarding evaporation.

Gretchen Ceteras, of Capay Valley, had concerns about the County assuming the responsibility of the bodies of water which will be dedicated to the County after the mining ceases.

Tina Thomas and Commissioner Gray answered that there is a monitoring plan and an Indemnification provision in the Development Agreements.

Ruth Wexler asked questions regarding provisions of water quality for goldmining.

David Morrison replied that no goldmining is being proposed in these applications.

Steve Chaney answered questions from Staff regarding the vegetation of the banks not being grassland, but in willow or cottonwood habitat.

The Public Hearing was closed.

Commission Action:

The Planning Commission recommends to the Board of Supervisors:

- Include language in the Development Agreement that would require the dedication of the lake, or an equivalent dedication in the same general area of the same general size and the same general public benefit value, or an equivalent alternative net gain proposal.

- Certify the Final Project-level EIR for the Teichert (Esparto) Long-Term Off-Channel Mining Permit Application (SCH #96012031) based on Findings of Fact to be prepared documenting compliance with CEQA, independent review and consideration of the information in the EIR prior to taking action on the project, and adoption of the Mitigation Monitoring Plan implementing all adopted mitigation measures.

- Approve Long-Term Off-Channel Mining Permit No. ZF #95-094 to allow for the excavation of 148 acres to a maximum depth of 150 feet over a thirty-year period, including portions of Assessor Parcels 048-210-06 (88 acres); 048-210-10 (20 acres); and 048-210-11 (40 acres), subject to conditions of approval provided in Attachment H.

- Approve Reclamation Plan No. ZF #95-094 to allow for the establishment of 98 acres of permanent lakes, 61 acres of woodland and marsh habitat, and 19 acres of grassland slopes and roads on 178

acres, including portions of Assessor Parcels 048-210-06 (118 acres); 048-210-10 (20 acres); and 048-210-11 (40 acres), on 178 acres including the processing plant site.

■ Approve the mining of an additional 2.5 million tons (mined weight) to offset the aggregate lost to mining at the Woodland Site, when the requested exceptions were denied.

■ **Approve Continued Operation of an Aggregate Processing Plant** including a portable ready mix plant (capacity of 300 yards/hour), a portable hot plant (capacity of 400 ton/hour), an aggregate washing and sorting plant (capacity of 1,000,000 tons/year), conveyors, stockpiles, sedimentation basins, storage tanks, and other related facilities on 30 acres of Assessor Parcel 049-210-06.

■ **Rescind Mining Permit and Reclamation Plan No. ZF# 94-061** for the Reiff parcel (APN: 048-210-06) at such time as Mining Permit No. ZF #95-094 is exercised. The regulation of mining and reclamation activities on this parcel, as well as aggregate processing, would be superseded by Long-Term, Off-Channel Mining Permit and Reclamation Plan No. ZF #95-094 once the long-term permit becomes effective.

■ **Rezone 91 acres to add the Sand and Gravel (SG) Zone** to the existing Agricultural General (A-1) and Agricultural Preserve (A-P) Zones, including portions of Assessor Parcels 048-210-06 (31 acres);

049-210-10 (20 acres); and 048-210-11 (40 acres), as shown in Attachment F.

- **Rezone 250 acres to add the Sand and Gravel Reserve (SGR) Zone** to the existing Agricultural Preserve (A-P) Zone on a portion of Assessor Parcel 049-050-10, as shown in Attachment F.
- **Approve an increase in annual permitted production** from 750,000 tons mined (637,500 tons sold) to 1,176,471 tons mined (1,000,000 tons sold). The annual production limit may be not be exceeded pursuant to Section 10-4.405 of the Off-Channel Mining Ordinance, unless additional levels of production are analyzed in subsequent environmental analysis.
- **Approve Floodplain Development Permit No. 96-071** to allow for off-channel mining and reclamation activities (performed in accordance with the approved permit) conducted within the 100-year floodplain.
- **Approve Financial Assurances** in the amount of \$135,249 to ensure that reclamation of Phase 1 and the processing plant site will take place. Subsequent mining phases may not take place until financial assurances have been approved for those reclamation activities and submitted to the County.
- **Authorize Execution of a Development Agreement** to contractually recognize and ensure dedication to

