



# Land Use Impact Assessment For Riddle Surface Mine

Stanislaus County, California

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## **1. Introduction**

The following land use impact assessment has been prepared pursuant to the California Environmental Quality Act (CEQA). The purpose of this assessment is to identify any potential land use policy conflicts that might result from implementation of Calaveras Materials Inc. (CMI) proposed surface mining and reclamation operation at the proposed Riddle Surface Mine site located in an unincorporated portion of Stanislaus County.

Pursuant to CEQA, the methodology employed in this assessment includes:

- Identifying local agencies and regional authorities with the potential to have a direct impact, or influence, on the proposed project;
- Determining the land use policies and ordinances of the various local agencies and regional authorities that have a direct effect or influence on the proposed project;
- Examining any inherent incompatibilities and/or conflicts between the policies or ordinances and the proposed project; and,
- Proposing methods to mitigate any potentially significant land use conflicts that may be identified.

## **2. Proposed Project & Land Use Setting**

CMI proposes developing a sand and gravel surface mine and a material processing plant complex on an approximately 436-acre site in western Stanislaus County. The Project site is comprised of two discontinuous sites identified as a North Site and South Site. The North Site consists of approximately 315 acres and the South Site consists of approximately 121 acres. The Riddle Surface Mine would extract sand and gravel from below-grade, process these materials on-site, and transport finished materials off-site to construction projects in the region. The project site is located in an unincorporated portion of western Stanislaus County approximately two miles west of the City of Newman. Figure 1 illustrates the location of the site.

The following major components comprise the project:

- Open-Pit Surface Mine (North Site and South Site)
- Plant Complex (to be located on the North Site)
  - Aggregate Processing Plant
  - Ready-Mix Concrete Batch Plant
  - Hot-Mix Asphalt Plant
  - Asphalt and Concrete Recycling Plant

- Ancillary Mining and Processing Equipment
- Maintenance and Administrative Buildings
- Site Infrastructure Improvements

Approximately 50 million tons of aggregate are estimated to exist on the North Site to a depth of 130 feet below surface grade. The South Site would supply an additional 12 million tons of sand and gravel to a depth of 70 feet below surface grade.

