

MINUTES

YOLO COUNTY PLANNING COMMISSION
SPECIAL MEETING

November 18, 1998

1. CALL TO ORDER

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

This Special Meeting commenced in the Planning Commission Chambers, then will travel to the project site in Esparto for a brief orientation and discussion of site specific issues. The discussion and formal action on the request will take place in the Planning Commission Chambers subsequently. The site visit is a part of the Public Hearing and the public will travel with the Commissioners.

MEMBERS PRESENT: Walker, Stephens, Heringer, Lang, and Rodegerdts
MEMBERS ABSENT: Woo
STAFF PRESENT: John Bencomo, Assistant Director
David Morrison, Resource Manager
Marshall Drack, Economic Development Coordinator
Heidi Tschudin, Contract Planner
Steven Basha, County Counsel
Carole Kjar, Secretary to the Director



2. ADOPTION OF THE MINUTES FOR THE PREVIOUS MEETINGS

The Minutes of the November 4, 1998 meeting will be on the December 10, 1998 Regular Meeting Agenda.



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.



4. CORRESPONDENCE

Chairman Heringer acknowledged receipt of all correspondence sent with the packet and distributed at the beginning of the meeting.

There were no items of correspondence.



5. CONSENT AGENDA

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

There were no items on the Consent Agenda.



6. REGULAR AGENDA

- 6.1 **98-010** - A request for Amendments to an approved Mining Permit, Reclamation Plan, Floodplain Development Permit, and Development Agreement; and Rezoning. The project is located south of Cache Creek and north of State Highway 16, between County Roads 87 and 89, near the Towns of Esparto and Madison. A Supplemental Environmental Impact Report has been prepared for this project. APNs: 049-060-14; 049-120-05, -06, and -16; 049-130-05, and -27. Applicant/Owner: Syar Industries, Inc. (H. Tschudin and D. Morrison)

Heidi Tschudin, Contract Planner hired by the County to assist with processing this project, gave an overview of the project before traveling to the project site. She explained the staff report and passed out and explained a graphic provided by the Applicant, which shows how the project has

changed over time. She and David Morrison answered questions from the Commission and/or the public.

Commissioner Rodegerdts stated for the record that he had hoped and expected to participate in the deliberations and the ultimate vote, however it appears there has not been a sufficient amount of time in the lapse since his leaving the law firm that created the conflict throughout the gravel deliberations. He said that at the earliest opportunity he wants to participate if there are future gravel issues.

John Perry, Syar Industries, explained what he had flagged at the site.

Jim Haag, Esparto resident and property owner on County Road 87, pointed out things to look at on the site visit.

Chairman Heringer stated that the site visit is for an overview of what's out there and that discussions will not be held at the site; however the Planning Commissioners will answer questions as to identification. He said discussions will be held at the Planning Commission Chambers after returning from the trip.

After returning from the project site in Esparto, Heidi Tschudin explained the staff report further.

The public hearing was opened.

Mr. Carpenter, Consultant to Syar Industries, commented on the mining application and reclamation plan and answered questions from the Commission. He stated that he urges the Commission to approve the project with reasonable conditions.

Mr. Voss, representing the Esparto Citizens Advisory Committee, addressed issues and concerns of the project, including hours of operation, noise, the general environment of the pond, landscaping, and trees for wildlife habitat and general restoration.

Mrs. York, resident on County Road 87, expressed her fears and concerns about the project regarding noise, sites, smells, loss of good friends, closeness of the project and contamination of the well.

Mr. Obermueller, resident of County Road 87, asked when the mining in the area will begin, and how deep the other mining operations in Yolo County have been permitted to go. Heidi Tschudin, Contract Planner, said the mining would commence within approximately two years and the deepest they can go is 140 ft., and that on average much of the mining is around 80 feet deep.

Mr. Garcia, speaking for his mother, asked questions regarding access, liability, and the berms. Heidi Tschudin answered stating that access from the north and south is required, and there is no recreational plan for any of these areas at this time. She explained that the liability situation, whatever exists there now, would remain unchanged by this application, and explained the location of the berm.

Mr. Haag, County Road 87 resident, commented that the on-site visit was exceptional. He made several points about the project, which include: (1) an oversight procedure should be built in; (2) the hours of operation is vital -- 6am to 6pm is adequate; (3) approximately 10,000 trees should be involved as a condition of operation; (4) air monitoring equipment is vital; (5) overburden should be put on the berm; (6) the people most affected should have some amenity provided.

Mrs. Linford, representing the League of Women Voters of Woodland, expressed comments about the staff report. She stated that the League supports the Esparto Citizen's Advisory Committee concerns about this permit. They believe that all of us must recognize the finite resources of the earth which must be preserved and protected. She also submitted, as part of the record, a letter from a resident of Woodland.

Mr. Sieferman, a resident of Zamora, urged that the vegetation to include the reestablishment of the valley oaks.

The public hearing was closed.

Commissioner Heringer said he felt the field trip this morning was very vital to the project.

Commissioner Stephens asked if there's going to be another application. Heidi Tschudin, Contract Planner, stated that in order to make the project better, drawings which will put the conditions on paper will be available for the Board of Supervisors to see in their ultimate deliberations.

Commissioner Heringer asked that questions be addressed regarding the berm. Heidi Tschudin, Contract Planner, explained the environmental analysis of the berm and expressed her opinions as to why the soil should not be put on top of ag. soil.

Commissioner Stephens asked why Cell B, above the site of Esparto, has been selected as the major focus of mining for the next 30 years as opposed to the ones that were previously approved. Heidi Tschudin, Contract Planner, explained that this application has a net result of being less impactful on the environment than what was approved in 1996. She stated that the reason why mining is occurring where it's occurring, to some extent it is controlled by two things: the applicant and where he owns property, and where the aggregate is located. She said that in case the applicant has aggregate reserves all across that property between County Road 87 and 89.

Commissioner Stephens asked whether the available reserve aggregate supplied to accommodate their permitted mining of 1.1 million ton per year is available in the areas that were previously approved. Heidi Tschudin, Contract Planner, said yes, because they had originally envisioned that at least 60 million tons were out there.

David Morrison added that under the existing approved project, looking at the time of mining in

areas of B and F which are the two that are directly north of Esparto, the total mining time for those two phases was 22 years; the lake itself, Phase F under the existing approved, was 17 years, so the existing approval would have resulted in mining in

closer proximity to Esparto for a similarly extended period of time. He said that the other factor that staff took into consideration in locating this is not only the depth of aggregate and the desire to make use of those existing resources, but also to minimize disturbance of ag. land. Also, the previous project would have resulted in the disturbance of over 700 acres of ag. land which would have been pulled up, mined out, put back down again, with the resulting permanent loss of ag. land from the slopes and it is one of the County's primary goals to reduce losses of ag. land and reduce disturbance to ag. land, and that was another consideration in looking at the concentration of mining in one area.

Commissioner Walker commended Heidi Tschudin and David Morrison on their tremendously productive effort for making a best situation out of a bad decision that was made a couple of years ago; they have addressed almost all of the major concerns that have been expressed. He said he has a lot of concerns about the potential impacts on Esparto, the Garcias and others involved. Specifically he is concerned that if the Garcia well works out as a consequence of the pit mining and other factors, that the well would be replaced or moved? Heidi Tschudin, Contract Planner, clarified that in the ordinance there's a performance threshold established that if there is shown to be an impact there is a obligation on the mining operator to correct that within 500 feet. She said If something was to occur to a well that is greater than that distance from the mining, based on the technical analysis, it's questionable that it was related to the mining and there is no threshold established that would require somebody to react in that situation, because we had determined previously that that was an appropriate zone.

