# 4.9 LAND USE AND PLANNING

## 4.9.1 INTRODUCTION

The purpose of the Land Use and Planning section of the EIR is to examine the proposed project's compatibility with existing and planned land uses in the area and assess any inconsistency with applicable planning documents. This chapter includes a description of the existing land use setting of the project site and the adjacent area. The information contained in this analysis is primarily based on the Yolo County General Plan,[1] the Yolo County General Plan EIR,[2] and the Cache Creek Area Plan (CCAP) Update FEIR.[3] In addition, the reader is referred to the various environmental resource evaluations presented in the other technical chapters of this EIR for a discussion of potential physical/environmental effects that may result from land use changes.

In response to the NOP, the County received comments related to Land Use and Planning from a number of residents in the area. These commenters expressed that the Draft EIR should consider the following:

- Potential impacts to nearby schools, including the school operated by the West Valley Baptist Church (Resident);
- Impacts to the Yolo Fliers Club, which organizes activities for children (Resident);
- Delay in completion of reclamation as compared to other mining sites (Resident);
- Potential impacts on local schools and outdoor recreation areas (Resident); and
- Potential impacts to the Monument Hill Memorial Park cemetery (Resident).

The CEQA Guidelines note that comments received during the NOP scoping process can be helpful in "identifying the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in an EIR and in eliminating from detailed study issues found not to be important." (CEQA Guidelines Section 15083.) Neither the CEQA Guidelines nor Statutes require a lead agency to respond directly to comments received in response to the NOP, but they do require they be considered. Consistent with these requirements, these comments have been carefully reviewed and considered by Yolo County and are reflected in the analysis of impacts in this chapter. Appendix B includes all NOP comments received.

### Concepts and Terminology

This chapter does not include concepts or terminology that require definition in this section.

## 4.9.2 EXISTING ENVIRONMENTAL SETTING

The following setting information provides an overview of the existing conditions of the project site and surrounding area in relation to land use and planning.

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1 Yolo County. *2030 Countywide General Plan.* November 10, 2009.
2 Yolo County. *Yolo County 2030 Countywide General Plan Environmental Impact Report. SCH# 2008102034*. April 2009.
3 Yolo County. *Cache Creek Area Plan Update Project, Final Environmental Impact Report. SCH# 2017052069.* December 2019.

## Description of Regional Environment

The project region is characterized primarily by continuous agricultural lands within a broad, alluvial valley surrounded by distant rolling hills. Cache Creek generally meanders west to east and runs into the Sacramento Valley, ending in a settling basin east of Woodland, eventually flowing into the Sacramento River. Regional topography is generally flat. Vegetation, other than agricultural crops, is primarily limited to grasslands and scattered native vegetation.

The region is rural and sparsely populated, with urban development being primarily concentrated within small towns such as Capay, Esparto, and Madison. Rural residences, farm dwellings with various accessory and agricultural structures, and commercial uses sparsely dot the landscape. Roads provide interconnections between agricultural properties having various crops, such as row crops, orchards, and vineyards. Telephone and electricity poles frequently parallel the roadways throughout the region. Aggregate mining operations, inclusive of above-ground structures and equipment, are prevalent throughout the region, in particular, along the banks of Cache Creek, within the Cache Creek Area Plan (CCAP) boundaries.

## Description of Local Environment

The following sections describe the existing environment in the surrounding area and on the project site.

### Surrounding Area

The project site is bounded by Cache Creek to the north, County Road 94B to the west, County Road 22 to the south, and unpaved dirt access roads to the east. Surrounding land uses include Teichert's Woodland Plant site to the northeast; Teichert's Storz mining site and the Cache Creek Nature Preserve to the northwest; agricultural land and farm dwellings to the west; the Yolo Fliers Club golf course, the Watts-Woodland Airport, and Wild Wings subdivision to the southwest; the Monument Hill Memorial Park cemetery and rural residential to the south; and agricultural lands to the east. The agricultural land to the east of the site includes one farm dwelling located near the eastern project site boundary.

### Project Site

The central and southern portions of the project site consist primarily of actively managed agricultural land. The northern portion of the site consists of scattered oak trees and ruderal grassland vegetation, as well as an electric conveyor and associated gravel road formerly used to transport mined aggregate from the Teichert Storz mining site to the Woodland Plant located north of the project site. Moore Canal, a concrete-lined water conveyance structure owned and operated by the Yolo County Flood Control and Water Conservation District (YCFCWCD), bisects the central portion of the site from west to east. Magnolia Canal is an unlined water conveyance structure owned and operated by the YCFCWCD that intersects the Moore Canal on the northeastern portion of the project site. An existing groundwater well used for agricultural purposes is located along the western site boundary. In addition, a domestic water supply well is located at the location of the former ranch headquarters. The northern portion of the site also includes an electric conveyor and associated gravel road formerly used to transport mined aggregate from the Teichert Storz mining site to the Woodland Plant located north of the project site.

## 4.9.3 REGULATORY CONTEXT

The following is a description of federal, State, and local environmental laws and policies that are relevant to the review of land use and planning under the CEQA process.

## Federal Regulations

There are no applicable federal laws or regulations pertaining to land use and planning for the project area.

## State Regulations

At the State level, the Surface Mining and Reclamation Act of 1975 (SMARA, Public Resources Code, Sections 2710-2796) provides a comprehensive surface mining and reclamation policy with the regulation of surface mining operations to assure that adverse environmental impacts are minimized and mined lands are reclaimed to a usable condition. In addition, SMARA encourages the production, conservation, and protection of the state's mineral resources. SMARA Chapter 9, Division 2 of the Public Resources Code, requires the State Mining and Geology Board to adopt State policy for the reclamation of mined lands and the conservation of mineral resources. The applicable SMARA regulations adopted for the purpose of avoiding or mitigating environmental effects are presented below in Table 4.9-3.

## Local Regulations

The following are the regulatory agencies and regulations pertinent to the proposed project on a local level.

### Yolo County General Plan

The following goals and policies from the County's General Plan related to Land Use and Planning are applicable to the proposed project:

| | |
|---|---|
| Policy LU-3.5 | Avoid or minimize conflicts and/or incompatibilities between land uses. |
| Policy LU-3.6 | Maintain the compatibility of surrounding land uses and development, so as not to impede the existing and planned operation of public airports, landfills and related facilities and community sewage treatment facilities. |

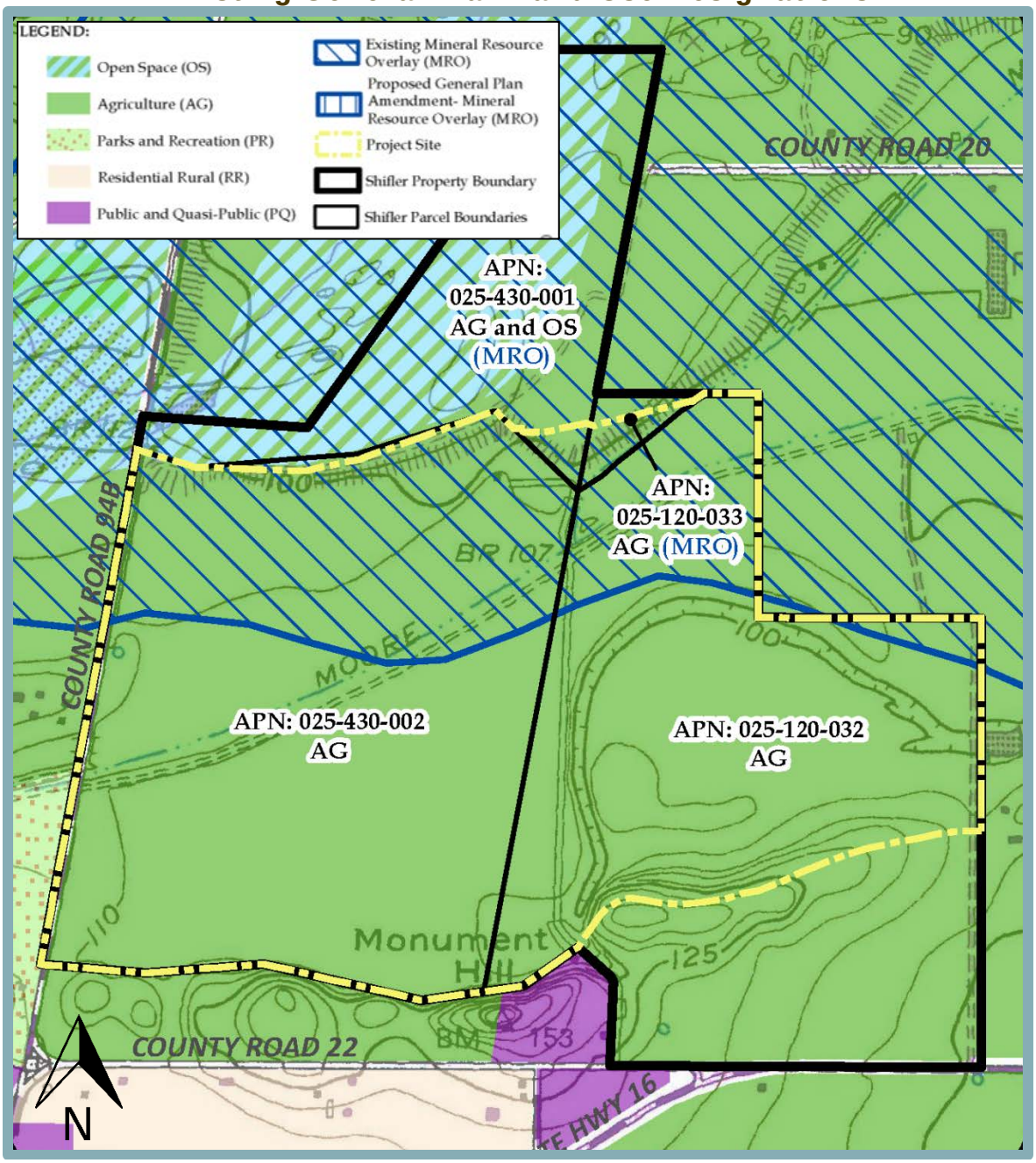
#### Land Use Designation – Project Site

Per the Yolo County General Plan, the project site is designated as Agriculture (AG), with a portion (107 acres) also designated Mineral Resource Overlay (MRO) (see Figure 4.9-1).