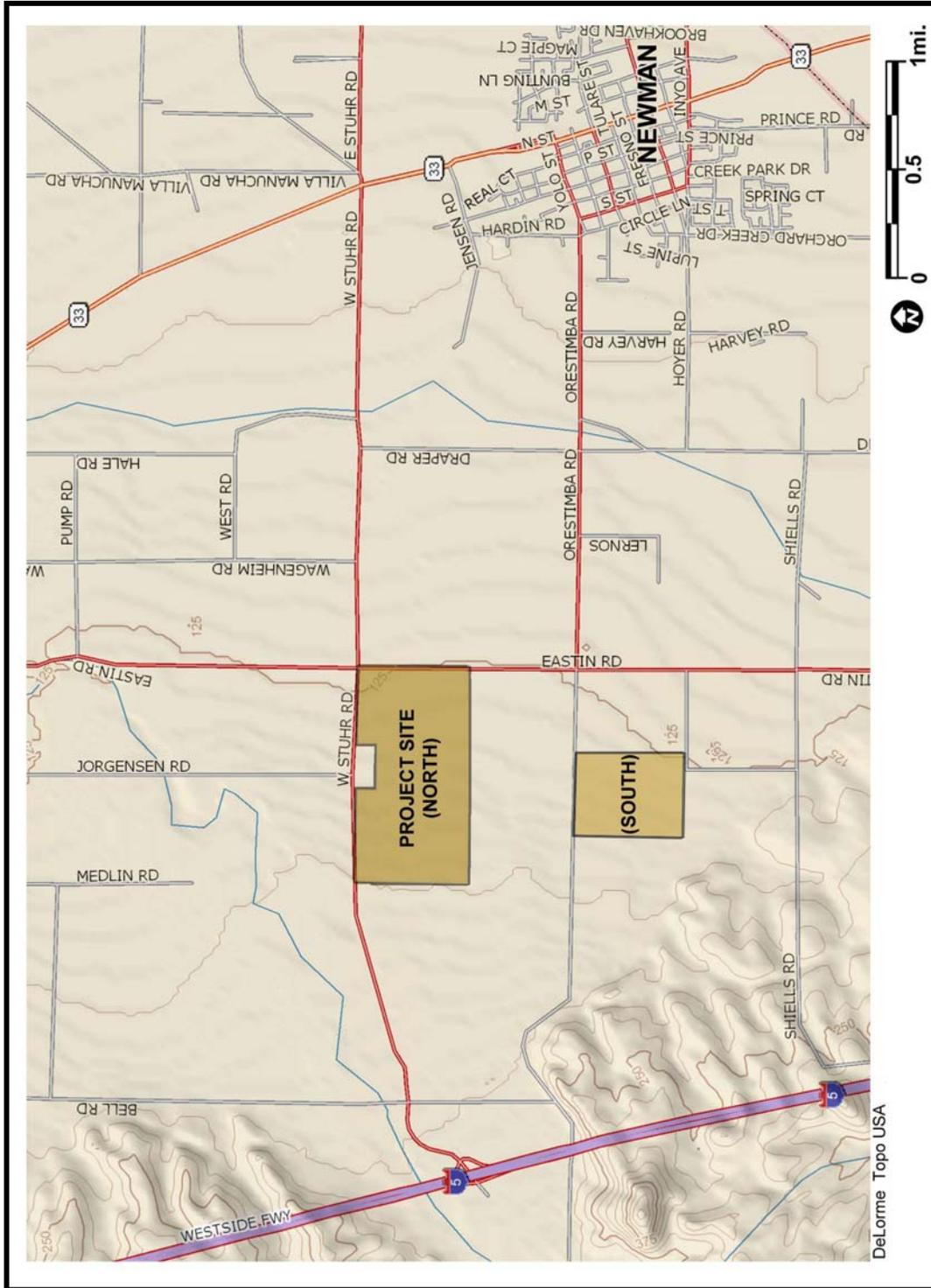
The anticipated mining initiation date is 2012, with an estimated startup mining volume for the first full year of between 0.5 and 1.0 million tons, depending on market conditions. The annual operating volume is expected to be up to 1.5 million tons-per-year thereafter during the remainder of the project's life, although this amount may fluctuate depending on market conditions.

The proposed project would begin mining operations on the North Site and establish an approximately 25-acre processing plant complex on the southwest corner of the North Site to which aggregate material will be hauled. Mining will occur to a depth of 130 feet below surface grade. In the early stages of mining of the North Site, material will be hauled by off-road trucks to the plant site. When feasible, the material will be loaded directly onto a conveyor system that will transport the material to the plant complex.

Aggregate materials mined from the South Site will be transported by truck along Orestimba and Eastin Roads to a secondary site entrance located at the southeast corner of the North Site. No processing facilities will be located at the South Site. Furthermore, mining at the South Site will not begin until mining of the North Site is completed except for the Plant Complex site. The Plant Site area will be the final area to be mined once the South Site is fully mined.

Continuous mining will occur for up to 50 years at the estimated rate of production, which factors in fluctuations in market conditions. Mining and reclamation activities will occur simultaneously on the sites.

**Figure1:**  
**Project Location**



**Land Use Jurisdictions:** The proposed project is subject to Stanislaus County's General Plan Land Use Goals, Policies, and Regulations since the project site is within an unincorporated portion of Stanislaus County.