Commissioner Walker stated that he supports the recommendations that have been provided in terms of responding to a changing set of conditions. He thinks the request by Syar regarding a minor change in the landscaping ordinance is reasonable.

Heidi Tschudin, Contract Planner, responded to each of Syar's requests to the Conditions:

- (1) **Level of landscaping on the berm and the type of planting that would occur particularly with respect to the lower shrubbery** -- She said we agree with Mr. Carpenter on the erosion control aspect of the lower level landscaping.
- (2) **Request that berm occur within the 1,000 foot setback and within the 2,000 foot setback** -- She said she feels it's an important message to the community with respect to this mining operation that we hold to the maximum thresholds so her recommendation is that the buffer remain on their side of the line.
- (3) **Hours of operation** -- She suggests that 6am to 6pm M-F is OK. She thinks that adding an additional day when they're fifteen feet deeper is OK. She can't recommend that the 24-hour on an exception basis because it puts a lot of discretion at the hands of staff.
- (4) **Rescinding Syar's offer to provide lake access off of County Road 87** -- She has no

problem with rescinding that since it was not counted on in the first place.

- (5) **Condition 25.4** -- She recommends that a change not be made at this point. It will be edited for the Board based on any new information we receive, assuming that the phasing proposed is reasonable.
- (6) **Condition 46.2** -- She doesn't have a problem with deleting the word "equivalent" in the fourth line.
- (7) **Condition 52** -- She recommends no changes be made.

Heidi Tschudin, Contract Planner, identified and explained changes she recommends to the Conditions:

- (1) **Condition 25.9** -- Change the last sentence of the first paragraph to read: "A permanent 9-foot earthen berm, properly engineered, and plantedconstructed outside of the buffer area on the applicant's property as early as feasible."

Change the last sentence of the fourth paragraph to read: "A landscaped nine-foot earthen berm, properly..... that meets the adopted criteria shall be planted outside of the buffer area to form a boundary at the location of this buffer."

- (2) **Condition 30.2** -- Delete this Condition since it's a duplicate of Condition 13.
- (3) Add a new **Condition 39.2** to read: "Horizon A and B soils shall not be used for overburden backfill."
- (4) **Condition 45** -- Add, for clarification, a sentence that reads as follows: "The calculation of permanent loss of agriculture shall account for improved agricultural land resulting from implementation of Condition 46.2."
- (5) **Condition 46.2** -- Change the first paragraph, second sentence, to read: "Incorporate the use of excess.....water areas (shoreline) on at least one side of the lake (1998 SEIR MM 4.5-4a)."

Add a line to the second paragraph to read: "If soil conditions are improved on an alternative parcel or parcels the County will reinstate the SGR overlay on the 108 acres."

- (6) **Condition 48** -- Change the second line at the top of Page 13 to read: "...of the row of 18 young trees at the western edge of boundary between the plant site and Phase A....."
- (7) **Condition 51** -- Change the third sentence to read: "Artificial islands shall be located.....its relationship to the creek corridor."

Change first two subparagraphs to read “a. and b.”

- (8) **Condition 55.4** -- Change the first sentence to read: “Prior to the commencement of mining in Area B, details of the proposed landscaping.....”
- (9) **Condition 67** – Change the first sentence, as a clarification, to read: “To avoid noise levels greater than.....not use roads located within the buffer areas west or north.....”

Commissioner Stephens stated that she disagrees with several of the recommendations: (1) She is concerned about the noise; (2) She thinks that berms should be constructed and landscaped before mining begins; (3) She suggests that three years be included in the language consistently throughout the the document where it says that the Flood Control Plan will be completed within three years; (4) She suggests that air quality monitoring be added as a Condition of Approval; and (5) She feels that the hours should not be changed because of daylight savings time, they should be left 6am to 6pm throughout the year, Monday through Friday.

David Morrison, in answer to Commissioner Stephen’s question, explained that there is sufficient oversight as existing. He said the concept of an Oversight Committee was discussed and he feels that it should not be supported at this time.

Heidi Tschudin, Contract Planner, addressed Commissioner Stephen’s concern about the berms, by stating that the wording will be reviewed and made more clear. Commissioner Stephens was in agreement.

Heidi Tschudin, Contract Planner, said that three years will be included in the language consistently throughout all the appropriate spots where it mentions the Flood Control Plan.

Heidi Tschudin, Contract Planner, said she is not aware of any evidence that’s been provided that suggests there’s an issue regarding air quality.

Steven Basha, County Counsel, stated that there is a Yolo-Solano Air Quality Management District which has jurisdiction, through the Health and Safety Code, over some of the air quality issues that Commissioner Stephens is speaking about. He said it may be as simple a matter as requesting that agency to do an air quality check, and if there are violations, they have the authority, under the health and safety code, to deal with it. If they determine that they need ongoing monitoring, they can do that if there’s the justification.

David Morrison said that the Air Quality District is actively involved. All the operations have authority to construct permits, authority to operate permits for plant equipment, and the district enforces their PM10 and other regulations. He stated that we validate that as a part of the annual compliance review and that we call the Air Quality District to make sure that all permits are existing and valid.

Heidi Tschudin, Contract Planner, clarified that she supports removing the daylight savings time language from Condition 71.4, which will make it a straight 6am to 6pm – not including Saturday.

Commission Stephens asked that the final modifications be recited again for clarification. In response to her request, Heidi Tschudin, Contract Planner, summarized the key points.

Commission Action

Recommend that the Board of Supervisors:

- (1) **CERTIFY the Final Supplemental EIR for the Revised Syar Long-Term, Off-Channel Mining Permit Application (SCH #98042053)** based on Findings of Fact and a Statement of Overriding Considerations provided in Attachment F to be prepared documenting compliance with CEQA, consideration of the 1996 project EIR (SCH #96012030), independent review and consideration of the information in the SEIR prior to taking action on the project, and adoption of the Mitigation Monitoring Plan implementing all adopted mitigation measures.
- (2) **APPROVE revisions (ZF# 98-010) to Mining Permit ZF# 95-079** to decrease the area of authorized excavation from 734 acres to 283 acres (portions of Assessor Parcels 049-120-06, 049-130-05, and 149-130-27), and to increase the depth of mining in certain locations from a maximum 80 feet to up to 140 feet, subject to conditions of approval provided in Attachment E. The amount (30.0 million tons over the life of the permit), rate (1.0 million average tons per year), and period of mining (30 years) would remain as originally approved.
- (3) **APPROVE revisions (ZF# 98-010) to Reclamation Plan ZF# 95-079** to allow for a decrease in the size of the reclaimed lake from 290 acres to 178 acres (including ± 20 acres of native habitat -- island, slopes, and shore), and to eliminate proposed reclamation of 141 acres to tree crop production. Reclamation of the remaining 105 acres of land would be to row crop production.
- (4) **REZONE 451 acres of the previously approved mining area to add the Sand and Gravel Reserve (SGR) zone** to the existing Agricultural General/Sand and Gravel (A-1/SG) zone and Agricultural Preserve/Sand and Gravel (A-P/SG) zones (portions of Assessor Parcels 049-120-05 and 16).
- (5) **REZONE buffer areas around Mining Area B to remove the Sand and Gravel (SG) zone** from buffer extending 1,000 feet east and south of Garcia property, 1,000 feet east of CR 87 to CR 20X, and 2,000 feet north of CR 20X to

parcel line between APN 049-130-05 and 049-130-27.