the County or a designated public agency of a portion or all of the reclaimed lakes and restored habitat for eventual recreational and/or wildlife habitat uses; the creation of nesting habitat for bank swallows; relinquishment of in-channel mining permits held by the applicant; closure and reclamation of the processing plant and all operations at the mining site; funding of \$0.05 per ton of sold aggregate to the Cache Creek Conservancy; funding of \$0.10 per ton of sold aggregate to implement the Cache Creek Resources Management Plan; funding of \$0.03 per ton for the County to administer the OCMP; and funding of \$0.02 per ton of sold aggregate for future maintenance and remediation of the reclaimed mine site, if needed (see Attachment G).

MOTION: Heringer SECOND: Lang
AYES: Heringer, Lang, Gray, Merewitz, and
 Stephens
NOES: None
ABSTAIN: Walker and Rodegerdts
ABSENT: None

CONDITIONS OF APPROVAL

MINING PERMIT AND RECLAMATION PLAN NO. ZF# 95 -
094

TEICHERT (ESPARTO) LONG-TERM OFF-CHANNEL
APPLICATION

The following conditions of approval include all mitigation measures contained within the Final EIR, except where noted in the staff report. Modification to EIR mitigation measures can only occur if: 1) the effectiveness of the measure in reducing the applicable environmental impact is not affected; or, 2) subsequent environmental analysis is performed to examine the new proposed measure and associated environmental impact.

MISCELLANEOUS CONDITIONS

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

2. Annual production is limited to 1,000,000 tons (sold weight) and 1,176,471 (mined tonnage). Any increase in the annual production limit to allow temporary responses to market demand under Section 10-4.405 of the Off-Channel Mining Ordinance will require approval by the Planning Commission and appropriate environmental review.
3. The operator shall pay \$0.15 per ton to the County for every ton of aggregate materials sold. The operator shall pay \$0.05 per ton to

the Cache Creek Conservancy for every ton of aggregate materials sold. Payment of these fees shall be in accordance with the CCAP and all implementing ordinances, and the Gravel Mining Fee Ordinance enacted for this purpose.

4. ~~The operator shall be limited to processing only that material within the identified 148 acre mining area.~~ The processing of aggregate material approved under this Mining Permit shall cease when either permitted reserves are depleted or the life of the permit has expired, whichever event occurs first. The operator may apply for permit approval to extend aggregate processing beyond the limits described above. The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review.

5. This Mining Permit, including operation of the processing plant, is approved for a period not to exceed thirty years, starting from the date that mining begins. The operator shall certify in writing that mining has commenced. Written notification shall be received by the County within three days of mining commencement. If notification has not been received by the County within one year after

permit approval, then this Mining Permit shall be null and void.

If permitted aggregate reserves are still available at the end of the approved thirty-year period, the operator may apply for Mining Permit approval to extend mining beyond the 30-year limit described above. The extension may not exceed an additional period of twenty years and shall be subject to appropriate environmental review.

6. The operator shall be responsible for all costs associated with implementing and monitoring these conditions.

7. The operator shall submit financial assurances, in a form consistent with Section 10-5.702 of the Surface Mining Reclamation Ordinance, in the amount of \$135,249 for reclamation of Phase 1 and the processing plant site, naming the County of Yolo and the California Department of Conservation as beneficiaries, prior to the commencement of mining.

8. The project to which these conditions are applicable is as described in the Project EIR and summarized in the Yolo County ~~Planning Commission~~ Board of Supervisors Staff Report dated November ~~13~~ 25, 1996, as modified only by

the adopted conditions of approval including mitigation measures. Any subsequent substantive changes in the project description (as determined by Yolo County) may only occur subject to amendment or modification of the Mining Permit and/or Reclamation Plan.

9. In order to comply with the compatibility findings in Section 51238 et al. of the California Land Conservation Act (Williamson Act), mining shall not occur on the Mast property (Assessor Parcels 049-120-10 and 11) until the Notice of Nonrenewal has expired.