##### *Agricultural*

The AG designation is defined to include the full range of cultivated agriculture, such as row crops, orchards, vineyards, dryland farming, livestock grazing, forest products, horticulture, floriculture, apiaries, confined animal facilities, and equestrian facilities. In addition, the designation includes agricultural industrial uses (e.g. agricultural research, processing and storage; supply; service; crop dusting; agricultural chemical and equipment sales; surface mining; etc.) as well as agricultural commercial uses (e.g. roadside stands, "Yolo Stores," wineries, farm-based tourism (e.g. u-pick, dude ranches, lodging), horseshows, rodeos, crop-based seasonal events, ancillary restaurants and/or stores) serving rural areas. Agriculture also includes farmworker housing, surface mining, and incidental habitat.

**Figure 4.9-1**
**Existing General Plan Land Use Designations**



### *Mineral Resource Overlay*

The MRO designation applies to State designated mineral resource zones (MRZ-2) containing critical geological deposits needed for economic use, as well as existing mining operations.

## Land Use Designations – Surrounding Uses

The existing General Plan land use designations of each of the surrounding areas are summarized in Table 4.9-1 below. Each of the General Plan land use designations is described in the following sections.

**Table 4.9-1**
**Summary of Adjacent Land Use Designations**

| Relationship to Project Site | Existing Use | General Plan Land Use Designation |
|---|---|---|
| North | Undeveloped | AG |
| | | MRO |
| | | Open Space (OS) |
| South | Agricultural Lands | AG |
| | Monument Hill Memorial Park Cemetery | Public and Quasi-Public (PQ) |
| West | Cache Creek Conservancy | OS |
| | Farm Dwellings | AG |
| | Yolo Fliers Club Golf Course | Parks and Recreation (P-R) |
| | Wild Wings Subdivision | Residential Low (RL) |
| East | Agricultural Lands | AG |

Policy LU-1.1 of the Yolo County General Plan defines the OS, PQ, P-R, and RL land use designations as follows:

### *Open Space*

The OS designation includes public open space lands, major natural water bodies, agricultural buffer areas, and habitat. The primary land use is characterized by "passive" and/or very low-intensity management, as distinguished from AG or P-R land use designations, which involve more intense management of the land. Detention basins are allowed as an ancillary use when designed with naturalized features and native landscaping, compatible with the open space primary use.

### *Public and Quasi-Public*

The PQ designation includes public/governmental offices, places of worship, schools, libraries, and other community and/or civic uses. In addition, the designation includes public airports, including related visitor services, and infrastructure including wastewater treatment facilities, municipal wells, landfills, and stormwater detention basins. The PQ designation may include agricultural buffer areas.

### *Parks and Recreation*

The P-R designation includes developed (or "active") park facilities, such as regional, community and neighborhood parks, tot lots, sports fields, and public pools. In addition, the designation may include agricultural buffer areas. Detention basins are allowed as an ancillary use when designed with recreational or sports features.

### *Residential Low*

The RL designation includes traditional neighborhoods with primarily detached single-family units, although attached and/or detached second units or duplexes are allowed. Triplexes and fourplexes are allowed when designed to be compatible with adjoining single-family homes. Small compatible neighborhood-serving retail and office uses are allowed as ancillary uses.

## Zoning – Project Site and Surrounding Uses

### Zoning Designation – Project Site

The site is zoned Agriculture Intensive (A-N) (see Figure 4.9-2). Per Section 8-2.301 of the City's Zoning Code, the purpose of agricultural zones is to provide for land uses that support and enhance agriculture as the predominant land use in the unincorporated area of the County, including open space, natural resource management, and enjoyment of scenic beauty.

### *Agriculture Intensive*

Per the Yolo County Code of Ordinances, the A-N zoning district is applied to preserve lands best suited for intensive agricultural uses typically dependent on higher quality soils, water availability, and relatively flat topography. The purpose of the zone is to promote those uses, while preventing the encroachment of nonagricultural uses. Uses in the A-N Zone are primarily limited to intensive agricultural production and other activities compatible with agricultural uses. Surface mining is a conditionally allowed use with a mining permit.

### Zoning Designations – Surrounding Uses

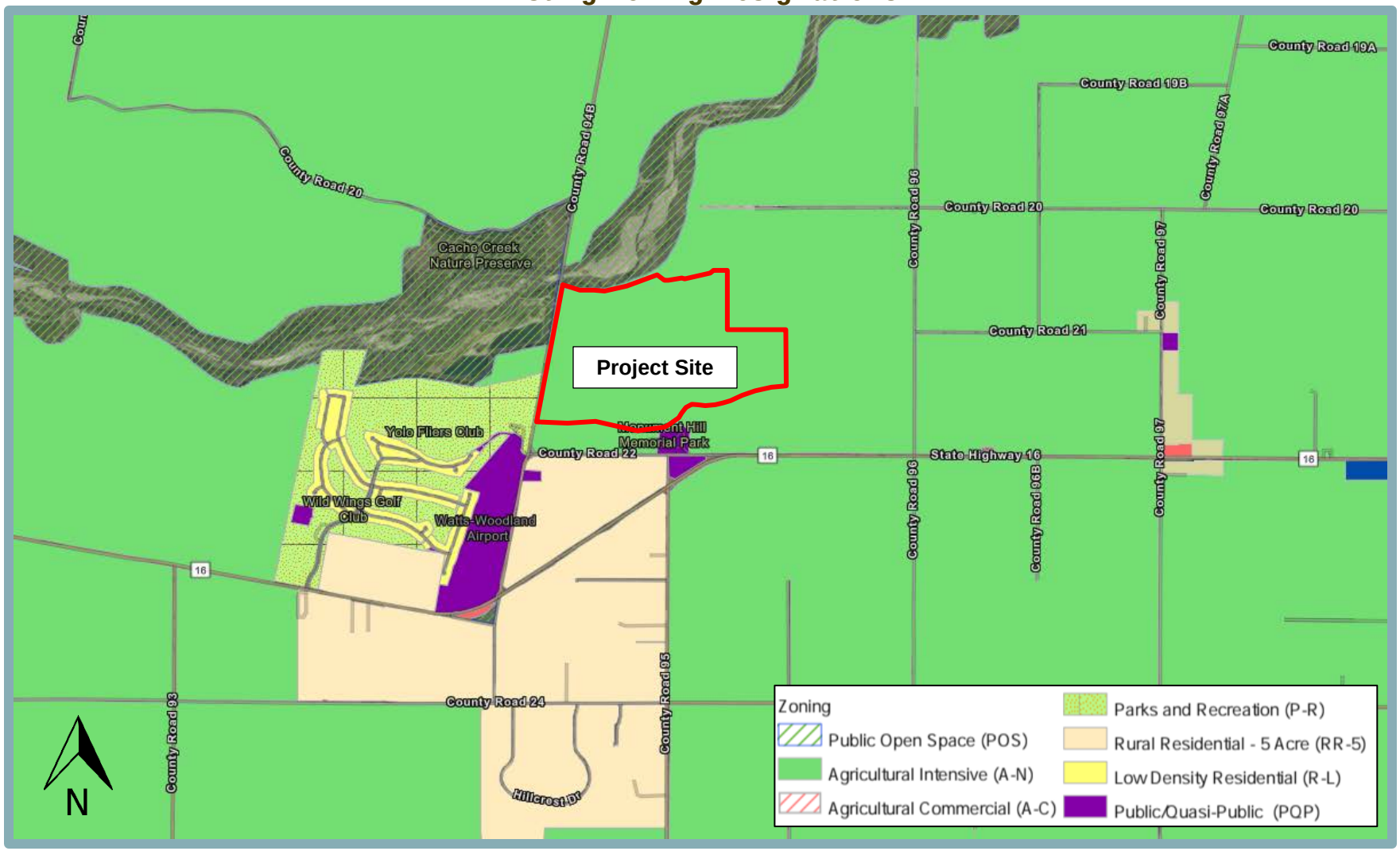
The existing zoning designations of each of the surrounding areas are summarized in Table 4.9-2 below. Each of the zoning designations is described in the following sections.