- (6) **REZONE 108 acres on the north side of Cache Creek to remove the Sand and Gravel Reserve (SGR) Zone** from the existing Agricultural Preserve/Sand and Gravel Reserve A-P/SGR Zone (Assessor Parcels 048-210-03 and 049-130-29).
- (7) **MODIFY Flood Hazard Development Permit No. 96-072** to account for the proposed modifications to the Mining permit and Reclamation Plan.
- (8) **AUTHORIZE Amendment of Development Agreement #96-288** to reflect recommended project modifications.

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

Following presentation of the application and the recommended action, a public hearing was held at which eight people from the public appeared, followed by the deliberations of the Planning Commission which lasted approximately forty minutes.

CONDITIONS OF APPROVAL

The following conditions of approval include all adopted conditions from the 1996 approval that remain applicable, and all mitigation measures identified within the Final Supplemental EIR, unless otherwise noted in the staff report. Post-approval 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. (Additions to the 1996 conditions of approval are highlighted and deletions are shown in ~~strike-out~~. Modifications resulting from the Planning Commission's actions are shown in underlined italics).

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. Pursuant to Action 2.4-9 of the OCMP and Action 6.4-4 of the CCRMP, this limit shall not apply to recycled waste material or aggregate obtained from in-channel maintenance work performed in accordance with the CCAP.
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 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 or the California Department of Conservation as beneficiaries, prior to the commencement of mining.~~ Deleted. Condition satisfied.
9. The project to which these conditions are applicable is as described in the Project Supplemental EIR and summarized in the Yolo County Board of Supervisors Staff

Report dated ~~November 25, 1996~~ December 8, 1998, 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, and provide 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 B~~ (APN: 049-130-05). Mining in ~~Phase F~~ the eastern portion of Mining Area B (B3/C) shall not commence until the Williamson Act contract has expired (2006) or the property is otherwise cleared for the proposed mining and reclamation, by "transfer" of Williamson Act provisions to equivalent non-contract land, if approved by the County. This provision shall not apply to those portions of Phase ~~F B~~ to be reclaimed to agriculture.
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. Deleted. Condition satisfied. A Development Agreement was executed on December 17, 1996.~~
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. Deleted. Condition satisfied. A Flood Hazard Development Permit was approved in November of 1996.~~
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 (1998 SEIR MM 4.7-3a).
15. The aggregate processing plant, located on an approximately 40-acre site (APN: 049-060-14) northeast 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~~ of the Planning and Public Works Department 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.~~ Deleted. Condition satisfied. Ambient mercury levels were determined by the County in the fall of 1997.
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 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~~ B to provide a minimum 40-foot successive riparian habitat strip around the perimeter of the shoreline, and on the permanent island to be constructed ~~within Cell F.5~~ the lake. 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. Within one year of ~~execution of the Development Agreement~~ this approval, the operator shall submit a ~~revised~~ detailed reclamation ~~plan~~ design 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~~ of the Planning and Public Works Department 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, as documented in the Yolo County Board of Supervisors Staff Report dated ~~November 25, 1996~~ December 8, 1998, shall be implemented by the operator as a condition of approval.

25. Pursuant to Action 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, if mining occurs 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.

If, in moving from any one phase of mining to the next, the operator is unable to fulfill this condition within 12 months, due to delays outside of the control of the operator, the operator may optionally enter into an agreement with the County that allows deferral of construction of the channel improvements that would have otherwise been required at that time, to a reasonable future time when the events outside of the operator's control will no longer preclude meeting the condition. The operator must demonstrate to the County a good faith effort to satisfy the condition in order to enter into the optional deferral agreement. The use of the optional deferral agreement shall not allow any channel improvements that would have been required under this condition to be waived.

The intent of allowing the optional deferral agreement to address a possible situation wherein the operator may be unable to satisfy the condition due to disagreement between responsible/permitting agencies, delay on the part of the County in identifying the specific improvements, or other similar circumstances.

25.2 ~~The phasing plan shall be modified to allow for the construction within two years 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. The specific flood control net gain shall be determined and completed within three years of project approval. Consistency with the CCAP is required and implementation of associated CCIP channel improvements shall be implemented concurrent with the flood control improvement, if appropriate. 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~~ of the Planning and Public Works Department 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~~ Planning and Public Works Department prior to construction.

25.4 The phasing of mining and reclamation shall proceed ~~in a westward manner from the existing plant site in the following sequence of mining: Phase A, C, D, E, F, and B. Any~~

~~additional changes to the sequence of mining and reclamation shall require appropriate approval from the County.~~ in the following sequence: A1, B1, A2, B2.

25.6 The operator shall install conveyors to transport aggregate from the mining area to the processing plant site by December 31, 2000. If conveyors have not been constructed by the projected date, then the operator shall submit a letter to the ~~Community Development Director of the Planning and Public Works Department~~ by January 1, 2001 ~~June 30, 2000~~, describing the reasons for delay and a revised deadline for installation. The revised deadline must be accepted by the County or the original deadline shall stay in force.

25.8 Total production allowed under this Mining Permit shall not exceed 30.0 million tons (sold weight) and 33.3 million tons (mined weight). No mining in excess of this limit shall occur without additional approval by the Planning Commission and appropriate environmental review. Pursuant to Action 2.4-9 of the OCMP and Action 6.4-4 of the CCRMP, this limit shall not apply to recycled waste material or aggregate obtained from in-channel maintenance work performed in accordance with the CCAP.

25.9 No mining or reclamation activities shall occur within 1,000 feet of the Garcia property (APN 049-130-228) or County Road 87. A permanent landscaped nine-foot earthen berm, properly engineered and planted with native and drought-tolerant vegetation that meets the adopted criteria, shall be constructed outside of buffer areas, on the applicant's property as early as feasible, coincident with the commencement of any mining activities in Area B.

No mining shall occur within 700 feet of the active channel.

Pursuant to Section 10-4.429(g) of the mining ordinance, future recreational activities shall be located a minimum of 150 feet from the Garcia property line with a landscaped buffer that meets the adopted criteria. The parking lot shown adjoining the Garcia property shall be deleted from the proposed plans.

No mining or reclamation activities shall occur within 2,000 feet of County Road 20X which is the planned northerly boundary of the Esparto community. A permanent landscaped nine-foot earthen berm, properly engineered and planted with native and drought-tolerant vegetation that meets the adopted criteria, shall be constructed, outside of buffer areas (as early as feasible, coincident with the commencement of mining activities in Area B, to form a boundary at the location of this buffer.

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 (1996 EIR MM 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 (1996 EIR MM 4.2-3a).~~ Deleted. Condition satisfied. These areas were rezoned to OS in November of 1996.