10. This Mining Permit, and the accompanying entitlements, shall not be considered effective until a Development Agreement between the County and the operator has been executed. The Development Agreement shall include, but not be limited to, provisions for the following: implementation of net gain improvements, funding mechanisms for various programs associated with the project, all approved conditions of approval including EIR mitigation measures, relinquishment of existing in-channel permit rights, closure and reclamation of the processing plant and all operations at the mining site, dedication of reclaimed land and access to the County or other non-profit organization, and other items

as deemed appropriate by the executing parties.

11. Mining shall begin at the northern edge of the proposed mining area and proceed south. Mining shall not occur within 700 feet of the CCAP channel boundary until the 200-foot buffer required under Section 10-4.429(d) of the Off-Channel Surface Mining Ordinance is in place.
12. The aggregate processing plant, located on the southern 30 acres of Assessor Parcel 049-210-06, and the 200-foot channel buffer to be backfilled along the levee separating the plant from Cache Creek, shall be reclaimed in accordance with the CCAP.
13. The private driveways extending from County Roads 19A and 19 to the project site shall be maintained with an all-weather surface (minimum 20 feet wide) during the life of the Mining Permit. Maintenance of the private driveways to provide safe passage of local traffic and emergency vehicles shall be the responsibility of the operator.
14. Temporary soil stockpiles shall be located on unmined phases within the approved mining areas or may be located outside of the mining

area if the stockpile is to be farmed and harvested with an agricultural crop. Stockpiles shall not otherwise impact adjoining agricultural fields outside of the mining area. A revised reclamation plan shall be submitted to the Community Development Director for review and approval, if the stockpile locations change from the original proposal as a result of this condition.

15. The operator shall comply with both the spirit and intent of all applicable requirements of SMARA, County Code (particularly Chapters 4 and 5), and all conditions of approval. The operation must remain consistent with the spirit and intent of the Cache Creek Area Plan.
16. The operator is prohibited from proceeding with any new wet excavation unless ambient mercury levels in the creek have been determined pursuant to Section 10-5.517 of the Reclamation Ordinance, six months prior.
17. Pursuant to Action 2.4-2 of the Off-Channel Mining Plan, hazardous materials business plans must be submitted biennially, as required by the California Health and Safety Code, unless the types of hazardous materials used change, in which case revised business

plans must be submitted within thirty (30) days of the change.

18. Pursuant to Action 6.4-8 of the Off-Channel Mining Plan, the application shall be amended to include vegetated buffers between restored habitat areas and adjoining farmland, in order to minimize the potential for riparian areas to serve as harbors for predators and insect pests. These buffers are intended to also reduce noise, dust, and spraying generated by agricultural operations.

19. The operation is prohibited from processing imported aggregate material. This condition shall not apply to materials needed to meet construction specifications, recyclable material, aggregate obtained from in-channel maintenance work performed in accordance with the CCAP, or previously stockpiled material from prior permits.

20. Pursuant to Action 2.4-13 of the Off-Channel Mining Plan, the Teichert (Esparto) aggregate processing plant and all associated facilities must be closed, moved, and the site reclaimed consistent with the CCRMP when mining has concluded at the site under the terms of the long-term permit, unless the long-term permit

is extended under subsequent permits to allow mining of additional aggregate deposits.

21. Pursuant to Action ~~6.4-14~~ 6.5-14 of the Cache Creek Resources Management Plan, the operator shall enter into a legally-binding agreement which ensures the implementation of channel improvement projects required by the CCRMP and CCIP, along the creek frontage adjoining the proposed mining area. Mining within each phase may occur concurrently with the CCAP channel improvements. However, CCAP channel improvements along the entire frontage of the mined phase shall be completed prior to the commencement of overburden removal and mining within the next subsequent phase. The agreement shall also require that a deed restriction be placed on those parcels on which the improvements occur, to require future owners of the property to maintain the streambank protection improvements. A bond or other financial instrument shall be provided by the operator prior to the commencement of mining within 700 feet of the CCAP channel boundary for the maintenance of any bank stabilization features during the 30-year mining period. Maintenance of the bank stabilization features following the completion of the reclamation shall be the responsibility of the property owner.