**Table 4.9-2**
**Summary of Adjacent Zoning Designations**

| Relationship to Project Site | Existing Use | Zoning Designation |
|---|---|---|
| North | Undeveloped | A-N |
| | | Public Open Space (POS) |
| South | Agricultural Lands | A-N |
| | Monument Hill Memorial Park Cemetery | Public/Quasi-Public (PQP) |
| West | Cache Creek Conservancy | POS |
| | Farm Dwellings | A-N |
| | Yolo Fliers Club Golf Course | Parks and Recreation (P-R) |
| | Wild Wings Subdivision | Low Density Residential (R-L) |
| East | Agricultural Lands | A-N |

The Yolo County Code of Ordinances defines the POS, PQP, P-R, and R-L zoning designations as follows:

**Figure 4.9-2**
**Existing Zoning Designations**



### *Public Open Space*

Per Section 8-2.802 of the Yolo County Code of Ordinances, the purpose of the POS zone is to recognize major publicly-owned open space lands, major natural water bodies, agricultural buffer areas, and habitat preserves. The POS lands are characterized by passive or low management uses. Detention basins are allowed in the POS zone if they are designed with naturalized features and native landscaping. The POS zone implements the OS land use designation in the Yolo County General Plan.

### *Public/Quasi-Public*

Per Section 8-2.802 of the Yolo County Code of Ordinances, the PQP zone is applied to lands that are occupied or used for public and governmental offices, places of worship, schools, libraries, and civic uses. Other typical uses include airports, water and wastewater treatment plants, drainage basins, and sanitary landfills. As with park facilities, smaller public/quasi-public uses involving less than 5,000 square feet (sf) of building space may be permitted in commercial and some industrial zones. The PQP zone implements the PQ land use designation in the Yolo County General Plan.

### *Parks and Recreation*

Per Section 8-2.802 of the Yolo County Code of Ordinances, the purpose of the P-R zone is to identify lands that are developed as existing County parks and to designate lands for future parks, including privately owned facilities offering recreation to the greater region. Permitted uses in the P-R zone include a wide range of active recreational activities, whether located outdoors or within recreational or community buildings. Typical development in the P-R zone includes sports fields, tot lots, and public pools. Some P-R zones serve as agricultural buffer areas. Detention basins are an allowed ancillary use in the P-R zone when designed with recreation or sports features. The only retail and service activities allowed in the P-R zone are those that are operated by park personnel or under a concession arrangement (gift stores, restaurants, guides, etc.).

### *Low Density Residential*

Per Section 8-2.502 of the Yolo County Code of Ordinances, the purpose of the R-L zone is to identify traditional low-density neighborhoods with primarily detached single family homes located in existing unincorporated towns such as Esparto, Knights Landing, Clarksburg, Madison, Dunnigan, and Yolo. Lot sizes in communities zoned R-L with no or limited public services are restricted in size to no less than about one acre, in order to accommodate on-site wells and leachfields.

## Cache Creek Area Plan

The CCAP is a specific plan that consists of two separate plans: the Cache Creek Resources Management Plan (CCRMP) and the Yolo County Off-Channel Mining Plan (OCMP).

The CCRMP is a river management plan that eliminated in-channel commercial mining, established an "improvement program" for implementing on-going projects to improve channel stability, encouraged restoration along the creek banks pursuant to a carefully developed policy and regulatory framework, and established a framework for future recreation along the Creek. The CCRMP was adopted August 20, 1996 (Board Resolution 96-132), underwent a focused update (July 23, 2002 Board Resolution 02-130), and a comprehensive update in 2019. The CCRMP is implemented by the Cache Creek Improvement Program (CCIP) and the In-Channel Ordinance.

The OCMP is an aggregate resource management plan that allows for off-channel mining adjacent to Cache Creek. The OCMP has facilitated the development of a sufficient supply of aggregate to meet current and future market needs, while greatly increasing the level of environmental protection and monitoring. The OCMP provides a planning area boundary, and restricted mining to certain areas within that boundary for a 50-year period. In addition, the OCMP identifies specific goals, objectives, and actions to guide mining activities that go well beyond the State-mandated requirements of SMARA. The OCMP was adopted July 30, 1996 (Board Resolution 96-117), and underwent a comprehensive update in 2019. The OCMP is implemented by the Off-Channel Surface Mining Ordinance (OCSMO) and the Surface Mining Reclamation Ordinance (SMRO).

## Off-Channel Surface Mining Ordinance

Section 10-4.405 of the Yolo County Off-Channel Surface Mining Ordinance (OCSMO) states the following regarding annual production limits:

> Section 10-4.405. Annual Production Limits.
> Each surface mine shall operate within the limits of the annual production level established in the use permit. Annual aggregate production may not exceed the established annual level, except to meet temporary market demand. Individual producers may exceed their maximum annual allocation by up to 20 percent in any one calendar year, so long as their running ten year average does not exceed the maximum level. Aggregate sold in excess of the established annual level shall be subject to a $0.10/ton surcharge. Monies generated by the surcharge shall be divided evenly between the CCIP fund and the Maintenance and Remediation Fund. The maximum cumulative amount of aggregate sold annually shall not exceed 5.97 million tons, plus the 20 percent market demand exception allowed by permits issued under the OCMP. Waste concrete and asphalt that is processed as recycled materials for use in construction shall not be counted as part of an operation's maximum annual production.

Section 10-4.411 of the OCSMO states the following regarding efficient resource extraction:

> Section 10-4.411.1. Depth of Mining
> This ordinance regulates the size of the footprint of the mining operation, and establishes no regulatory depth limit for off-channel mining. Unless an environmental analysis concludes that unacceptable environmental impacts will result, mining operations shall be encouraged to excavate the full depth of available resources at any particular mining site. In conjunction with a minimize mining footprint, this will ensure efficiency in resource extraction, help minimize impacts to agriculture by containing the area of surface disturbance of any individual mining operation, and minimize impacts of water loss associated with evaporation from reclaimed lakes.

Section 10-4.411 of the OCSMO states the following regarding efficient resource extraction:

> Section 10-4.424 Other Agency Approvals
> Operators shall obtain any and all permits and approvals required by other agencies having jurisdiction over the proposed mining operations and shall provide copies to the County.

Section 10-4.426 of the OCSMO states the following regarding permit life:

> Section 10-4.426. Permit Life
> Surface mining permits and permits for aggregate processing facilities shall be approved for a maximum of thirty (30) years. Extensions of the permits, for up to twenty years, may be granted, subject to further environmental review and discretionary approval by the County. All surface mining

permits shall be subject to annual reporting requirements, as well as review by the County every ten (10) years, to account for changing regulatory requirements.

Section 10-4.429 of the OCSMO states the following regarding minimum setback standards:

Sec. 10-4.429. Setbacks

All off-channel surface mining operations shall comply with the following setbacks:

(a) New processing plants and material stockpiles shall be located a minimum of one-thousand (1,000) feet from public rights-of-way, public recreation areas, and/or off-site residences, unless alternate measures to reduce potential noise, dust, and aesthetic impacts are developed and implemented;

(b) Soil stockpiles shall be located a minimum of five-hundred (500) feet from public rights-of-way, public recreation areas, and off-site residences, unless alternate measures to reduce potential dust and aesthetic impacts are developed and implemented;

(c) Off-channel excavations shall maintain a minimum one-thousand (1,000) foot setback from public rights-of-way and adjacent property lines of off-site residences, unless a landscaped buffer is provided or site-specific characteristics reduce potential aesthetic impacts. Where landscaped buffers are proposed, the setback for off-channel excavations may be reduced to a minimum of fifty (50) feet from either the property line or the adjoining right-of-way, whichever is greater. Where mining occurs within one-thousand (1,000) feet of a public right-of-way, operators shall phase mining such that no more than fifty (50) acres of the area that lies within one-thousand (1,000) feet of the right-of-way would be actively disturbed at any time, except where operations are adequately screened from public view. Where adequate screening exists in the form of mature vegetation and/or constructed berms that effectively block public views, the area of active disturbance within one-thousand (1,000) feet of the right-of-way shall not exceed the area that is screened by more than fifty (50) acres at any one time. Actively disturbed areas are defined as those on which mining operations of any kind, or the implementation of reclamation such as grading, seeding, or installation of plant material are taking place.

(d) Off-channel excavations shall provide a minimum 50-foot setback from the neighboring property line to allow for access around the pit during mining and after reclamation for maintenance, safety, and other purposes.

(e) Proposed off-channel excavations located within the streamway influence zone shall be set back a minimum of seven-hundred (700) feet from the existing channel bank, unless it is demonstrated that a smaller distance will not adversely affect channel stability. Under no circumstances should off-channel excavations be located within 200 feet of the existing channel bank. Evaluations of proposed off-channel excavations within 700 feet of the channel bank shall demonstrate, at a minimum, the following:

    (1) The two-hundred (200) foot setback area does not include portions of the historically active channel.
    (2) The two-hundred (200) foot setback area does not include formerly mined lands separated from the active channel by levees or unmined areas less than two-hundred (200) feet wide (measured perpendicular to the active channel).
    (3) Acceptable channel hydraulic conditions (based on existing or site-specific hydraulic models) for the Cache Creek channel adjacent to the site and

extending not less than one-thousand (1,000) feet upstream and downstream of the site.