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 to allow mining activities no closer than 2,000 feet from County Road 20X. If residences, schools, or other sensitive land uses are planned for the area south of County Road 20X, During the initial phase of mining in Mining Area B the operator shall construct and plant a continuous landscaped buffer south of the stockpile along 9-foot earthen berm along the north side of County Road 20X, continuing northerly along the west side of Mining Area B and north to Cache Creek along the west side of the habitat area 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 complement the community buffer planned along the south side of County Road 20X. The landscaping plan shall also include a plan to construct a nine-foot high earthen berm, similar to the one along County Road 87 Also refer to 1998 SEIR MM 4.9-2 in the Noise section and 1998 SEIR MM 4.10-3 in the Aesthetics section for other measures related to noise and visual impacts along County Road 20X (1996 EIR MM 4.2-8a and 1998 SEIR MM 4.2-8a).
- 28.2 To avoid noise, visual, and loss of privacy impacts to the Garcia property, the proposed pedestrian access trail to the reclaimed lake shall be located at least 150 feet from the property line, and separated by a landscaped buffer. Refer also to 1998 SEIR MM 4.9-2 in the Noise section and 1998 SEIR MM 4.10-3 in the Aesthetics section for other measures related to noise and visual impacts along County Road 20X (1998 SEIR MM 4.2-1 and 4.2-8b).
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 Mining Area B, unless the renter signs a waiver acknowledging the potential for noise impacts (1996 EIR MM 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 (1996 EIR MM 4.2-8c).
- ~~30.2 The proposed mining and reclamation plans shall be modified to ensure a distance of at least 150 feet between the pedestrian access to the lake and the property line of the adjacent rural residence. A landscaped buffer shall be provided to reduce noise and maintain privacy (1998 SEIR MM 4.2-1). Duplicate to Condition 25.9.~~
- 30.4 The 734 acres of land that were rezoned to the Sand and Gravel overlay district for the approved project shall be modified to exclude the lands that are not proposed for mining under the Revised Project. The excess lands (approximately 357 acres) shall be rezoned from A1/SG and A-P/SG to the Sand and Gravel Reserve overlay district (A1/SGR and A-P/SGR) (1998 SEIR MM 4.2-4).

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 (1996 EIR MM 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 (1996 EIR MM 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 (1996 EIR MM 4.3-4a).~~ Deleted. Condition satisfied by revised project which maintains minimum 700-foot buffer. See also Condition #25.9.
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 of Planning and Public Works 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 (1996 EIR MM 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 (1996 EIR MM 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 (1996 EIR MM 4.3 4d). Deleted. Condition satisfied by revised project which maintains minimum 700-foot buffer. See also Condition #25.9.~~

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 (1996 EIR MM 4.3 4e). Deleted. Condition satisfied. The DSD has determined that alluvial separators are not within their jurisdiction.~~

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 (1996 EIR MM 4.3 4f). Deleted. Condition satisfied. The channel boundary was changed in November 1996.~~

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 for that portion of the Creek frontage owned or controlled by the operator, adjoining the permitted off channel mining area, as required by Condition #25. 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 (1996 EIR MM 4.3 4g). Deleted. Condition satisfied. A Development Agreement was executed on December 17, 1996.~~

39.2 ~~*Horizon A and B soils shall not be used for overburden backfill.*~~

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 (1996 EIR MM 4.4 1a). Deleted. Condition satisfied. The project application was revised to exclude the Willow Slough floodplain.~~

40.2 ~~Prior to earth moving activities within U.S. Department of Housing and Urban Development/FEMA designated 100-year flood plains (which reflect proposed raising of the existing plant site), the applicant must apply for, and receive, a modified Flood~~

Hazard Development Permit from Yolo County (1998 SEIR MM 4.4-1a).

40.4 Upon notification by the Yolo County Technical Advisory Committee (TAC) that the channel adjacent to the project site is no longer capable of conveying the 100-year flood, the applicant shall prepare a flood conveyance mitigation plan, and submit the plan to the TAC for technical review and approval. The approved plan shall be promptly implemented to restore conveyance capacity. The plan shall be prepared within one year of notification that the channel can no longer convey the 100-year flood and shall be implemented within six months after issuance of a Flood Hazard Development Permit by the County (1998 SEIR MM 4.4-1b).

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 (1996 EIR MM 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 (1996 EIR MM 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 (1996 EIR MM 4.4-5a). The applicant shall obtain specific information on the construction details and operation of the water supply wells at the York and Garcia properties at no expense to the well owners. If authorized by the well owners, the applicant shall contact the well driller and request~~

~~construction details, contact the California Department of Water Resources to determine whether Water Well Driller's Reports are on file for the wells, and hire a water well and pump specialist to determine the well depths, pump intake locations, and maximum pumping rates (1998 SEIR MM 4.4-3a). 1998 Mitigation deleted due to modifications to project that move mining further away from wells.~~

~~43.2 As recommended in the site specific hydrogeologic investigation performed in 1998, an aquifer pumping test shall be performed in the vicinity of the wells on the York and Garcia properties using the information obtained under Condition 43. if more than one water bearing zone is identified in pertinent boring logs, the pumping test shall be conducted in the zone(s) where the York and Garcia pump intakes are located. Pumping test observation wells shall also be screened in the appropriate interval. Data from the test shall be analyzed and representative values for aquifer hydraulic conductivity in the area determined. All field activities and data analysis shall be supervised by a Registered Professional Engineer (civil) or Certified Hydrogeologist. The WHPA model inputs shall be revised to reflect data obtained from the pumping test. This analysis shall be~~

completed, and the results must demonstrate that there is no intersection between well-capture zones and mining area. The modeling must be completed prior to approval of the grading permit.

If the results of the capture zone of the well(s) and the pit locations coincide, the applicant shall conform with Section 10-4.427 of the OCSMO, requiring either a mining setback to areas outside the capture zone or submit a written agreement to the County that the well owner has agreed to relocate or redesign the well or accept the potential impact (1998 SEIR MM 4.4-3b). 1998 Mitigation deleted due to modifications to project that move mining further away from wells.

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 (1996 EIR MM 4.4-7a).~~ Deleted. Condition satisfied by revision to project to fill all reclaimed agricultural land to existing ground surface.

44.2 Backfilling of the reclaimed lake with overburden proposed in 1998 SEIR MM 4.5-4a shall occur at the north and south sides of the lake margin. If filling of the western margin of the lake is proposed, the backfill shall not cover the entire margin of the lake to allow unrestricted flow of groundwater (1998 SEIR MM 4.4-5).

44.4 Prior to placement of fill to raise the elevation of the existing plant site, a grading plan shall be submitted to Yolo County Department of Planning and Public Works. The Plan shall be prepared by a licensed engineer and shall specify the location and design of runoff conveyance facilities. The design of these facilities shall maintain flow velocities of less than two feet per second or provide specific drainage channel design for higher velocities (1998 SEIR MM 4.4-6).

Agriculture

45. Implement the performance standards included in Sections 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 (1996 EIR MM 4.5-2a). The calculation of permanent loss shall account for improved agricultural land resulting from implementation of Condition #46.2.

46. Implement 1996 EIR MM 4.5-2a for the proposed project (1996 EIR MM 4.5-8a).

46.2 Revise the reclamation plan to exclude the use of excess topsoils and overburden for filling of existing prime agricultural land. Incorporate the use of excess undifferentiated overburden to create shallow water areas (*shoreline*) on at least one side of the lake (1998 SEIR MM 4.5-4a).

Within one year of this approval, the applicant shall perform the necessary technical analyses and secure appropriate entitlements (e.g. Floodplain Development Permit) to enable excess fill to be placed on ±108 acres (APN 048-210-03 and 049-130-29) north of Cache Creek (or *equivalent* other non-prime acreage, a minimum of 99 acres in size, in another location that achieves the same basic benefits and is acceptable to the County), thereby transforming that land from marginal to prime agricultural land. The applicant shall undergo appropriate hydrologic analyses to determine whether or not this former mining area proposed for fill is within or outside of the 100-year floodplain of the creek. The analyses shall identify appropriate mitigations (e.g. limits on the proposed placement of fill, etc) to ensure no adverse changes in flood hazard. *If soil conditions are improved on an alternate parcel(s), the staff will process a rezoning to reinstate the SGR overlay on the 84-acres of APN 048-210-03.*

- 46.4 Revise the reclamation plan to provide a storage area for stockpiling excess A- and B-horizon soils that would be made available for agricultural land improvement or habitat restoration projects over the 30-year period of the project (1998 SEIR MM 4.5-4b).