22. All approved modifications to the application ~~that were assumed by the staff in making the recommendation,~~ as documented in the Yolo County Board of Supervisors Staff Report dated November 25, 1996, shall be implemented by the operator as a condition of approval.

EIR MITIGATION MEASURES

Land Use and Planning

23. Implement the performance standards included in Sections 10-4.413, 10-4.417, 10-4.427, and 10-4.428 of the County Off-Channel Mining Ordinance and Sections 10-5.507, 10-5.510, 10-5.517, 10-5.519, 10-5.524, 10-5.528, 10-5.529, 10-5.530, and 10-5.532 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.2-6a).

24. The County shall solicit the dedication of all or a portion of the project site to fulfill the open space and recreational goals of the OCMP, for that segment of the creek. The County shall also coordinate with the operator how adequate public access to the dedicated open space could be accommodated. The operator's reclamation plans shall be modified

to include a public access road (Mitigation Measure 4.2-8a).

Geology and Soils

25. Implement the performance standards included in Sections 10-5.504, 10-5.505, ~~10-5.512~~, and 10-5.526 of the County Surface Mining Reclamation Ordinance. (Mitigation Measure 4.3-1a).

26. Implement the performance standards included in Sections 10-4.406, 10-4.413, and 10-4.431 of the County Off-Channel Mining Ordinance; and Sections 10-5.507, 10-5.508, and 10-5.530 of the County Surface Mining Reclamation Ordinance (Mitigation Measure 4.3-2a).

Hydrology and Water Quality

27. The operator shall obtain a floodplain development permit for excavation within the FEMA 100-year floodplain, as required by the Yolo County Flood Damage Prevention Ordinance (Mitigation Measure 4.4-1a).

28. The operator shall implement those measures related to the Esparto site as presented in the technical report entitled "Cache Creek: Teichert Long-Term Mining Application 200'

Mining Setback Compliance" prepared by Murray, Burns & Kienlen for Teichert Aggregates in April, 1996. In addition, the operator shall provide for a continuous 200-foot minimum setback from the CCRMP boundary that is connected to (tied in) with off-site upstream areas. Prior to construction, detailed plans of the setback connection with upstream areas shall be submitted to the Community Development Director for review and approval (Mitigation Measure 4.4-2a).

29. Prior to construction, detailed plans identifying the type and location of bank protection shall be submitted to the Community Development Director for review and approval. Bank protection plans shall incorporate biotechnical methods of bank stabilization. No bank protection measures (i.e. spur dikes) shall encroach into the Test 3 channel.

Since the proposed spur dikes would encroach into the conveyance area of the 100-year flood channel, additional hydraulic modeling shall be conducted to ensure that the structures would not have adverse flooding impacts. Alternatively, the proposed bank protection measures may be modified to eliminate the spur dikes, providing alternate bank protection measures in conformance with the guidelines

contained in the Cache Creek Resources Management Plan and Cache Creek Improvements Program (Mitigation Measure 4.4-2b).

30. The operator shall not mine within 700 feet of the northern border of the previously mined area until bank stabilization required by mitigation has been provided along the length of the in-channel levee. Prior to mining within 700 feet of the CCRMP boundary, the operator shall obtain certification by a licensed engineer that channel bank and levee slopes are stable and that all backfilled materials have been compacted as appropriate for the end use Mitigation Measure 4.4-2c).

31. The operator shall conduct annual monitoring and maintenance of the in-channel levees (former channel bank) during the mining and reclamation period. Monitoring shall be conducted by a licensed engineer and shall minimally include a visual inspection of the channel banks and levees for evidence of erosion or slope instability. Evidence of erosion shall include, but shall not be limited to, the existence of over steepened banks and loss of vegetation. Evidence of slope instability shall include the formation of tension cracks, accurate scarps, or unexcavated benches.