(4) Acceptable level of erosion potential of the channel bank adjacent to the site based on predicted stream flow velocity and shear stress on bank materials during a 100-year flow and historical patterns of erosion.

(5) Acceptable level of stability of the slopes separating the mining area from the creek channel based on an analytical slope stability analysis in conformance with Sections 10-4.426 and 10-5.517 of this title that includes evaluation of stability conditions during 100-year peak flows in the channel.

(6) Appropriate bank stabilization designs, if needed, consistent with channel design recommendations of the Cache Creek Resource Management Plan or approved by the Technical Advisory Committee.

(7) The condition of flood protection structures and the integrity of the land within the approved setback zone separating the mining areas and the channel shall be inspected annually by a Registered Civil Engineer and reported to the Director. The annual report shall include recommendations for remedial action for identified erosion problems (see also Reclamation Ordinance Section 10-5.506).

Approval of any off-channel mining project located within seven-hundred (700) feet of the existing channel bank shall be contingent upon an enforceable agreement which requires the project operator to participate in the completion of identified channel improvement projects along the frontage of their property, consistent with the CCRMP and CCIP, including implementation of the Channel Form Template. The agreement shall require that the operator provide a bond or other financial instrument for maintenance during the mining and reclamation period of any bank stabilization features required of the mining project. The agreement shall also require that a deed restriction be placed on the underlying property which requires maintenance of the streambank protection by future owners of the property. Maintenance of the bank stabilization features following completion of reclamation shall be the responsibility of the property owner.

(f) Off-channel excavations shall be set back a minimum of twenty-five (25) feet from riparian vegetation; and

(g) Recreational facilities shall be located a minimum of one-hundred and fifty (150) feet from private dwellings, with a landscaped buffer provided to reduce noise and maintain privacy, unless the dwelling is proposed to be an integral component of the recreational facility.

(h) No mining activities shall occur within two-thousand (2,000) feet of the community boundaries of Capay, Esparto, Madison, Woodland, and/or Yolo. This setback may be reduced by up to five-hundred (500) feet when existing mature vegetation, proposed landscape buffers of a sufficient height and density to create a visual buffer (consisting of native species and fence-row habitat appropriate to the area), or other site-specific characteristics reduce potential incompatibilities between urban land uses and mining. Commercial mining shall not take place east of County Road 96.

Section 10-4.434 of the OCSMO states the following regarding technical report recommendations:

Section 10-4.434. Technical Report Recommendations

The recommendations contained within each technical report submitted with a surface mining permit application shall be consistent with the OCMP and with all other technical reports submitted. The recommendations of all technical reports shall be implemented.

Section 10-4.501 of the OCSMO states the following regarding zoning requirements for off-channel surface mining operations:

> Section 10-4.501. Zoning Requirements
> Off-channel surface mining operations shall only be permitted within the Sand and Gravel Overlay (SG-O) Zone defined in Article 9 of Chapter 2 of Title 8 of the Yolo County Code.

## Surface Mining Reclamation Ordinance

Section 10-5.501 of the Surface Mining Reclamation Ordinance (SMRO) states the following regarding reclamation standards:

> Section 10-5.501. Reclamation Standards: Scope
> The general standard for the reclamation of mined lands is to restore the site to a usable condition which is readily adaptable for alternate land uses consistent with the policies of the County expressed in Article 1 of this chapter and in the General Plan, specific plans, and zoning laws.
>
> This article sets forth minimum acceptable practices to be followed in reclamation operations to implement this general standard. These minimum acceptable standards shall be considered and discussed in every reclamation plan approved pursuant to this chapter. In addition, the minimum statewide reclamation practices and standards set forth in the Regulations shall also be considered and discussed in every reclamation plan approved pursuant to this chapter. These standards shall be followed in addition to any other conditions of approval or regulations imposed on the surface mining permit.

Section 10-5.510 of the SMRO states the following regarding fencing requirements:

> Section 10-5.510. Fencing
> Open wet pits shall be fenced with a forty-two (42) inch minimum, four (4) strand barbed wire fence or the equivalent (e.g., welded square "hog" fencing), prior to the commencement of excavation, during excavation, and during reclamation. Fencing may enclose the property of which mining is a part, the mining site, or both. In addition, signs shall be installed at the project site boundaries and access road, indicating that the excavation area is restricted. Additional security (e.g., gates with protected locks and wing fences to prevent drive-arounds) shall be provided at all vehicular routes. The fencing and gates shall be maintained throughout the mining and reclamation period after completion of reclamation. A requirement shall be recorded on the deed of the property which requires the landowner to maintain fences.

Section 10-5.518 of the SMRO states the following regarding prohibition of mining on reclaimed lands:

> Section 10-5.518. Mining in Reclaimed Lands
> Once the reclamation plan or any portion thereof has been completed, no further surface mining operations shall be allowed within reclaimed lands, without approval of an amendment to the surface mining permit and reclamation plan.

Section 10-5.518 of the SMRO states the following regarding prohibition of motorized watercraft on reclaimed bodies of water:

> Section 10-5.519. Motorized Watercraft Prohibition
> The use of motorized watercraft on any pond, lake or other body of water created as a part of the approved reclamation plan is prohibited.

Section 10-5.518 of the SMRO states the following regarding reclamation of operational areas and haul roads:

> Section 10-5.520. Operational Areas
> Operational areas and haul roads that are not required for future use of the site shall be ripped, resoiled, and prepared accordingly, to allow for replanting.

> Section 10-5.521. Permanent Stockpiles
> There shall be no permanent piles of mine waste and/or overburden. Berms established for visual screening and noise abatement shall be contoured to conform visually with the surrounding topography.

Section 10-5.522 of the SMRO states the following regarding phasing plan requirements:

> Section 10-5.522. Phasing Plans
> All proposed mining and reclamation plans shall present a phasing plan for mining and reclamation activities. The phasing plan shall be structured to minimize the area of disturbed agricultural lands during each mining phase, and encourage the early completion of the reclamation of agricultural land.

## 4.9.4 IMPACTS AND MITIGATION MEASURES

The following section describes the standards of significance and methodology utilized to analyze and determine the proposed project's potential impacts related to land use and planning. In addition, a discussion of the project's impacts, as well as mitigation measures where necessary, are also presented.

### Standards of Significance

The significance criteria used for this analysis were developed from Appendix G of the CEQA Guidelines, and applicable policies and regulations of Yolo County. A Land Use and Planning impact is considered significant if the proposed project would:

- Physically divide an established community; or
- Cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating impacts to land use and planning.

### Impacts Found Less-than-Significant in Initial Study

Issues related to population and housing were dismissed as less than significant in the Initial Study prepared for the proposed project.

### Method of Analysis

The section below evaluates the proposed project for compatibility with existing and planned adjacent land uses and for consistency with the County's adopted plans, policies, and zoning regulations. Physical environmental impacts resulting from implementation of the proposed project are discussed in the environmental resource sections of the various technical chapters

within this EIR. The following discussion complies with section 15125(d) of the CEQA Guidelines, which requires EIRs to discuss inconsistencies with general plans and regional plans as part of the environmental setting. The ultimate determination of consistency rests with the County Board of Supervisors. Consistency with policies and regulations specific to environmental issue areas is also evaluated through each of the other technical chapters of this EIR.

## Project-Specific Impacts and Mitigation Measures

The following discussion of impacts related to land use and planning is based on implementation of the proposed project in comparison to existing conditions and the standards of significance presented above.

### 4.9-1 Physically divide an established community. The impact would be *less than significant*.

A project risks dividing an established community if the project would introduce infrastructure or alter land use in a way that isolates one portion of a community from another. Currently, the project site is used for agricultural production. Two existing farm dwellings are located to the west of the site, and rural residential development (zoned Rural Residential – 5 Acre [RR-5] and R-L) is located to the south and southwest of the site. One farm dwelling is located on the agricultural land to the east of the site, near the southeastern site boundary.

The proposed project includes the following key elements: 1) relocation of a segment of Moore Canal to the northerly portion of the site and modification of Magnolia Canal to align with the relocated Moore Canal; 2) transfer of tonnage from the Teichert Esparto and Teichert Schwarzgruber operation to the Teichert Shifler operation; 3) continued operation and expansion of the Teichert Woodland Plant facilities (including new equipment and increased processing capacity); 4) excavation at the Shifler site; 5) reclamation of the Shifler site; 6) delayed reclamation at Woodland Plant site; 7) dedication of various reclaimed properties to the County; and 8) completion of an in-channel gravel bar removal project. The Magnolia Canal modification would include removal of a 1,200-foot-long segment of the canal. The proposed expansion of equipment at the Woodland Plant would accommodate processing of aggregate from the proposed mining operation. In addition, the project would include installation of a new water pipe along the existing conveyor belt alignment.

Given that the project site is currently used for agricultural purposes and does not contain existing housing, the site itself does not constitute an established community. While existing residences are located within the surrounding area, the project would not limit connectivity between such uses relative to existing conditions. Furthermore, while the project would temporarily alter the land uses on the project site, the site would ultimately be reclaimed to agricultural and open space uses. Therefore, the proposed project would not physically divide an established community, and a ***less-than-significant*** impact would occur.