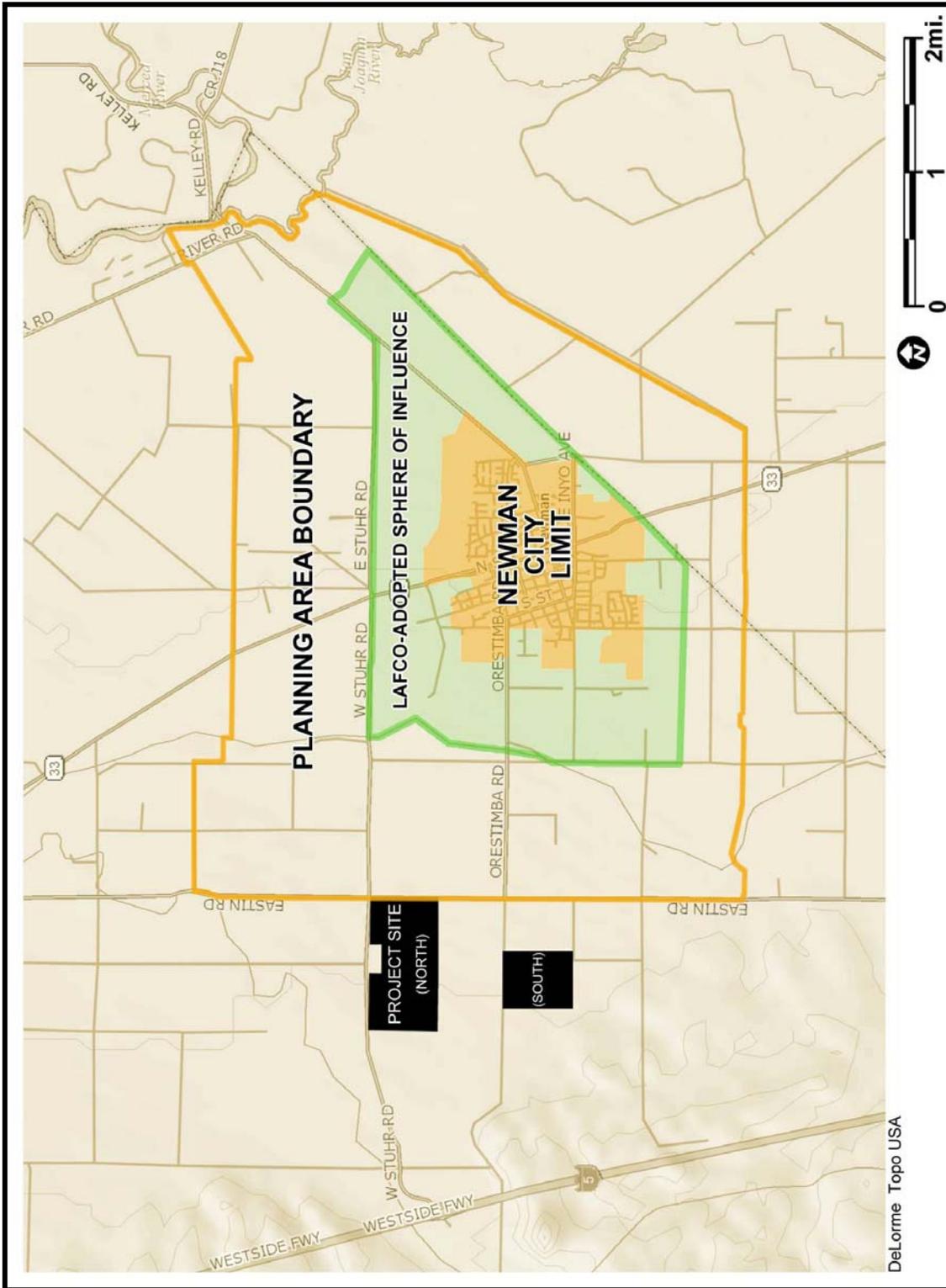
Though not having jurisdiction over the project, the City of Newman may also have a potential interest in the Stanislaus County's land use decisions based on its close proximity to the Riddle Surface Mine site. The subject site is directly bordered to the east by the City of Newman's Planning Area Boundary. The City of Newman is approximately 2 miles east of the proposed project site.

Figure 2 illustrates the boundaries of these different land use jurisdictions. While the project is outside the jurisdiction of the City of Newman, described above, its goals, policies and regulations are also taken into consideration to determine whether any interfacing land use conflicts may be caused by the project