An annual report on channel bank and levee conditions shall be submitted to the Community Development Director with the Annual Mining and Reclamation Report. The report shall include the identification of the location (on scaled maps photographs) and the estimated area and volume of eroded materials or slope failure, a determination of the cause(s) of erosion or slope failure, and recommendations for remedial action. Recommended remedial actions shall be implemented prior to November 1 of each year that the mine is in operation (Mitigation Measure 4.4-2d).

32. Following reclamation, the YCCDA shall determine (on the basis of inspection of the channel banks and levees during the mining and reclamation period) the need for continued channel bank and levee monitoring and reporting. A restriction shall be placed on the deed for the underlying property requiring continued inspection and maintenance of the channel banks and levees (Mitigation Measure 4.4-2e).

33. The operator shall enter into a legally-binding agreement with the County that commits the operator to participate in implementation of the Cache Creek Improvements Program for

that portion of the creek frontage owned or controlled by the operator, adjoining the permitted off-channel mining area. Participation shall include, but not be limited to, contribution of equipment and labor for channel widening projects, and channel maintenance mining recommended by the County (Mitigation Measure 4.4-2f).

34. Prior to the commencement of mining below the groundwater level, the operator shall contact the California Division of Safety of Dams (DSD) for a determination on whether the alluvial separators that would be created by the project fall under DSD jurisdiction (Mitigation Measure 4.4-2g).

35. The operator shall obtain approval from the Community Development Director to allow the use of Quickflow for capture zone analysis or model site conditions using the U.S. Environmental Protection Agency model WHPA. Approval shall be obtained prior to the commencement of mining below the average high groundwater elevation (Mitigation Measure 4.4-3b).

Agriculture

36. Implement the performance standards included in Sections 10-5.525 and ~~10-5.601~~ of the County Surface Mining Reclamation Ordinance to reduce the impact of the permanent loss of agricultural land. Compliance with this mitigation may be phased to track with the phasing of the mining. Compliance shall be verified by phase (Mitigation Measure 4.5-1a).

Biological Resources

37. A CDFG Code Section 2081 authorization, or the posting of a reclamation bond or letter of credit naming CDFG as the beneficiary, or other alternative mechanism acceptable to CDFG, shall be executed prior to commencement of mining for the estimated loss of 148 agricultural acres converted to open water habitat. It is anticipated that the 1:1 offset mitigation required for the loss of prime agricultural land would apply as mitigation for this impact as well (Mitigation Measure 4.6-4a).

38. The proposed reclamation plan shall be revised to include specific provisions to ensure compliance with the USFWS "General Compensation Guidelines for the Valley Elderberry Longhorn Beetle." Plan revisions shall be submitted to the Community

Development Director prior to the commencement of mining. The plan shall include measures to: protect all elderberry shrubs to be retained; transplant shrubs that cannot be avoided; plant replacement elderberry seedlings and associated riparian vegetation at appropriate ratios; and define short and long-term maintenance, monitoring, and protection methods for the designated mitigation areas. All elderberry shrubs to be retained shall be flagged and fencing provided where necessary to preclude possible damage or loss of shrubs (Mitigation Measure 4.6-5a).

39. Implement the performance standard included in Section 10-4.433 of the County Off-Channel Mining Ordinance to prevent the inadvertent take of bank swallows (Mitigation Measure 4.6-6a).

Air Quality

40. Implement the performance standard included in Section 10-4.407 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.7-1a).
41. The proposed asphalt batch plant shall include Best Available Control Technology (BACT) for control of air pollutant emissions. The YSAQMD shall be responsible for review and

approval of the batch plant prior to installation (Mitigation Measure 4.7-1b).

42. Implement the performance standards included in Sections 10-4.407 and 10-4.415 of the Off-Channel Mining Ordinance (Mitigation Measure 4.7-2a).