#### Mitigation Measure(s)

*None required.*

### 4.9-2 Cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating impacts to land use and planning. The impact would be *less than significant*.

Table 4.9-3 below provides an analysis of the proposed project's consistency with applicable policies and regulations that have been adopted for the purpose of avoiding or mitigating environmental effects, including standards in the SMARA, the Yolo County General Plan, the County Zoning Ordinance, the CCAP, and the SMRO. Consistency with Yolo County General Plan and CCAP regulations that are specific to issue areas other than land use and planning is evaluated within each of the technical chapters of this EIR.

As shown in the table, the proposed project would be generally consistent with applicable standards related to land use and planning. Thus, a ***less-than-significant*** impact would occur.

#### Mitigation Measure(s)

*None required.*

**Table 4.9-3**
**Consistency with Applicable Standards**

| Policy / Regulation | Consistency Discussion |
|---|---|
| **State Mining and Reclamation Act** | |
| **Section 2770**<br>(a) Except as provided in this section, no person shall conduct surface mining operations unless a permit is obtained from, a reclamation plan has been submitted to and approved by, and financial assurances for reclamation have been approved by, the lead agency for the operation pursuant to this article. | The applicant has submitted an application for required approvals, which are the subject of the EIR. Thus, the project would be consistent with this regulation. |
| **Section 3503**<br>The following are minimum acceptable practices to be followed in surface mining operations:<br>(a) Soil Erosion Control.<br>(1) The removal of vegetation and overburden, if any, in advance of surface mining shall be kept to the minimum.<br>(2) Stockpiles of overburden and minerals shall be managed to minimize water and wind erosion.<br>(3) Erosion control facilities such as retarding basins, ditches, streambank stabilization, and diking shall be constructed and maintained where necessary to control erosion.<br>(b) Water Quality and Watershed Control. | See Chapter 4.6, Geology and Soils, Mineral Resources, and Paleontological Resources, of this EIR. The proposed project would comply with applicable regulations from the OCSMO and SMRO related to stability of the proposed mining and reclamation slopes. Specifically, in accordance with Sections 10-4.413 and 10-4.433 of the OCSMO, the stockpiles would be seeded with a vegetative cover and would not exceed 40 feet in height, with slopes not steeper than 2:1 for long-term storage to prevent erosion. The stockpiles would also remain a minimum distance of 100 feet from the top of the bank of Cache Creek, which would ensure that the creek quality would not be deteriorated by potential erosion. Thus, the project would be consistent with Section 3503(a). |

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**Table 4.9-3**
**Consistency with Applicable Standards**

| Policy / Regulation | Consistency Discussion |
|---|---|
| (1) Settling ponds or basins shall be constructed to prevent potential sedimentation of streams at operations where they will provide a significant benefit to water quality.<br>(2) Operations shall be conducted to substantially prevent siltation of ground-water recharge areas.<br>(c) Protection of Fish and Wildlife Habitat. All reasonable measures shall be taken to protect the habitat of fish and wildlife.<br>(d) Disposal of Mine Waste Rock and Overburden. Permanent piles or dumps of mine waste rock and overburden shall be stable and shall not restrict the natural drainage without suitable provisions for diversion.<br>(e) Erosion and Drainage. Grading and revegetation shall be designed to minimize erosion and to convey surface runoff to natural drainage courses or interior basins designed for water storage. Basins that will store water during periods of surface runoff shall be designed to prevent erosion of spillways when these basins have outlet to lower ground.<br>(f) Resoiling. When the reclamation plan calls for resoiling, coarse hard mine waste shall be leveled and covered with a layer of finer material or weathered waste. A soil layer shall then be placed on this prepared surface. Surface mines that did not salvage soil during their initial operations shall attempt, where feasible, to upgrade remaining materials. The use of soil conditioners, mulches, or imported topsoil shall be considered where revegetation is part of the reclamation plan and where such measures appear necessary. It is not justified, however, to denude adjacent areas of their soil, for any such denuded areas must in turn be reclaimed.<br>(g) Revegetation. When the reclamation plan calls for revegetation the available research addressing revegetation methods and the selection of species having good survival characteristics, for the topography, resoiling characteristics, and climate of the mined areas shall be used. | As discussed in Chapter 4.8, Hydrology and Water Quality, of this EIR, the proposed project would not result in significant impacts related to water quality or groundwater recharge.<br><br>See Chapter 4.4, Biological Resources. With implementation of mitigation, the proposed project would not result in significant impacts related to fish and wildlife habitat.<br><br>Overburden from the project site would be progressively removed ahead of mining and stockpiled in setback areas and internal storage locations until retrieved for reclamation. Overburden stockpiles would not be located within the Cache Creek 100-year floodplain and, thus, would not restrict the natural drainage of the channel. All proposed overburden stockpiles would be located within the boundaries of the mining area. These stockpiles would be planted with an annual grassland seed mix to minimize soil erosion. Material stockpiles would be primarily located at the Woodland Plant site, with smaller material stockpiles at the conveyor loading locations. Therefore, the project would be consistent with Section 3503(d).<br><br>As discussed in Chapter 4.8, Hydrology and Water Quality, of this EIR, the proposed project would not result in significant impacts related to drainage or erosion. Stormwater runoff from the project site would drain to the proposed mining pit, and would not enter Cache Creek.<br><br>Reclamation to habitat uses (pond, riparian wetland, riparian oak woodland, and grassland/slopes) would include a minimum of 12 inches of soil (topsoil/overburden/silt) to be placed on all surfaces. Therefore, the project would be consistent with Section 3503(f).<br><br>The proposed Reclamation Plan would include reclamation of portions of the site to grassland slopes and riparian woodland. Proposed vegetation communities and associated reclaimed microhabitats would be typical of naturally-occurring habitat in the area. Therefore, the project would be consistent with Section 3503(g). |
| **Section 3706** | As discussed in Chapter 4.8, Hydrology and Water Quality, of this EIR, the proposed project would not |

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**Table 4.9-3**
**Consistency with Applicable Standards**

| Policy / Regulation | Consistency Discussion |
|---|---|
| (a) Surface mining and reclamation activities shall be conducted to protect on-site and downstream beneficial uses of water in accordance with the Porter-Cologne Water Quality Control Act, Water Code section 13000, et seq., and the Federal Clean Water Act, 33 U.S.C. section 1251, et seq.<br>(b) The quality of water, recharge potential, and storage capacity of ground water aquifers which are the source of water for domestic, agricultural, or other uses dependent on the water, shall not be diminished, except as allowed in the approved reclamation plan.<br>(c) Erosion and sedimentation shall be controlled during all phases of construction, operation, reclamation, and closure of a surface mining operation to minimize siltation of lakes and watercourses, as required by the Regional Water Quality Control Board or the State Water Resources Control Board.<br>(d) Surface runoff and drainage from surface mining activities shall be controlled by berms, silt fences, sediment ponds, revegetation, hay bales, or other erosion control measures, to ensure that surrounding land and water resources are protected from erosion, gullying, sedimentation and contamination. Erosion control methods shall be designed to handle runoff from not less than the 20 year/1 hour intensity storm event.<br>(e) Where natural drainages are covered, restricted, rerouted, or otherwise impacted by surface mining activities, mitigating alternatives shall be proposed and specifically approved in the reclamation plan to assure that runoff shall not cause increased erosion or sedimentation. | result in any significant impacts related to water quality, groundwater recharge, or discharge of sediment to downstream waterways. In addition, as discussed in Chapter 4.6, Geology and Soils, Mineral Resources, and Paleontological Resources, of this EIR, the proposed project would not result in substantial erosion. Thus, the project would be consistent with this regulation. |
| **Section 3709**<br>(a) All equipment, supplies and other materials shall be stored in designated areas (as shown in the approved reclamation plan). All waste shall be disposed of in accordance with state and local health and safety ordinances.<br>(b) All buildings, structures, and equipment shall be dismantled and removed prior to final mine closure except those buildings, structures, and equipment approved in the reclamation plan as necessary for the end use. | All equipment and materials would be stored within the site interior during mining activities. The project applicant would comply with all applicable regulations related to waste disposal. After mining has ceased on the project site, all mining equipment would be removed from the site. Thus, the project would be consistent with this regulation. |
| **Section 3710**<br>(a) Surface and groundwater shall be protected from siltation and pollutants which may diminish water quality as required by the Federal Clean Water Act, sections 301 et seq. (33 U.S.C. section | The proposed project would not include in-stream mining operations. See Chapter 4.8, Hydrology and Water Quality. The proposed project would not result in significant impacts related to surface water or groundwater quality. No in-channel activities are |