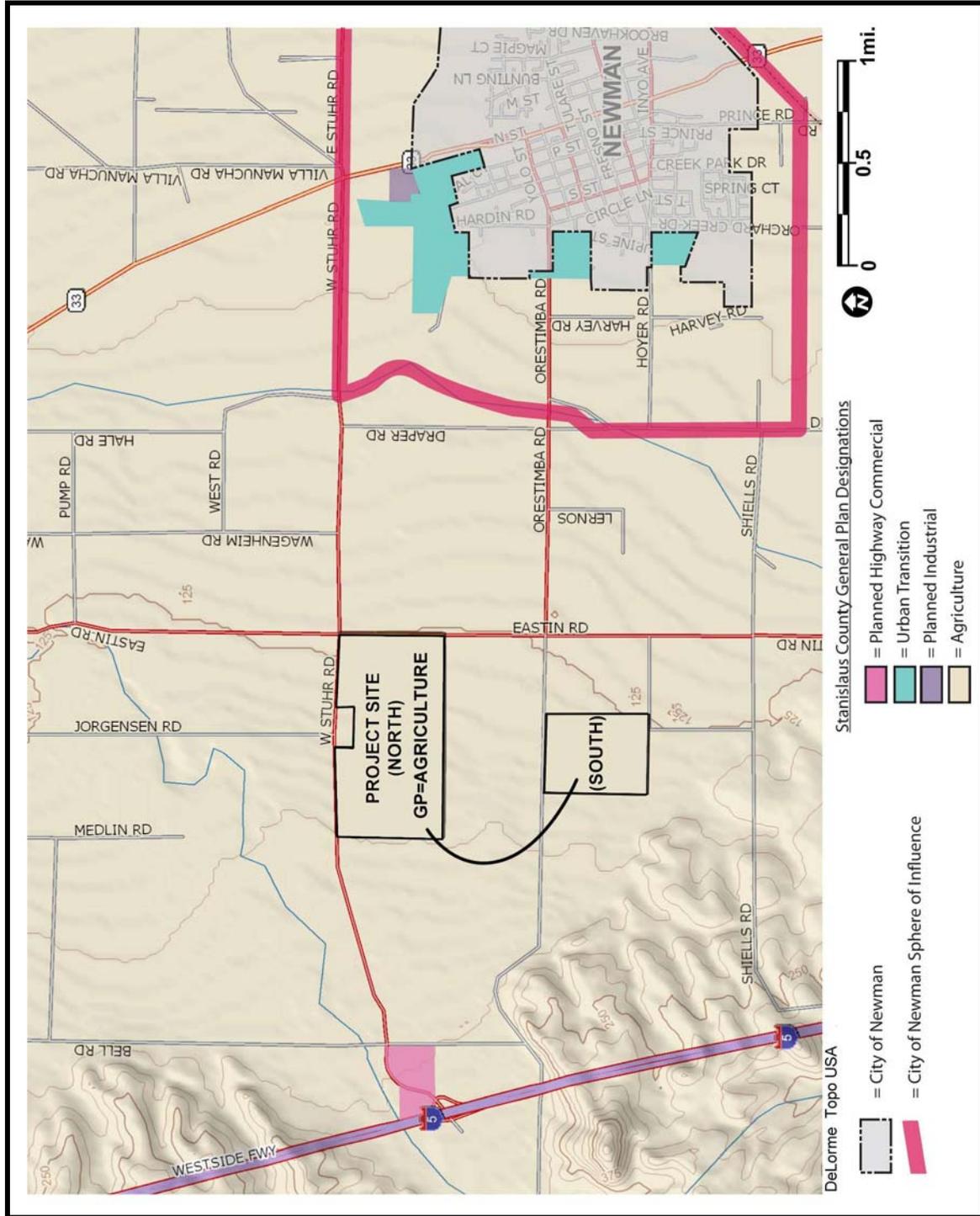
**General Plan Designation:** Stanislaus County's 2007 General Plan Land Use Map designates the site as Agriculture, as depicted in Figure 3.

**Zoning Classification:** The subject site is located within the County's General Agriculture District (A-2) zoning classification on the County's Official Zoning Map, as illustrated in Figure 4.