Traffic and Circulation

43. The operator shall pay a fair share (\$900) toward the construction of left-turn lanes on each approach, and the installation of a traffic signal, at the SR 16/County Road 98/Main Street intersection to maintain acceptable levels of service. Prior to the commencement of mining, the operator shall pay \$900 to the City of Woodland Public Works Department, to be used in the construction of turn lanes and a traffic signal at the intersection of State Route 16 and County Road 98. This amount has been determined to be the operator's fair share portion of the cost of improvements at the intersection and will fully mitigate the potential traffic impacts at this location (Mitigation Measure 4.8-1a).

44. Within three years of project approval, the operator shall either realign the non-standard portion of County Road 19, between the project

entrance and Interstate 505, or shall widen the travel lanes. The operator shall also replace the non-standard bridge located on County Road 19, between the project entrance and Interstate 505. The operator shall pay 50 percent of the local share of the total cost of the improvements (Cache Creek Aggregates or its successor in interest paying the other 50 percent), and shall not be responsible for any portion of the cost reimbursed by the federal government through grant programs. The County Public Works Department shall apply for federal grant funds within one year after project approval. Encroachment Permits from both Caltrans and the Public Works Department will be obtained prior to construction, if required (Mitigation Measures 4.8-2a and 4.8-3a).

45. The operator shall assume joint pavement maintenance responsibility with Cache Creek Aggregates (or its successor in interest) Yolo County on County Road 19, between the project entrance and Interstate 505, for the life of the permit. The operator shall submit an annual evaluation of the structural integrity of the road to the County and shall implement pavement improvements to maintain safe and efficient traffic operation on the road for each upcoming year. The cost of annual

pavement improvements, other than those implemented as a part of the County's regular maintenance program, shall be proportionally allocated between the operator and Cache Creek Aggregates, or its successor in interest, based on the previous calendar year's production figures for each of the affected parties (Mitigation Measure 4.8-4a).

Noise

46. The operator shall construct a temporary berm, with a minimum height of 10 feet, along the northeastern boundaries of the proposed mining area to reduce noise at the Mast residence (APN: 049-210-11). The berm shall be completed prior to the commencement of overburden on the Mast parcels and shall remain in place until the overburden layer is removed. As an alternative to constructing the berm, the operator shall secure a contractual agreement from the resident, that indemnifies the County and reflects an understanding and acceptance of the noise impacts. A copy of the signed agreement shall be provided to the Community Development Director prior to the commencement of mining on the Mast parcels (Mitigation Measures 4.9-2a and 2b).

47. A noise study of the wet-pit dredge shall be performed by a qualified acoustical consultant of the wet-pit dredge, and submitted to the Community Development Director for review and approval within 60 days after dredging operations commence. The noise study shall include recommendations to reduce noise below the performance standards established in Section 10-4.421 of the County Off-Channel Mining Ordinance and the operator shall implement all such recommendations. Dredge noise mitigation may include, but shall not be limited to, screens, shielding panels or other measures to achieve sufficient attenuation. Failure to meet the referenced performance standards shall be grounds for the County to revoke approval of the dredging operations (Mitigation Measure 4.9-3a).

48. The wet pit dredge shall not be operated within 300 feet of the Mast residence at any time (Mitigation Measure 4.9-3b).

48a. As an alternative to Mitigation Measures 4.9-3a and b (Conditions of Approval 47 and 48), the operator may secure a contractual agreement from the resident, that indemnifies the County and reflects understanding and acceptance of the noise impacts (Mitigation Measure 4.9-3c).

49. Implement the performance standards included in Section 10-4.422 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.9-5a).

Cultural Resources

50. Implement the performance standard included in Section 10-4.410 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.11-1a).

51. The operator shall implement an explicit training program that alerts project employees involved with earthmoving as to the nature of paleontological and archaeological resources in the region, the laws that protect the resources, and responsibilities for reporting potential findings to appropriate authorities. This program shall be developed by a qualified cultural resource consultant (Mitigation Measure 4.11-1b).

Hazards

52. Implement the performance standard included in Section 10-4.415 of the County Off-Channel Mining Ordinance (Mitigation Measure 4.12-1a).