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**Table 4.9-3**
**Consistency with Applicable Standards**

| Policy / Regulation | Consistency Discussion |
|---|---|
| 1311), 404 et seq. (33 U.S.C. section 1344), the Porter-Cologne Act, section 13000 et seq., County anti-siltation ordinances, the Regional Water Quality Control Board or the State Water Resources Control Board.<br>(b) In-stream surface mining operations shall be conducted in compliance with Section 16000 et seq. of the California Fish and Game Code, section 404 of the Clean Water Act, and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).<br>(c) Extraction of sand and gravel from river channels shall be regulated to control channel degradation in order to prevent undermining of bridge supports, exposure of pipelines or other structures buried within the channel, loss of spawning habitat, lowering of ground water levels, destruction of riparian vegetation, and increased stream bank erosion (exceptions may be specified in the approved reclamation plan). Changes in channel elevations and bank erosion shall be evaluated annually using records of annual extraction quantities and benchmarked annual cross sections and/or sequential aerial photographs to determine appropriate extraction locations and rates.<br>(d) In accordance with requirements of the California Fish and Game Code section 1600 et seq., in-stream mining activities shall not cause fish to become entrapped in pools or in off-channel pits, nor shall they restrict spawning or migratory activities. | proposed. Thus, the project would be consistent with this regulation. |
| **Section 3711**<br>When the approved reclamation plan calls for revegetation or cultivation of disturbed lands, the following performance standards shall apply to topsoil salvage, maintenance, and redistribution activities:<br>(a) All salvageable topsoil suitable for revegetation shall be removed as a separate layer from areas to be disturbed by mining operations. Topsoil and vegetation removal shall not precede surface mining activities by more than one year, unless a longer time period is approved by the lead agency.<br>(b) Topsoil resources shall be mapped prior to stripping and the location of topsoil stockpiles shall be shown on a map in the reclamation plan. If the amount of topsoil needed to cover all surfaces to be revegetated is not available on | The proposed mining would generally be conducted with the same equipment, technology, and design consideration as approved at the Teichert Esparto and Teichert Schwarzgruber operations. Topsoil or "overburden" would be removed and stockpiled. The marketable sand and gravel deposits below would be continuously loaded and hauled to the plant by conveyor. Removal of overburden on the project site would be accomplished using scrapers, motor graders and bull dozers. Overburden would be progressively removed ahead of mining and stockpiled in setback areas and internal storage locations until retrieved for reclamation. The top layers of topsoil would be placed in temporary berms and/or stockpiles and seeded with naturalized annual grasses and forbs. |

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**Table 4.9-3**
**Consistency with Applicable Standards**

| Policy / Regulation | Consistency Discussion |
|---|---|
| site, other suitable material capable of sustaining vegetation (such as subsoil) shall be removed as a separate layer for use as a suitable growth media. Topsoil and suitable growth media shall be maintained in separate stockpiles. Test plots may be required to determine the suitability of growth media for revegetation purposes.<br>(c) Soil salvage operations and phases of reclamation shall be carried out in accordance with a schedule that: (1) is set forth in the approved reclamation plan; (2) minimizes the area disturbed; and (3) is designed to achieve maximum revegetation success allowable under the mining plan.<br>(d) Topsoil and suitable growth media shall be used to phase reclamation as soon as can be accommodated by the mining schedule presented in the approved reclamation plan following the mining of an area. Topsoil and suitable growth media that cannot be utilized immediately for reclamation shall be stockpiled in an area where it will not be disturbed until needed for reclamation. Topsoil and suitable growth media stockpiles shall be clearly identified to distinguish them from mine waste dumps. Topsoil and suitable growth media stockpiles shall be planted with a vegetative cover or shall be protected by other equally effective measures to prevent water and wind erosion and to discourage weeds. Relocation of topsoil or suitable growth media stockpiles for purposes other than reclamation shall require prior written approval from the lead agency. | Reclamation of the project site would occur in phases as mining is completed in phases. Once groundwater elevations have reached equilibrium, reclamation of the pit floor would occur. Overburden and processing fines generated from the Woodland Plant would be used to create any remaining slopes and benches within the mining area. Reclamation to habitat uses (lake, riparian wetland, riparian oak woodland, and grassland/slopes) would include a minimum of 12 inches of soil (topsoil/overburden/silt) to be placed on all surfaces.<br><br>Based on the above, the proposed project would be consistent with this regulation. |
| **Section 3712**<br>State Water Resources Control Board mine waste disposal regulations in Article 1, Subchapter 1, Chapter 7 of Title 27, California Code of Regulations, shall govern mine waste and tailings, and mine waste disposal units shall be reclaimed in conformance with this article. | Mine waste disposal operations and reclamation would be in conformance with State Water Resources Control Board regulations and Regional Water Quality Control Board permit requirements. Thus, the proposed project would be consistent with this regulation. |
| **Yolo County General Plan** | |
| **Policy LU-3.5**<br>Avoid or minimize conflicts and/or incompatibilities between land uses. | See discussion of compliance with OCSMO Section 10-4.429 below. The project would comply with required setback standards. Given that the proposed project is consistent with the CCAP, potential land use conflicts related to use of the project site for off-channel mining activities, and subsequent reclamation of the site to agricultural and open space uses, have been anticipated by the |

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**Table 4.9-3**
**Consistency with Applicable Standards**

| Policy / Regulation | Consistency Discussion |
|---|---|
| | County and evaluated at a program level in the CCAP Update FEIR. Thus, the proposed project would not result in new significant impacts or more severe impacts related to conflicts with existing land uses in the project area, including the West Valley Baptist Church (which operates a school) and Monument Hill Memorial Park cemetery to the south of the site, Yolo Fliers Club golf course to the west of the site, local schools, or outdoor recreation areas such as the Cache Creek Nature Preserve. Per Chapter 4.1, Aesthetics, of this EIR, the proposed project would include berms, vegetative screens, and other measures to minimize the visibility of the proposed mining operations. In addition, all noise impacts would be reduced to less-than-significant levels with implementation of mitigation measures and compliance with conditions of approval required by the County. See Chapter 4.2, Air Quality, Greenhouse Gas Emissions, and Energy, of this EIR regarding analysis of pollutant exposure at sensitive receptors, including the West Valley Baptist church.<br><br>Based on the above, the proposed project would be consistent with this policy. |
| **Policy LU-3.6**<br>Maintain the compatibility of surrounding land uses and development, so as not to impede the existing and planned operation of public airports, landfills and related facilities and community sewage treatment facilities. | See Chapter 4.7, Hazards and Hazardous Materials. The proposed project would be compatible with the airport safety zones identified in the Watts-Woodland Airport Comprehensive Land Use Plan (CLUP). Thus, the project would not impede the existing and planned operations at the airport. The project site is not located within the vicinity of a landfill or sewage treatment facility. Thus, the proposed project would be consistent with this policy. |
| **Land Development and Zoning (Yolo County Code of Ordinances, Title 8)** | |
| **Section 8-2.905**<br>The following Tables 8-2.905-1 and 8-2.905-2 lists the permit requirements for examples of each Use Type in each zoning district. Examples of Use Types are defined as "principal," "ancillary," or "accessory" uses which are allowed "by right" (with issuance of only a building permit after zoning clearance), or are allowed through issuance of a non-discretionary (no public hearing) Site Plan Review. Additional examples of Use Types are defined as "conditional uses" that are permitted through the issuance of a discretionary Minor or Major Use Permit, after a public hearing. | Among other requested permit approvals, the applicant is requesting rezoning of the project site to add an SG-O overlay to the site, resulting in a zoning designation of A-N/SG-O. In addition, the proposed project would require approval of a Surface Mining Permit (Mining Permit) as described in the OCSMO. A mining permit is a type of conditional use permit.<br><br>The Board of Supervisors has the authority to grant a conditional use permit following review of the application and environmental document. With approval of the requested rezone and Mining |

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**Table 4.9-3**
**Consistency with Applicable Standards**

| Policy / Regulation | Consistency Discussion |
|---|---|
| Per Table 8-2.905-2, surface mining uses are allowable within the SG-O zoning district, subject to approval of a Major Use Permit, and provided that all uses are consistent with the CCAP and associated policies and regulations. | Permit, should such approvals be granted, the project would be consistent with this regulation. |
| **Off-Channel Mining Plan** | |
| None applicable. | |
| **Off-Channel Surface Mining Ordinance** | |
| **Section 10-4.405**<br>Each surface mine shall operate within the limits of the annual production level established in the use permit. Annual aggregate production may not exceed the established annual level, except to meet temporary market demand. Individual producers may exceed their maximum annual allocation by up to 20 percent in any one calendar year, so long as their running ten year average does not exceed the maximum level. Aggregate sold in excess of the established annual level shall be subject to a $0.10/ton surcharge. Monies generated by the surcharge shall be divided evenly between the CCIP fund and the Maintenance and Remediation Fund. The maximum cumulative amount of aggregate sold annually shall not exceed 5.97 million tons, plus the 20 percent market demand exception allowed by permits issued under the OCMP. Waste concrete and asphalt that is processed as recycled materials for use in construction shall not be counted as part of an operation's maximum annual production. | Currently, the Teichert Schwarzgruber operation has approval for "20 percent exceedance" under this section of the OCSMO. The Teichert Esparto operation does not.<br><br>The applicant is requesting to transfer the annual permitted tonnage allocation associated with the Teichert Schwarzgruber operation and the Teichert Esparto operation upon completion of mining or permit expiration at both sites. Together, the proposed transfers would allow the proposed Teichert Shifler operation to mine a maximum of 2,588,237 tons (2.2 million tons sold) in any given year, provided that production over a consecutive 10-year period does not exceed 23,529,430 tons mined (20 million tons sold) (see Table 3-2 of this EIR). Thus, the project would be consistent with this regulation. |
| **Section 10-4.411.1**<br>This ordinance regulates the size of the footprint of the mining operation, and establishes no regulatory depth limit for off-channel mining. Unless an environmental analysis concludes that unacceptable environmental impacts will result, mining operations shall be encouraged to excavate the full depth of available resources at any particular mining site. In conjunction with a minimize mining footprint, this will ensure efficiency in resource extraction, help minimize impacts to agriculture by containing the area of surface disturbance of any individual mining operation, and minimize impacts of water loss associated with evaporation from reclaimed lakes. | It is anticipated that the proposed mining would reach a maximum depth of 5 feet below mean sea level (MSL), or approximately 110 feet below existing ground surface, near the northeastern corner of the mining area. The proposed depths of mining for the remainder of the site would be approximately 40 feet below existing ground surface in the southeastern portion of the mining area, approximately 65 feet below existing ground surface in the northwestern corner of the mining area, and approximately 70 feet below existing ground surface in the southwestern corner of the mining area. The proposed mining depths would ensure efficient extraction of on-stie resources, consistent with this regulation. |