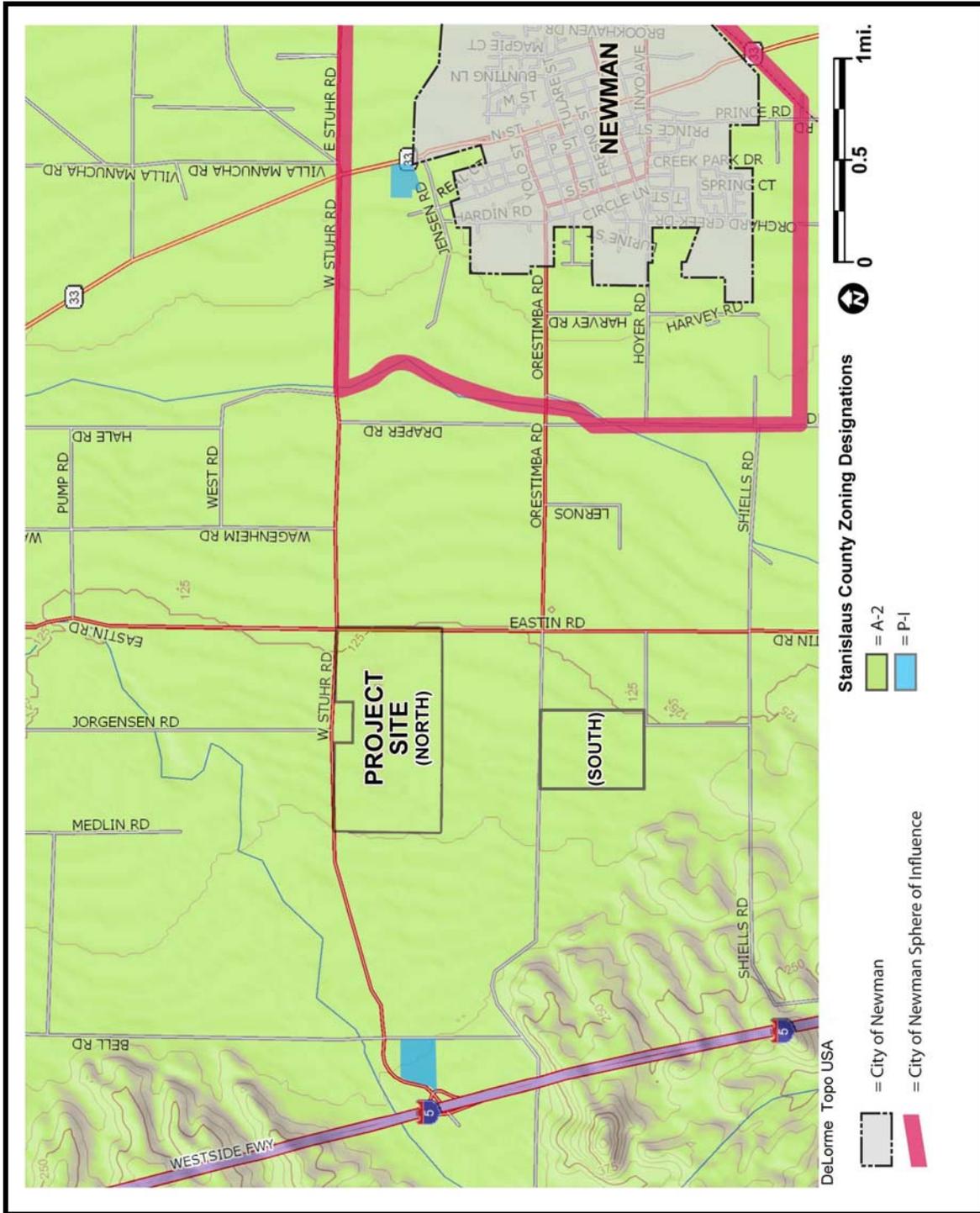
**Figure 2:**  
**Surrounding Land Use Jurisdictions**



**Figure 3:  
General Plan Land Use Map**



**Figure 4:  
Zoning Map**



### 3. Standards for Determining Impact Significance

Appendix G of the CEQA Guidelines contains a brief checklist of environmental effects that may be considered significant. Under the category of "Land Use and Planning," a project is considered to have a significant land use impact if it will:

- A. *Physically divide an established community;*
- B. *Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; and,*
- C. *Conflict with any applicable habitat conservation plan or natural community conservation plan.*

Therefore, the above CEQA checklist questions have been used, herein, as guidelines for assessing the potential significance of the project's potential land use impacts.

### 4. Potential Project Impacts

**A. Potential Physical Division to Community:** Projects that cause a physical division to communities typically consist of physical bifurcations, such as freeways, railroads, etc. In this case, the project does not propose anything that would physically bifurcate a community. The project site is currently used for agricultural purposes and is completely surrounded by agricultural uses. There are no established communities in close proximity to the proposed project site that would be subjected to being potentially divided by the proposed project. Therefore, *no impact* would occur.