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 (1996 EIR MM 4.6-1a).~~ Deleted. Condition satisfied by revision to project to fill all reclaimed agricultural land to existing ground surface.
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 the plant site and 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 the plant site and Phases A and C; ~~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~~ the plant site. 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 (1996 EIR MM 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 (1996 EIR MM 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 (1996 EIR MM 4.6-2c).
51. At least one 5.0 acre 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 Additional 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.
 - b. 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 (1996 EIR MM 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 permanent loss of potential Swainson's hawk habitat ~~462 agricultural acres converted to tree crops~~

~~and open water habitat (1996 EIR MM 4.6-4a).~~

53. The proposed 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 defining short and long-term maintenance, monitoring, and protection methods for the designated mitigation areas. A preconstruction survey for elderberry shrubs shall be performed by a qualified biologist prior to commencement of mining. The survey shall serve to confirm previous mapping of elderberry locations and determine whether any new shrubs have become established within the new mining area for which protection or replacement should be provided. The results of the survey shall be submitted to the USFWS as a report summarizing the purpose, findings, and recommendations consistent with the provisions of the revised HRP. All elderberry shrubs to be retained shall be flagged and fencing provided where necessary to preclude possible damage or loss of shrubs (1996 EIR MM 4.6-5a).
54. Implement the performance standard included in Section 10-4.433 to prevent the inadvertent take of bank swallows (1996 EIR MM 4.6-5b).
- 54.5 ~~A pre-construction raptor survey shall be conducted by a qualified wildlife biologist prior to commencement of mining to determine the presence or absence of active raptor nests which could be disturbed or lost within the new mining area. The results of the survey shall be submitted to the CDFG as a report summarizing the purpose, findings, recommendations, and status of any nests encountered. Elements of the pre-construction nesting survey and construction restrictions shall include the following:~~
- ~~■ Conduct the survey 30 days prior to any grading or other habitat modifications if proposed during the breeding season for tree nesting raptors (from March 1 through August 15). Confirmation surveys on presence or absence of burrowing owl ground nesting colonies shall be required prior to initiation of a particular phase of mining at any time of year to ensure absence of any resident owls.~~
 - ~~■ If an active raptor nest is encountered, establish an appropriate buffer around the nest location, as determined in consultation with representatives of CDFG. The perimeter of the buffer zone shall be flagged in the field at 50-foot intervals, and all construction activities, including grading, tree removal, equipment storage, and stockpiling of soils, shall be prohibited within this buffer zone.~~
 - ~~■ Prohibit construction activities within the designated buffer zone until the consulting wildlife biologist has determined that breeding was unsuccessful, that the young have fledged from the nest, or that a CDFG approved relocation plan has been successfully implemented.~~
 - ~~■ Prohibit construction activities, including removal of any nest tree or burrow, within the designated buffer zone unless written confirmation from the wildlife~~

biologist on the status of nesting activity has been submitted in writing to CDFG. Deleted. Condition satisfied. The raptor survey was completed as a part of 1996 application.

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 (1996 EIR MM 4.6-6a).
- 55.2 The proposed revegetation plan shall be revised to include an irrigation program for riparian plantings on the middle to upper portions (above average seasonal low groundwater elevation) of the reclaimed slopes surrounding the lake to ensure successful establishment of vegetation given the expected fluctuations in water levels. Irrigation shall continue until 80 percent survival of un-irrigated plantings is demonstrated for at least three years.
- 55.4 Prior to the commencement of mining in Area B, details of the proposed landscaping required by Condition #28 shall be developed and evaluated by the applicant's consulting biologist to ensure appropriateness of selected plantings, need for weed control, and irrigation methods to be used, consistent with Section 10-4.502(b)(1) of the OCSMO. Use of native tree and shrub species shall be emphasized along the landscaped berm to complement the adjacent habitat of the permanent lake and restored uplands. The landscaping plan shall be submitted to and approved by the Yolo County Planning and Public Works Department prior to commencement of mining of Mining Area B (1998 SEIR MM 4.6-1b).

Air Quality

56. Implement the performance standard included in Section 10-4.407 of the County Off-Channel Mining Ordinance (1996 EIR MM 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 (1996 EIR MM 4.7-1b).
58. Implement the performance standards included in Sections 10-4.407 and 10-4.415 of the Off-Channel Mining Ordinance (1996 EIR MM 4.7-2a and 1998 SEIR MM 4.7-2a).
- 58.2 The applicant shall develop an Air Emissions Control Plan for older diesel engines operated at the project site and submit the plan to the Yolo-Solano and Sacramento Metropolitan Air Quality Management Districts for approval and consideration for participation in the established financial incentives program (1998 SEIR MM 4.7-2b).
59. Implement 1996 EIR MMs 4.7-1a and 4.7-2a for the proposed project (1996 EIR MM

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 (1996 EIR MM 4.7 5a and 1998 SEIR MM 4.7 5). Deleted. Condition satisfied by revision to project to establish 1,000 foot buffer plus landscaped berm along County Road 87 and Garcia property.~~

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 (1996 EIR MM 4.8 2a). Deleted. Condition satisfied.~~

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 (1996 EIR MMs 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 (1996 EIR MM 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 (1996 EIR MM 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 (1996 EIR MM 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~~ (1996 EIR MM 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 located within buffer areas west or north of Mining Area B 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 (1996 EIR MM 4.9-1c). This applies as well to the existing access road onto County Road 87, approximately 750 feet south of the Garcia property.
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 of the Planning and Public Works Department 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 (1996 EIR MM 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 (1996 EIR MM 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. (1996 EIR MM 4.9-2b).
71. Implement the performance standard included in Section 10-4.422 of the County Off-Channel Mining Ordinance (1996 EIR MM 4.9-3a).

71.2 A noise study of the wet-pit dredge shall be performed by a qualified acoustical consultant and submitted to the Planning 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.

71.4 Excavation activities in Area B are restricted to the hours of 6:00am to 6:00pm, Monday through Friday. ~~During daylight savings time, excavation may continue until 8:00pm.~~

Aesthetics

72. Implement the performance standard included in Section 10-4.429 of the County Off-Channel Mining Ordinance (1996 EIR MM 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 of the Planning and Public Works Department 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 (1996 EIR MM 4.10-3a).

- 73.2 The mining plan shall be revised to include planting of mature vegetation along the frontage of County Road 89 to buffer the roadway from views of the proposed soil stockpile. The landscaping shall extend for a distance of approximately 400 feet, overlapping the length of the stockpiles and the raised agricultural area. A landscape plan shall be prepared providing an adequate visual buffer along County Road 89 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 Yolo County Planning and Public Works Department for approval prior to the commencement of mining in Phase A and placement of the stockpile. The berm shall be installed coincident with the commencement of mining in Area A. This landscaped buffer shall remain after reclamation has been completed to continue to provide a visual separation between the residential and recreational uses along County Road 87, the plant, and the reclaimed agricultural fields (1998 SEIR MM 4.10-1a).
- 73.4 The 9-foot high earthen berm along County Road 87 shall be constructed during the first phase of excavation activities at Mining Area B to offer maximum buffering of views for rural residences along County Road 87. The applicant shall prepare a landscaping plan for the berm which provides an adequate visual buffer and incorporates mature native tree and shrub species to the extent possible. The berm shall be planted immediately following construction (1998 SEIR MM 4.10-1b).