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**Table 4.9-3**
**Consistency with Applicable Standards**

| Policy / Regulation | Consistency Discussion |
|---|---|
| **Section 10-4.424**<br>Operators shall obtain any and all permits and approvals required by other agencies having jurisdiction over the proposed mining operations and shall provide copies to the County. | If approved, the project would be conditioned to require/ensure compliance with this requirement. Thus, the project would be consistent with this regulation. |
| **Section 10-4.426**<br>Surface mining permits and permits for aggregate processing facilities shall be approved for a maximum of thirty (30) years. Extensions of the permits, for up to twenty years, may be granted, subject to further environmental review and discretionary approval by the County. All surface mining permits shall be subject to annual reporting requirements, as well as review by the County every ten (10) years, to account for changing regulatory requirements. | The proposed project requests mining of 41.6 million tons (35.25 million tons sold) of aggregate resources (sand and gravel) over a requested 30-year period, subject to County review every ten years. Thus, the project would be consistent with this regulation. |
| **Section 10-4.429**<br>All off-channel surface mining operations shall comply with the following setbacks:<br>(a) New processing plants and material stockpiles shall be located a minimum of one-thousand (1,000) feet from public rights-of-way, public recreation areas, and/or off-site residences, unless alternate measures to reduce potential noise, dust, and aesthetic impacts are developed and implemented;<br>(b) Soil stockpiles shall be located a minimum of five-hundred (500) feet from public rights-of-way, public recreation areas, and off-site residences, unless alternate measures to reduce potential dust and aesthetic impacts are developed and implemented;<br>(c) Off-channel excavations shall maintain a minimum one-thousand (1,000) foot setback from public rights-of-way and adjacent property lines of off-site residences, unless a landscaped buffer is provided or site-specific characteristics reduce potential aesthetic impacts. Where landscaped buffers are proposed, the setback for off-channel excavations may be reduced to a minimum of fifty (50) feet from either the property line or the adjoining right-of-way, whichever is greater. Where mining occurs within one-thousand (1,000) feet of a public right-of-way, operators shall phase mining such that no more than fifty (50) acres of the area that lies within one-thousand (1,000) feet of the right-of-way would be actively disturbed at any time, except where operations are adequately screened from public view. Where adequate screening exists in | Table 4.9-4 provides an overview of the proposed project's consistency with each setback standard established by this regulation. As shown in the table, the proposed project would be consistent with all applicable setback requirements.<br><br>The project plans include a 200-foot setback which would separate the creek and the relocated Moore Canal, and a 20-foot minimum setback between the canal and the mining operations. A minimum 100-foot buffer would be established between the stockpiled soils and the creek (they all would occur within the mining pit, which is 300 feet from the creek). See Impact 4.8-4. Based on the findings of the Channel Stability Analysis prepared for the proposed project, the proposed project would comply with the standards established by OCSMO Section 10-4.429(e). Additional bank stabilization measures are not needed to ensure equivalent protection to a 700-foot setback from the channel bank. |

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**Table 4.9-3**
**Consistency with Applicable Standards**

| Policy / Regulation | Consistency Discussion |
|---|---|
| the form of mature vegetation and/or constructed berms that effectively block public views, the area of active disturbance within one-thousand (1,000) feet of the right-of-way shall not exceed the area that is screened by more than fifty (50) acres at any one time. Actively disturbed areas are defined as those on which mining operations of any kind, or the implementation of reclamation such as grading, seeding, or installation of plant material are taking place.<br>(d) Off-channel excavations shall provide a minimum 50-foot setback from the neighboring property line to allow for access around the pit during mining and after reclamation for maintenance, safety, and other purposes.<br>(e) Proposed off-channel excavations located within the streamway influence zone shall be set back a minimum of seven-hundred (700) feet from the existing channel bank, unless it is demonstrated that a smaller distance will not adversely affect channel stability. Under no circumstances should off-channel excavations be located within 200 feet of the existing channel bank. Evaluations of proposed off-channel excavations within 700 feet of the channel bank shall demonstrate, at a minimum, the following:<br>(1) The two-hundred (200) foot setback area does not include portions of the historically active channel.<br>(2) The two-hundred (200) foot setback area does not include formerly mined lands separated from the active channel by levees or unmined areas less than two-hundred (200) feet wide (measured perpendicular to the active channel).<br>(3) Acceptable channel hydraulic conditions (based on existing or site-specific hydraulic models) for the Cache Creek channel adjacent to the site and extending not less than one-thousand (1,000) feet upstream and downstream of the site.<br>(4) Acceptable level of erosion potential of the channel bank adjacent to the site based on predicted stream flow velocity and shear stress on bank materials during a 100-year flow and historical patterns of erosion.<br>(5) Acceptable level of stability of the slopes separating the mining area from the creek channel based on an analytical slope stability analysis in conformance with | |

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**Table 4.9-3**
**Consistency with Applicable Standards**

| Policy / Regulation | Consistency Discussion |
|---|---|
| Sections 10-4.426 and 10-5.517 of this title that includes evaluation of stability conditions during 100-year peak flows in the channel.<br>(6) Appropriate bank stabilization designs, if needed, consistent with channel design recommendations of the Cache Creek Resource Management Plan or approved by the Technical Advisory Committee.<br>(7) The condition of flood protection structures and the integrity of the land within the approved setback zone separating the mining areas and the channel shall be inspected annually by a Registered Civil Engineer and reported to the Director. The annual report shall include recommendations for remedial action for identified erosion problems (see also Reclamation Ordinance Section 10-5.506)<br>Approval of any off-channel mining project located within seven-hundred (700) feet of the existing channel bank shall be contingent upon an enforceable agreement which requires the project operator to participate in the completion of identified channel improvement projects along the frontage of their property, consistent with the CCRMP and CCIP, including implementation of the Channel Form Template. The agreement shall require that the operator provide a bond or other financial instrument for maintenance during the mining and reclamation period of any bank stabilization features required of the mining project. The agreement shall also require that a deed restriction be placed on the underlying property which requires maintenance of the streambank protection by future owners of the property. Maintenance of the bank stabilization features following completion of reclamation shall be the responsibility of the property owner.<br>(f) Off-channel excavations shall be set back a minimum of twenty-five (25) feet from riparian vegetation; and<br>(g) Recreational facilities shall be located a minimum of one-hundred and fifty (150) feet from private dwellings, with a landscaped buffer provided to reduce noise and maintain privacy, unless the dwelling is proposed to be an integral component of the recreational facility.<br>(h) No mining activities shall occur within two-thousand (2,000) feet of the community | |

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**Table 4.9-3**
**Consistency with Applicable Standards**

| Policy / Regulation | Consistency Discussion |
|---|---|
| boundaries of Capay, Esparto, Madison, Woodland, and/or Yolo. This setback may be reduced by up to five-hundred (500) feet when existing mature vegetation, proposed landscape buffers of a sufficient height and density to create a visual buffer (consisting of native species and fence-row habitat appropriate to the area), or other site-specific characteristics reduce potential incompatibilities between urban land uses and mining. Commercial mining shall not take place east of County Road 96. | |
| **Section 10-4.434**<br>The recommendations contained within each technical report submitted with a surface mining permit application shall be consistent with the OCMP and with all other technical reports submitted. The recommendations of all technical reports shall be implemented. | The technical reports submitted with the Teichert Shifler application are identified in Section 4.0.3 of this Draft EIR and discussed as relevant in each impact analysis section. See Chapters 4.4, 4.5, 4.6, 4.7, 4.8, 4.10, and 4.12. In submitting these reports to the County the applicant and the consulting experts are attesting to the compliance of these reports with the state and local requirements, and with best practices in the applicable industry. The technical reports have been peer reviewed for completeness by outside experts and/or the EIR consulting team. The recommendations contained within each technical report are would be implemented through the final conditions of approval for the project, if approved. Therefore, the project would be consistent with this regulation. |
| **Section 10-4.501**<br>Off-channel surface mining operations shall only be permitted within the Sand and Gravel Overlay (SG-O) Zone defined in Article 9 of Chapter 2 of Title 8 of the Yolo County Code. | See discussion of compliance with Section 8-2.905 above. |
| **Surface Mining Reclamation Ordinance** | |
| **Section 10-5.501**<br>The general standard for the reclamation of mined lands is to restore the site to a usable condition which is readily adaptable for alternate land uses consistent with the policies of the County expressed in Article 1 of this chapter and in the General Plan, specific plans, and zoning laws.<br><br>This article sets forth minimum acceptable practices to be followed in reclamation operations to implement this general standard. These minimum acceptable standards shall be considered and discussed in every reclamation plan approved pursuant to this chapter. In addition, the minimum statewide reclamation practices and standards set forth in the | The project proposes a phased Reclamation Plan to reclaim approximately 117 acres of the mining area to agricultural use. The remainder of the mining area would be reclaimed to a lake with riparian woodland along the fringes/shoreline. The proposed Reclamation Plan would comply with applicable standards included in the County's SMRO, as demonstrated in this EIR. |