6.8 96-068 - Action on proposed Gravel Mining Fee Ordinance amending the County Code to establish four gravel mining fees totaling \$0.20 per ton, and to identify procedures for collection, accounting, and expenditures of gravel mining fees. Applicant: Yolo County. (H. Tschudin/D. Morrison)

Heidi Tschudin gave the Staff Report. She reviewed the different components of the Gravel Mining Fee Ordinance.

Heidi Tschudin said the costs of gravel mining fees in Yolo County are higher than most jurisdictions.

The Public Hearing was opened.

Anthony Russo, of Solano Concrete, asked that the 10 cents per ton of aggregate material sold be lowered to 5 cents for the first six months of operation.

Gretchen Ceteras, of Capay Valley, said higher fees should be implemented.

The Public Hearing was closed.

Commission Action:

The Motion was made to approve the Gravel Mining Fee Ordinance with a phase in period of six months, during which time the CCAP implementation fee would be reduced from 10 cents per ton to five cents per ton.

MOTION: Walker SECOND: Merewitz
AYES: Heringer, Walker, Lang
NOES: Merewitz, Gray, Stephens
ABSTAIN: Rodegerdts
ABSENT: None

The Motion did not pass and the subsequent motion was made.

Commission Action:

The Planning Commission recommends that the Board of Supervisors:

- Adopt CEQA Findings of Fact confirming the previously certified OCMP Program EIR and CCRMP Program EIR as adequately addressing the potential for significant adverse environmental impact associated with adoption of the Gravel Mining Fee Ordinance.
- Amend the County Code to add Chapter X entitled Gravel Mining Fee Ordinance which establishes gravel mining fees, identifies the purposes for which they can be used, and establishes procedures for calculation, payment, and accounting (See Attachment A)

MOTION: Gray SECOND: Merewitz
 AYES: Merewitz, Gray, Stephens, and Walker
 NOES: Lang and Heringer
 ABSTAIN: Rodegerdts
 ABSENT: None



The following item has been time set for 1:00 p.m. to 1:30 p.m.

6.9 A discussion of Planning Commission comments regarding the Habitat Conservation Plan. (M. Hamblin)

Mark Hamblin updated the Commission on the Joint Meeting that took place on November 7, 1996 at the County Fairgrounds.

The Public Hearing was opened at this time.

Vicky Murphy, of Brooks, submitted written comments to the Commission. She said she had serious reservations concerning the Memorandum of Understanding (MOU) since the Habitat Management Plan is not a legally binding document.

A discussion regarding the Public Hearing process took place.

Commissioner Rodegerdts said that not only is the Plan flawed, but the process is too.

Commissioner Stephens spoke about the Implementation Agreement.

Commissioner Merewitz said that although the process has been a little confusing, he was in support of Yolo County having a Habitat Plan.

Commissioner Walker said that he hoped the Board of Supervisors would not make a decision regarding the plan until the Planning Commission could hear all the deliberations.

Commissioner Gray said he felt this plan and its implementation is not focused at habitat restoration, but a much broader issue of ag land conservation.

Commissioner Lang also said there could be potential problems with the plan because of habitat land may not necessarily be compatible with farmers who need to spray their fields.

Commissioner Rodegerdts added that he is in favor of preservation of agricultural lands and in developing habitat, but that it should not be cloaked in a plan that has other motives.

The Public Hearing was closed at this time.

Commission Action:

To set a hearing date for the Planning Commission prior to the Board of Supervisor's hearing date of December 3, 1996.

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7. DIRECTOR'S REPORT

A report by the Director on the recent Board of Supervisor's meetings or 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.

John Bencomo updated the Commission on the following:

- 1) The Planning Commission meeting that was tentatively set for November 14 has been cancelled.
- 2) The Planning Commission meeting to discuss the Habitat Management Plan will be on November 25, 1996.



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.

There were no reports by the Commission.



8. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 4:15 p.m. The next meeting of the Yolo County Planning Commission is scheduled November 26, 1996 at 8:30 a.m. in the Planning Commission Chamber. 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,

John Bencomo, Interim Director
Yolo County Community Development Agency

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