Cultural Resources

74. Implement the performance standard included in Section 10-4.410 of the County Off-Channel Mining Ordinance (1996 EIR MM 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 (1996 EIR MM 4.11-1b).
76. No mining shall occur within 500 feet of H&A-1 or 4-YOL-72, until an archeologist has provided an evaluation of significance under CEQA, and recommended supplemental mitigation measures, if appropriate. The following tasks shall be performed: ~~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 of the Planning and Public Works Department.
- 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 (1996 EIR MM 4.11-2a).

77. Implement 1996 EIR MM 4.11-1b for the proposed project (1996 EIR MM 4.11-2b).
78. Implement the performance standard included in Section 10-4.410 of the County Off-Channel Mining Ordinance (1996 EIR MM 4.11-2c).

Hazards

79. Implement the performance standard included in Section 10-4.415 of the County Off-Channel Mining Ordinance (1996 EIR MM 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 (1996 EIR MM 4.12-3a).

FINDINGS

SECTION A.

INTRODUCTION

The California Environmental Quality Act ("CEQA"), Public Resources Code sections 21000, et seq., states that a project shall not be approved if it would result in a significant environmental impact or, if feasible mitigation measures or feasible alternatives can avoid or substantially lessen the impact. Only when there are specific economic, social, or other considerations which make it infeasible to substantially lessen or avoid an impact can a project with significant impacts be approved.

If the project can be defined as having significant impacts on the environment, then an Environmental Impact Report ("EIR") must be prepared. Therefore, when an EIR has been completed which identifies one or more potentially significant environmental impacts, the approving agency must make one or more of the following findings for each identified significant impact:

- a) Changes or alterations have been required in, or incorporated into, such project which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.
- b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.
- c) Specific economic, transportation or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

SECTION B.

PROJECT DESCRIPTION

The applicant seeks to decrease the area of authorized excavation from 734 acres to 267 acres, and to increase the depth of mining in certain locations from a previous maximum of 80 feet to 140 feet. The amount (30.0 million tons over the life of the permit), rate (1.0 million average tons per year), and period of mining (30 years) would remain as originally approved. The size of the reclaimed lake would decrease from 290 acres to 202 acres (including 39 acres of vegetated island, slopes, and shore). Reclamation to tree crops would no longer occur, all other reclamation (65 acres) would be to row crops.

PROJECT LOCATION

The project is located ± 8 miles west of Woodland and about 30 miles northwest of Sacramento, on the south side of Cache Creek between County Roads 87 and 89, adjoining the town of Esparto.

SECTION C.

BACKGROUND AND HISTORY

Syar Industries has been mining and processing in-stream aggregates at the Madison site since the 1950s. A use permit to construct and operate the asphalt batch plant was approved in 1965. All plant facilities are located northeast of Phase A in the proposed project.

In 1979, the County adopted the In-Channel Interim Mining Regulations which included standards for mining and reclamation for the removal of aggregate from the channel of Cache Creek, and set maximum limits of production for each producer. Following preparation of an EIR on the impacts of in-channel mining (Environ, 1980), use permits for all aggregate mining and processing operations, including those of the applicant, were granted.

In July of 1996, the County adopted the Off-Channel Mining Plan (Resolution 96-117), the Off-Channel Mining Ordinance (Ordinance 1190), and the Surface Mining Reclamation Ordinance (Ordinance 1191), to provide an "area plan" for approximately 25,806 acres extending up to one and one half miles on either side of Cache Creek, for a distance of 14.5 miles, from an area near the Capay Dam downstream to a levied section of the creek near the town of Yolo. The OCMP provides a policy framework for off-channel mining and reclamation along Cache Creek, while the implementing ordinances contain detailed standards and procedures for the regulation of mining and reclamation activities.

The Cache Creek Resources Management Plan was adopted by the County in August of 1996. It is a separate, yet complementary, companion "area plan" to the OCMP, for 2,324 acres located within the Cache Creek channel, from an area near the Capay Dam downstream to a levied section of the creek near the town of Yolo. The CCRMP provides a policy framework for channel stabilization and environmental restoration, and includes specific standards for conducting work within the channel.

The OCMP and its implementing ordinances, and the CCRMP including the Cache Creek Improvement Program (CCIP), comprise the County's Cache Creek Area Plan (CCAP). The Syar site is located between County Roads 87 and 89, on the south side of Cache Creek, within the area covered by the County's plans and regulations.

In December of 1995, the County accepted from Syar Industries an application for "long-term" off-channel mining. The December 1995 application requested approval to extract 65 million tons of aggregate over a 30-year period at an average rate of 2.2 million tons per year, from ±734 acres of a 1,530-acre site. This original proposal was analyzed in a project-level environmental impact report (SCH #96012030) certified November 25, 1996.

On September 12, 1996 the State Mining and Geology Board certified the County Off-Channel Mining Ordinance and Surface Mining Reclamation Ordinance as being in compliance with SMARA. On November 5, 1996 the Board of Supervisors placed the CCAP on the Yolo County ballot (Measure D) against an opposing initiative plan (Measure C). Over 60 percent of the Yolo electorate voted in favor of the County's plan and almost to the vote, the same number voted against the opposing plan. The CCAP carried in every supervisorial district, including District 5 where Cache Creek and the mining activities are located.

On November 25, 1996, the Board of Supervisors approved the Syar Long-Term Off-Channel Mining Permit (Zone File No. 95-097) that allowed for the mining of 30 million tons on 734 acres located at the subject property. On December 9, 1997 the Board approved an extension of time to commence activities under that permit, until October 1, 1998 to enable the applicant to undertake modifications to the mining and reclamations plans that would reflect more efficient operations based on the 1996 approval. A second extension through April 1, 1999 was granted by the Board on May 18, 1998. On September 22, 1998 the Board approved a modification to the 1996 permit which allowed mining to begin in Phase C instead of Phase A. The staff supported this modification to the phasing because Phase C is the area shown in the revised plans as the new Phase A. At the September 22nd meeting, the Board also approved financial assurances for the first phase of mining, in the amount of \$71,589.

On October 20, 1998 the Board voted to accept a Letter of Credit in the amount of \$425,000 from the applicant, to guarantee that adequate funds will be available to construct offered flood control improvements, following further study to determine the specifics of those improvements.

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On October 27, 1998 the Esparto Citizen's Advisory Committee met to review the revised application and provide comments to the County.

On November 18, 1998 the Planning Commission took action by unanimous vote of those members present to recommend that the Board approve the project with modifications.

SECTION D.

THE FINAL EIR

The Final Supplemental EIR for the revised Syar project includes the following items:

- 1) Draft Supplemental EIR (SCH #98042053) dated July 24, 1998;
- 2) Responses to Comments on the Draft Supplemental EIR, dated October 16, 1998;
- 4) Actions taken by the Board of Supervisors, as defined herein, to refine, amplify, or further clarify the project description, impacts, and/or mitigation measures; and
- 5) Final Mitigation Monitoring Plan (Exhibit C of this Resolution to Certify the EIR)

In addition, pursuant to Section 15163 of the CEQA Guidelines, the Board of Supervisors is required to consider the certified 1996 EIR comprised of:

- 1) Syar Draft EIR (SCH #96012030) dated June 3, 1996;
- 2) Responses to Comments on the Draft EIR, dated September 18, 1996;
- 4) Actions taken by the Board of Supervisors, as defined in the 1996 Findings of Fact (Resolution 96-202), to refine, amplify, or further clarify the project description, impacts, and/or mitigation measures; and
- 5) Final Mitigation Monitoring Plan (Exhibit C of Resolution 96-202)

THE RECORD

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

SECTION E.