**B. Potential Conflicts with Applicable Land Use Plans, Policies, and Regulations:** To assess potential conflicts with applicable land use plans, policies and regulations, a detailed review has been conducted for the plans, policies and regulations for the jurisdictions surrounding the project site. The following provides the goals and policies identified in these various plans and regulations that have the potential of affecting the project:

#### **Stanislaus County General Plan:**

##### **Chapter 1: Land Use Element**

###### *Land Use Goals and Policies*

- Goal 1:** Provide for diverse land use needs by designating patterns which are responsive to the physical characteristics of the land as well as to environmental, economic, and social concerns of the residents of Stanislaus County.

*Policy 2:* Land designated Agriculture shall be restricted to uses that are compatible with agricultural practices, including natural resources management, open space, outdoor recreation and enjoyment of scenic beauty.

**Goal 2:** Ensure Compatibility between land uses.

*Policy 14:* Uses shall not be permitted to intrude into or be located adjacent to an agricultural area if they are detrimental to continued agricultural usage of the surrounding area.

**Goal 3:** Foster stable economic growth through appropriate land use policies.

*Policy 16:* Agriculture, as the primary industry of the County, shall be promoted and protected.

*Policy 17:* Promote diversification and growth of the local economy.

**Goal 4:** Ensure that an effective level of public service is provided in unincorporated areas.

*Policy 23:* New development shall pay its fair share of the cost of cumulative impacts on circulation and transit systems.

Furthermore, Stanislaus County's Land Use Element states the following as being the intent for the Agriculture land use designation:

*The major portion of Stanislaus County is productive and potentially productive agricultural land. These lands are of economic importance not only to Stanislaus County, but to the state and nation as well, as evidenced by the fact that Stanislaus County ranks very high nationally in production of agricultural commodities.*

*This designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas. It is intended for areas of land which are presently or potentially desirable for agricultural usage. These are typically areas which possess characteristics with respect to location, topography, parcel size, soil classification, water availability and adjacent usage which, in proper combination, provide a favorable agricultural environment. This designation establishes agriculture as the primary use in land so designated, but allows dwelling units, limited agriculturally related commercial services, agriculturally related light industrial uses, and other uses which by their unique nature are not compatible with urban uses, provided they do not conflict with the primary use. The Agriculture designation is also consistent with areas the overall General Plan has identified as suitable for open space or recreational use and for ranchettes.*

Although the majority of the site has not previously been identified as having mineral resources of regional or statewide significance, the following description for the intent of the Mineral Resources

Overlay designation applies for the purpose of the proposed project which is supported by evidence to demonstrate that the site contains PCC-quality aggregate resources of regional significance.

*The Mineral Resources designation is an overlay designation intended to protect mineral deposits that have been identified by the state as being of regional or statewide significance. Development of land designated Mineral Resources will be restricted to those kinds of development that will not interfere with the ultimate excavation of the minerals identified by the State as being in the area.*

## **Chapter 2: Circulation Element**

### *Circulation Goals and Policies*

**Goal 1:** Provide a system of roads and roads throughout the County that meets land use needs.

*Policy 1:* Development will be permitted only when facilities for circulation exist, or will exist as part of the development, to adequately handle increased traffic.

## **Chapter 3: Conservation Element**

### *Conservation Goals and Policies*

**Goal 2:** Conserve water resources and protect water quality in the County.

*Policy 5:* Protect groundwater aquifers and recharge areas, particularly those critical for the replenishment of reservoirs and aquifers.

**Goal 3:** Provide for the long-term conservation and use of agricultural lands.

*Policy 11:* In areas designated "Agriculture" on the Land Use Element, discourage land uses which are incompatible with agriculture.

**Goal 9:** Manage extractive mineral resources to ensure an adequate supply without degradation of the environment.

*Policy 26:* Surface mining in areas classified by the State Division of Mines and Geology as having significant deposits of extractive mineral resources shall be encouraged.

*Policy 27:* The County shall emphasize the conservation and development of lands having significant deposits of extractive mineral resources by not permitting uses that threaten the potential to extract the minerals.

*Policy 28:* Lands used for the extraction of mineral resources shall be reclaimed as required by the Surface Mining and Reclamation Act of 1975 to minimize undesirable impacts.