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**Table 4.9-3**
**Consistency with Applicable Standards**

| Policy / Regulation | Consistency Discussion |
|---|---|
| Regulations shall also be considered and discussed in every reclamation plan approved pursuant to this chapter. These standards shall be followed in addition to any other conditions of approval or regulations imposed on the surface mining permit. | |
| **Section 10-5.510**<br>Open wet pits shall be fenced with a forty-two (42) inch minimum, four (4) strand barbed wire fence or the equivalent (e.g., welded square "hog" fencing), prior to the commencement of excavation, during excavation, and during reclamation. Fencing may enclose the property of which mining is a part, the mining site, or both. In addition, signs shall be installed at the project site boundaries and access road, indicating that the excavation area is restricted. Additional security (e.g., gates with protected locks and wing fences to prevent drive-arounds) shall be provided at all vehicular routes. The fencing and gates shall be maintained throughout the mining and reclamation period after completion of reclamation. A requirement shall be recorded on the deed of the property which requires the landowner to maintain fences. | The proposed project would provide for fencing around the proposed wet pit consistent with the requirements of Section 10-5.510 throughout mining and reclamation activities. A condition of approval will be recommended requiring recordation of the fencing requirement on the deed of the relevant parcels. Thus, the project would be consistent with this regulation. |
| **Section 10-5.518**<br>Once the reclamation plan or any portion thereof has been completed, no further surface mining operations shall be allowed within reclaimed lands, without approval of an amendment to the surface mining permit and reclamation plan. | A condition of approval will be included requiring compliance with this code section. Thus, the project would be consistent with this regulation. |
| **Section 10-5.519**<br>The use of motorized watercraft on any pond, lake or other body of water created as a part of the approved reclamation plan is prohibited. | A condition of approval will be included requiring the applicant to install permanent signage as a part of final reclamation, prohibiting motorized watercraft. Thus, the project would be consistent with this regulation. |
| **Section 10-5.520**<br>Operational areas and haul roads that are not required for future use of the site shall be ripped, resoiled, and prepared accordingly, to allow for replanting. | A condition of approval will be recommended requiring amendment of the project reclamation sheets and Reclamation Plan narrative to reflect this requirement. Reclamation to habitat uses (lake, riparian wetland, riparian oak woodland, and grassland/slopes) would include a minimum of 12 inches of soil (topsoil/overburden/silt) to be placed on all surfaces (see Section 6.1 of Appendix C). Thus, the project would be consistent with this regulation. |
| **Section 10-5.521**<br>There shall be no permanent piles of mine waste and/or overburden. Berms established for visual screening and noise abatement shall be contoured to conform visually with the surrounding topography. | A condition of approval will be included prohibiting permanent piles of mine waste or overburden. All mine waste and overburden is proposed for use in final reclamation. |

*(Continued on next page)*

**Table 4.9-3**
**Consistency with Applicable Standards**

| Policy / Regulation | Consistency Discussion |
|---|---|
| | New visual and noise berms would be located along the perimeter of mining areas, including within mining setbacks. The visual and noise berms would be 300 feet long (minimum), eight feet tall (minimum), and would be triangular or trapezoidal in shape. The berms would be seeded with seed mix; the seed mix would be similar to the mix type identified in the Reclamation Plan. In addition, the northern section of the western perimeter would be planted with native tree and shrub species prior to commencement of mining activities. The proposed landscape buffers would extend along the north side of the relocated Moore Canal, eventually connecting with the existing Cache Creek riparian corridor. As shown in Figures 3-27 and 3-28 of this EIR, the proposed landscape buffer areas would conform with the surrounding topography of the reclaimed site. The existing and proposed landscape buffer areas would help to screen views of the proposed noise berms. Thus, the project would be consistent with this regulation. |
| **Section 10-5.522**<br>All proposed mining and reclamation plans shall present a phasing plan for mining and reclamation activities. The phasing plan shall be structured to minimize the area of disturbed agricultural lands during each mining phase, and encourage the early completion of the reclamation of agricultural land. | The project includes a phasing plan to minimize the area of disturbed agricultural lands during each mining phase and to encourage the early completion of agricultural reclamation. Thus, the project would be consistent with this regulation. |

**Table 4.9-4**
**Setback Consistency**

| County Code Section | Item | Required Setback | Proposed Setbacks | Allowed Alternative | Proposed Alternative | Consistency (Yes or No) |
|---|---|---|---|---|---|---|
| 10-4.429(a) | New Processing Plant | 1000 ft from public ROW | N/A | Yes – code allows for alt measures to reduce noise, dust, and aesthetics | N/A | N/A – processing is proposed at existing plant |
| | | 1000 ft from public rec area | N/A | | | |
| | | 1000 ft from off-site residences | N/A | | | |
| | Material Stockpiles | 1000 ft from public ROW | N/A | Yes – code allows for alt measures to reduce noise, dust, and aesthetics | N/A | N/A -- No new stockpile locations are proposed |
| | | 1000 ft from public rec area | N/A | | N/A | N/A -- No new stockpile locations are proposed |
| | | 1000 ft from off-site residences | N/A | | N/A | N/A -- No new stockpile locations are proposed |
| 10-4.429(b) | Soil Stockpiles | 500 ft from public ROW | 100 ft from CR 94B<br>650 ft from CR 22<br>2,750 ft from CR 96<br>2,750 ft from CR 20 | Yes – code allows for alt measures to reduce dust and aesthetics | The applicant proposes expanded landscape buffer along CR 94B[2] | Yes |
| | | 500 ft from public rec area | 1,100 ft from CCNP | | N/A | Yes |
| | | 500 ft from off-site residences | 350 ft from Res #1[1]<br>450 ft from Res #2[1] | | The applicant proposes landscaping and berms to block the line of site and noise | Yes |

*(Continued on next page)*

**Table 4.9-4**
**Setback Consistency**

| County Code Section | Item | Required Setback | Proposed Setbacks | Allowed Alternative | Proposed Alternative | Consistency (Yes or No) |
|---|---|---|---|---|---|---|
| | | | | | emissions to both residences. | |
| 10-4.429(c) | Off-channel excavations | 1000 ft from public ROW | 50 ft from CR 94B<br>420 ft from CR 22<br>2,745 ft from CR 96<br>1,535 ft from CR 20 | Yes – code allows 50 ft min with landscaped buffer. Code allows consideration of site-specific characteristics to reduce potential aesthetic impacts. See other specifics in code related to proximity to ROW | The applicant proposes expanded landscape buffer along CR 94B[2]<br>CR 22 is buffered by existing landscaping and rolling terrain, and proposed berm at site boundary | Yes |
| | | 1000 ft from property lines of off-site residences | 1,140 ft from property line of nearest residential parcel within Wild Wings subdivision<br>430 ft from property line of nearest residences south of County Road 22 | | N/A | Yes |
| 10-4.429(d) | | 50 ft from all property lines to allow access around the pit | 50 ft from property lines | No | N/A | Yes |
| 10-4.429(e) | Off-channel excavations | 700 ft from existing channel bank | 200 ft from existing channel bank | Yes – code allows 200 ft min if no effect on channel stability. See | Mitigation Measure 4.8-4 requires a | Yes |

*(Continued on next page)*

**Table 4.9-4**
**Setback Consistency**

| County Code Section | Item | Required Setback | Proposed Setbacks | Allowed Alternative | Proposed Alternative | Consistency (Yes or No) |
|---|---|---|---|---|---|---|
| | | | | details in code and see County staff memo on this issue | minimum of 250 feet | |
| 10-4.429(f) | Off-channel excavations | 25 ft from riparian vegetation | 200 ft from riparian vegetation | No | N/A | Yes |
| 10-4.429(g) | Recreational facilities | 150 ft from private dwellings w/landscaped buffer to reduce noise and ensure privacy | The Schwarzgruber land dedication is within 150 feet of one residence | Yes | Required buffers from proximate homes would be maintained for future recreation facilities | Yes |
| 10-4.429(h) | Mining activities | 2000 ft of community boundaries of Capay, Esparto, Madison, Woodland, or Yolo | The project is not with 2,000 of any of these communities | N/A | N/A | Yes |

Notes:
1/ As shown on Figure 3-10 on page 3-18.
2/ As shown on Figure 4.1-6 on page 4.1-19.

- Alt = Alternative
- CR = County Road
- N/A = Not Applicable
- Rec = Recreation
- ROW = Right-of-Way