DISCRETIONARY ACTIONS

The discretionary actions for the proposed project involve the following approvals by the Board of Supervisors of the County of Yolo:

- **Adopt Resolution No. 98-_____ Certifying the Final Supplemental EIR for the Revised Syar Long-Term, Off-Channel Mining Permit Application** (SCH #98042053) based on Findings of Fact and a Statement of Overriding Considerations documenting compliance with CEQA, consideration of the 1996 project EIR (SCH #96012030), independent review and consideration of the information in the SEIR prior to taking action on the project, and adoption of the Mitigation Monitoring Plan implementing all adopted mitigation measures (see Attachment G).

- **Approve by Minute Order Revisions (ZF# 98-010) to Mining Permit ZF# 95-079** to decrease the area of authorized excavation from 734 acres to 267 acres on portions of Assessor Parcels 049-120-06 (47 acres), 049-120-16 (16 acres), 049-130-05 (117 acres), and 049-130-27 (87 acres), and to increase the depth of mining in certain locations from a maximum 80 feet to 140 feet, subject to conditions of approval provided in Attachment D. The amount (30.0 million tons over the life of the permit), rate (1.0 million average tons per year), and period of mining (30 years) would remain as originally approved.
- **Approve by Minute Order Revisions (ZF# 98-010) to Reclamation Plan ZF# 95-079** to allow for a decrease in the size of the reclaimed lake from 290 acres to 202 acres (including ±34 acres of vegetated shore and slopes, and ±5 acres of vegetated island), and to eliminate proposed reclamation of 141 acres to tree crop production. Reclamation of the remaining 65 acres of land would be to row crop production.
- **Adopt Ordinance No. _____ Rezoning 314 acres of the previously approved mining area to remove the Sand and Gravel (SG) zone and to add the Sand and Gravel Reserve (SGR) zone** to the existing Agricultural Preserve/Sand and Gravel (A-P/SG) zones on portions of Assessor Parcels 049-120-05 (60 acres), 049-120-06 (29 acres), 049-120-16 (143 acres), and 049-130-05 (82 acres).
- **Adopt Ordinance No. _____ Rezoning 43 acres of the previously approved mining area to remove the Sand and Gravel (SG) zone and to add the Sand and Gravel Reserve (SGR) zone** to the existing Agricultural General/Sand and Gravel (A-1/SG) zone on portions of Assessor Parcel 049-060-14 (43 acres).
- **Adopt Ordinance No. _____ Rezoning 110 acres of buffer area around Mining Area B to remove the Sand and Gravel (SG) zone** from buffer extending 1,000 feet east and south of Garcia property (049-130-28), 1,000 feet east of CR 87 (from the Garcia property to CR 20X), and 2,000 feet north of CR 20X (from CR 87 to the parcel line between APN 049-130-05 and 049-130-27) on a portion of APN 049-130-27 (110 acres) zoned Agricultural General/Sand and Gravel (A-1/SG).
- **Adopt Ordinance No. _____ Rezoning 84 acres on the north side of Cache Creek to remove the Sand and Gravel Reserve (SGR) Zone** from the existing Agricultural Preserve/Sand and Gravel Reserve A-P/SGR Zone on a portion of Assessor Parcel 048-210-03 (84 acres).
- **Modify by Minute Order Flood Hazard Development Permit No. 96-072** to account for the proposed modifications to the Mining Permit and Reclamation Plan.
- **Adopt Ordinance No. _____ Amending Development Agreement #96-288** to reflect recommended project modifications.

These approvals are made by the Board of Supervisors pursuant to Section 15091 of the CEQA Guidelines. The County is also adopting a "Statement of Overriding Considerations" (Exhibit B) pursuant to Section 15093 of the CEQA Guidelines.

SECTION F.

CONSISTENCY WITH POLICIES, PLANS, AND REGULATIONS

The Project has been previously determined to be generally consistent with the policies and requirements of the General Plan, including the Off-Channel Mining Plan (OCMP) and the Cache Creek Resources Management Plan (CCRMP); the State Williamson Act; and the State Surface Mining and Reclamation Act (SMARA). The project as modified by the staff was found by the Planning Commission to be consistent with the more detailed regulatory requirements of the County's Mining and Reclamation Ordinances. The Board of Supervisors does hereby affirm this finding of consistency.

SECTION G.

TERMINOLOGY OF FINDINGS

For purposes of these findings, the term "mitigation measures" shall constitute the "changes or alterations" discussed in the Introduction. The term "avoid or substantially lessen" will refer to the effectiveness of one or more of the mitigation measures or alternatives to reduce an otherwise significant environmental effect to a less than significant level. Although Section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as "potentially significant," these findings will nevertheless account for all such effects identified in the EIR for the OCOMP. When an impact remains significant or potentially significant assuming implementation of the mitigation, the findings will generally find that the impact is "significant and unavoidable."

In the process of adopting mitigation, the Board of Supervisors has also made a determination of whether the mitigation proposed in the EIR is "infeasible." The Board may have adopted substitute or additional mitigation which is feasible, and designed to reduce the magnitude of the impact. Pursuant to the CEQA Guidelines, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

In some cases, modifications were made in the DEIR and to proposed mitigations in the DEIR to update, clarify, streamline, correct, or revise the measure.

As the Board of Supervisors confronted impacts and mitigation measures, as documented in these findings, the Board recognized that avoidance may not be possible, and rejected or modified the mitigation measure or measures. To the extent any alternative measure does not reduce the impact to less-than-significant, the Board has found that the impact therefore remains unavoidable. To the extent that significant adverse environmental impacts will not be reduced to a less-than-significant level with the adopted mitigation, the Board has found that specific economic, social, and other considerations support approval of the Project. Those findings are reflected herein in Section L below, and in Exhibit B.

SECTION H.

LEGAL EFFECT OF FINDINGS

All feasible mitigation measures that avoid or substantially lessen the significant effects of the project and that are adopted in these Findings shall become binding on the County at the time of approval of the project, and supersede the 1996 conditions of approval.

SECTION I.

MONITORING PLAN

As required by Public Resources Code Section 21081.6, the County, in adopting these findings, also adopts a revised monitoring and reporting plan applicable to the project. The monitoring

and reporting plan is designed to ensure that, during all phases of the Project the applicant, the County, and any other responsible parties, implement the adopted mitigation measures. See Exhibit C.

SECTION J.

PROJECT BENEFITS

The Board of Supervisors finds that the proposed project will create the following benefits for the County of Yolo and County residents (in no relative order):

- Substantially decreased area of mining (from 734 acres to 267 acres) as compared to the 1996 approval.
- Substantially increased buffering for adjoining properties (1,000 feet) and the town of Esparto (2,000 feet).
- Increased reclamation to at-grade agricultural row-crop uses.
- Creation of 108 acres of prime agriculture on marginal land north of Cache Creek or other location if not feasible.
- Protection and identification of 357 acres of additional gravel reserve area for future mining.
- Long-term protection for community buffers from mining.
- Overall decreased magnitude of environmental impact as compared to the 1996 approval.
- Consistency with the General Plan, Cache Creek Area Plan, California Land Conservation Act (Williamson Act), and State Surface Mining and Reclamation Act (SMARA).
- Highly regulated, responsible mining under carefully controlled conditions, with the ability to revoke individual permits at any time after due process, for failure to comply with the terms and conditions of the permit.
- Funding for design and construction of facilities to address flooding in and around the communities of Esparto and Madison.
- Creation of 7.0 acres of riparian habitat.
- Enhanced biological values on the mining sites by providing additional grasslands, woody upland vegetation, and riparian communities, adjacent to the Cache Creek riparian corridor.
- Creation of an opportunity for open space enjoyment and educational opportunities as

well in the new habitat areas.