## **Chapter 7: Agriculture Element**

### *Agriculture Goals and Policies*

**Goal 1:** Strengthen the agricultural sector of our economy.

**Objective Number 1.3:** Minimizing agricultural conflicts

*Policy 1.10:* The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.

Furthermore, the Agriculture Element of the General Plan provides the following definitions to clarify the meaning of "Agricultural Uses", "Agriculture" and "most productive agricultural areas."

*Agricultural Uses* – Land uses that are directly connected with or customarily incidental to agriculture.

*Agriculture* – The tilling of the soil, the raising of crops, horticulture, viticulture, small livestock farming, dairying, aquaculture, or animal husbandry, including all uses customarily incidental thereto but not including slaughterhouses, fertilizer yards, bone yards or plants for the reduction of animal matter or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust or fumes.

*Most productive agricultural areas* - In defining the County's most productive agricultural areas, it is important to recognize that soil types alone should not be the determining factor. With modern management techniques, almost any soil type in Stanislaus County can be extremely productive. At the same time, many of our most valuable agricultural commodities are produced on lesser quality soils. For example, milk is the County's top-grossing commodity and yet most of the dairy farms in Stanislaus County are located in areas that might be considered less productive agricultural lands, based solely on soil capability. Although soil types should be considered, the designation of "most productive agricultural areas" also should be based on existing uses and their contributions to the agricultural sector of our economy.

*Non-Agricultural Uses* – Land Uses that are not directly connected with or customarily incidental to agriculture.

## **Appendix "A" Stanislaus County Buffer and Setback Guidelines**

**Purpose and Intent:**

The purpose of these guidelines is to protect the long-term health of local agriculture by minimizing conflicts resulting from normal agricultural practices as a consequence of new or expanding nonagricultural uses approved in or adjacent to the A-2 (General Agriculture) zoning district.

The intent of these guidelines is to establish standards for the development and maintenance of buffers and setbacks designed to physically and biologically avoid conflicts between agricultural and non-agricultural uses.

**Applicability:**

These guidelines shall apply to all new or expanding non-agricultural uses approved by discretionary permit in the A-2 zoning district or on a parcel adjoining the A-2 zoning district. Nonagricultural uses located within a Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI) for an incorporated city shall be subject to these guidelines if the project site is located within 300 feet of any production agriculture operation, as defined by the Stanislaus County General Plan Agricultural Element, or the outer boundary of the SOI at the time of approval.

Buffer and setback requirements established by these guidelines shall be located on the parcel for which a discretionary permit is sought and shall protect the maximum amount of adjoining farmable land.

**Buffer Design Standards for New Non-Agricultural Uses:**

All projects shall incorporate a minimum 150-foot wide buffer. Projects which propose people intensive outdoor activities, such as athletic fields, shall incorporate a minimum 300-foot wide buffer. All buffers shall incorporate a solid wall and vegetative screen consistent with the following standards:

Fencing: A 6-foot high solid wall of uniform construction shall be installed along any portion of a buffer where the project site and the adjoining agricultural operation share a common parcel line.

Vegetative Screen: *(minimum standards)*

- Two staggered rows of trees and shrubs characterized by evergreen foliage extending from the base of the plant to the crown. Fast growing plants with a short life span shall be discouraged.
- Trees and shrubs should be vigorous, drought tolerant and at least 6-feet in height at the time of installation.
- Plants shall have 50% to 70% porosity (i.e., approximately 50% to 75% of the plant is air space).
- Plant height shall vary in order to capture drift within 4-feet of ground application.
- A mature height of 15-feet or more shall be required for each tree.

- To ensure adequate coverage, two staggered rows shall be located 5-feet apart and consist of minimum 5 gallon plants at least 6-feet tall planted 10-feet on center. Alternative spacing between rows may be authorized to accommodate the needs of specific plant species.

Permitted uses within a buffer area shall include: public roadways, utilities, drainage facilities, landscaping, parking lots and similar low human intensity uses. Walking and bike trails shall be allowed within buffers provided they are designed without rest areas.

- Landscaping shall be designed to exclude turf areas which could induce activities and add to overall maintenance costs and water usage.

## **Stanislaus County Zoning Ordinance**

The updated Zoning Ordinance, which was approved on December 18, 2007 and became effective on January 17, 2008, carries out the policies of Stanislaus County General Plan by regulating development and land uses within the unincorporated land in the County, consistent with the General Plan.