- Buffers and screening from public viewpoints.
- Voluntary dedication of 163 acres of open water in the form of a lake and 39 acres of vegetated island, slopes, and shoreline that will have public recreation and open space benefits.
- Dedication of public access easements from Cache Creek to the reclaimed lake and from County Road 20X to the road.
- Posting of financial assurances to ensure reclamation to the approved uses and required standards.
- Full reimbursement to the public of all governmental costs associated with oversight of the implementation of the Project.
- Approximately \$750,000 in voluntary "net gains" proposed in addition to mitigation and reclamation requirements.
- Full 1:1 mitigation for converted prime agricultural land.
- Full participation in mandatory monitoring programs.
- Full mitigation for roadway impacts.
- Provision of continued flood control and maintenance on that portion of Cache Creek which Syar controls and has previously mined.
- Installation of conveyors for moving aggregate resources to and through the plant facility, thereby decreasing air emissions and truck trips associated with the project.
- Payment of \$0.20 per-ton gravel mining fees, consistent with ordinance requirements, that are estimated to generate \$4.8 million over the life of the permit.
- Generation of \$1.0 million in County sales tax over the life of the permit.
- Generation of indirect economic impacts of \$2.01 million dollar annually.

SECTION K.

FINDINGS ON ALTERNATIVES

The certified Off Channel Mining Plan Program-level EIR (SCH #95113034) and Cache Creek Resources Management Plan Program-level EIR (SCH #96013004) both included a considerable amount of analysis of the possible alternatives to off-channel wet pit mining. The alternative analysis for 1996 certified Syar Long-Term Off-Channel Mining Permit Application

(SCH #96012030) project did not repeat the analysis of moving the proposed mining activities outside of the mining area. Instead, the 1996 EIR concentrated on analyzing five different project-level alternatives, as follows:

- Alternative 1, No Project (Existing Conditions)
- Alternative 2a, Shallow Mining (Extended Area)
- Alternative 2b, Shallow Mining (Decreased Volume)
- Alternative 3a, Decreased Mining (Limited Extraction Rate)
- Alternative 3b, Decreased Mining (Limited Extraction Period)

The Revised Project analyzed in the subject Supplemental EIR is a refinement of Alternative 3a, Decreased Mining (Limited Extraction Rate). The alternatives discussion in the 1996 EIR remains applicable to the Revised Project and no further alternatives analysis was determined to be necessary in the Supplemental EIR.

For the reasons stated below, and particularly as stated in the Statement of Overriding Considerations, the Board of Supervisors finds that adoption and implementation of the revised project is appropriate. The Board has found the revised project will implement the goals and objectives of the CCAP while providing maximum public benefits. No other alternative or combinations of alternatives offers so many benefits or so few impacts.

The Board of Supervisors, therefore, reaffirms its previous rejection of alternatives to the project, for the same reasons provided in the 1996 Findings of Fact.

SECTION L.

GROWTH INDUCEMENT

The 1996 EIR provided an analysis of impacts related to "growth inducement". The Board of Supervisors hereby affirms the 1996 Findings of Fact relevant to growth inducement.

SECTION M.

CUMULATIVE IMPACTS

The program-level EIRs prepared for the Off-Channel Mining Plan and the Cache Creek Resources Management Plan which together comprise the CCAP, both examined the cumulative impacts of all mining applications (including this Project), and existing mining operations, plus projected growth in Woodland and Yolo County.

The Syar project would contribute proportionally to the cumulative impacts and would similarly be responsible for a fair share of the cumulative mitigation measures. These were identified in the 1996 EIR analysis and have been included as conditions on the approval of the project.

The Board of Supervisors hereby affirms the 1996 Findings of Fact relevant to cumulative impacts.

SECTION N.

FINDINGS REGARDING POTENTIALLY SIGNIFICANT EFFECTS, SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The Final Supplemental EIR sets forth environmental impacts of the Project that would be significant in the absence of mitigation measures. These effects (or impacts) are set forth below, along with final mitigation measures (including any changes or alterations) as adopted by the Board, that will avoid or substantially lessen those potentially significant or significant effects. Also set forth are certain significant effects that cannot be avoided or reduced to a less-than-significant level even with the adoption of all feasible mitigation measures proposed in the Final EIR.

In adopting these findings, the County also adopts a Statement of Overriding Considerations setting forth the economic, social, and other benefits of the Project that will render these significant effects acceptable (see Exhibit B).

In the "Findings of Fact" column, the Board's determination is provided regarding environmental impacts that remain significant or are reduced to a less-than-significant level given the implementation of adopted feasible mitigation, and also whether certain other measures which were proposed, but not adopted, are infeasible for social, economic, or other reasons.

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

The table below provides findings concerning each of the impacts and mitigation measures identified as significant and mitigatable, and significant and unavoidable in the Supplemental EIR.



6.2 A discussion of the Draft Zoning Ordinance Amendments. (M. Drack)

Marshall Drack presented the Draft Zoning Ordinance Amendments for discussion. He stated that the rewrite was initiated to simplify the process under our zoning ordinance and that we are limiting our review to the zoning ordinance in the agricultural sections only. He said another goal was to incorporate easier access by an applicant to the favorite uses that have been approved in the targeted industry study; those uses are wine grapes, wineries, ag. biotech, seed, nursery, organic processing tomatoes, fruit companies, alfalfa, hay and rice straw.

Commissioner Heringer suggested that representatives from DQ University and Yuba College be requested to be in attendance at the Economic Development Council meetings.

Commissioner Rodegerdts recommended revisions to the Draft Zoning Ordinance Amendments, and discussion, including additional suggestions, was held.

Commission Action

D i r e c t e d S t a f f t o m a k e r e v i s i o n s t o t h e D r a f t

Zoning Ordinance Amendments to be continued at the December 10, 1998 Planning Commission Meeting as an Action Item.



7. ASSISTANT DIRECTOR'S REPORT

A report by the Assistant Director on the recent Board of Supervisor's meetings on items relevant to the Planning Commission. An update of the Planning and Public Works Department 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.

Assistant Director Bencomo brought the Commission up to date on the following:

- (1) Draft Knights Landing General Plan.
- (2) Planning Update on the Proposed North Delta National Wildlife Refuge.



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.

- (1) Commissioner Stephens attended the Yolo County Economic Development Council meeting in November 1998. She stated that, based on the recommendation of the ag. subcommittee which she's vice chair on, the biggest concern is what does biotech mean in terms of zoning. She said the Council agreed to have a forum on January 27, 1999 to bring in a panel from UCD, etc., to explain what it means to Yolo County in terms of size, land use impacts, etc., and the subcommittee is also meeting with the regulatory reform committee who is also dealing with the zoning issues.



9. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 3:00 p.m. The next Regular Meeting of the Yolo County Planning Commission will be held on Thursday,

December 10, 1998, 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** from the date of the action. A written notice of appeal specifying the grounds and an appeal fee **immediately** payable to the Clerk of the Board must be submitted **at the time of filing**. The Board of Supervisors may sustain, modify or overrule this decision.

Respectfully submitted by,

John Bencomo, Assistant Director
Yolo County Planning and Public Works Department

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