The following zoning ordinance standards apply to development in the General Agriculture District (A-2) zoning and have a direct impact on the proposed project:

### Chapter 21.20 General Agriculture District (A-2)

#### 21.20.30 – Uses requiring use permit

- C. Tier Three. The uses listed below are not directly related to agriculture but may be necessary to serve the A-2 District or may be difficult to locate in an urban area. Some of these uses can be people-intensive and, as a result, have the potential to adversely impact agriculture; these people-intensive uses are generally required to be located within LAFCO-approved spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities. Tier Three uses may be allowed when the planning commission finds that, in addition to the findings required under Section 21.96.050:
1. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity, and
  2. The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas," as that term is used in the Agricultural Element of the General Plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future. In determining "most productive agricultural areas," factors to be considered include but are not limited to soil types and potential for agricultural production; the availability of irrigation water; ownership and parcelization patterns; uniqueness

and flexibility of use; the existence of Williamson Act contracts; existing uses and their contributions to the agricultural sector of the economy. "Most productive agricultural areas" does not include any land within LAFCO-approved spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities.

- p. Commercial excavation of earth, minerals, building materials, or removal of oil or gas, together with the necessary apparatus and appurtenances incidental thereto.

## Chapter 21.88 Surface Mining and Reclamation

### 21.88.010 Purpose and Intent

- A. The county recognizes that the extraction of minerals is essential to the continued economic well-being of the county and to the needs of society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. The county also recognizes that surface mining takes place in diverse areas where geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and the specifications therefore vary accordingly.
- B. The purpose and intent of chapter is to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by California's Surface Mining and Reclamation Act of 1975 (Public Resources Code Sections 2710 et seq.), as amended, hereinafter referred to as "SMARA," Public Resources Code (PRC) Section 2207 (relating to annual reporting requirements), and state Mining and Geology Board regulations (hereinafter referred to as "state regulations") for surface mining and reclamation practice (California Code of Regulations [CCR], Title 14, division 2, Chapter 8, Subchapter 1, Sections 3500 et seq.), to ensure that:
  - 1. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses;
  - 2. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.
  - 3. Residual hazards to the public health and safety are eliminated. (Ord. CS 663, §20, 1998).

#### 21.88.040 Scope

Except as provided in this chapter, no person shall conduct surface mining operations unless a permit, reclamation plan, and financial assurances for reclamation have been approved by the county. Any applicable exemption from this requirement does not automatically exempt a project or activity from the application of other regulations, ordinances or policies by the county, including but not limited to, the application of CEQA, the requirement of site approval/use permit or other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law.

#### 21.88.060 Process

- A. Applications for site approval/use permit or reclamation plan for surface mining or land reclamation projects shall be made on forms provided by the planning department. Said application shall be filed in accord with this chapter and procedures to be established by the planning director. The forms for reclamation plan applications shall require, at a minimum, each of the elements required by SMARA (Sections 2772 and 2773) and state regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed reclamation plan, to be established at the discretion of the planning director.

#### 21.88.070 Standards for reclamation

- A. All reclamation plans shall comply with the provisions of SMARA (Section 2772 and Section 2773) and state regulations (CCR Sections 3500 to 3505). Reclamation plans approved after January 15, 1993, reclamation plans for proposed new mining operations, and any substantial amendments to previously approved reclamation plans, shall also comply with the requirements for reclamation performance standards (CCR Sections 3700 to 3713).
- C. Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the county. Each phase of reclamation shall be specifically described in the reclamation plan and shall include (1) the beginning and expected ending dates for each phase; (2) all reclamation activities required; (3) estimated costs for completion of each phase of reclamation. (Ord. CS 663, §26, 1998).

#### 21.88.090 Findings for approval

- A. Site Approval/Use Permits. In addition to any findings required by this code, site approval/use permits for surface mining operations shall include a finding that the project complies with the provisions of SMARA and state regulations.
  
- B. Reclamation Plans. For reclamation plans, the following findings shall be required:
  - 1. That the reclamation plan complies with SMARA Sections 2772 and 2773, and any other applicable provisions;
  - 2. That the reclamation plan complies with applicable requirements of state regulations (CCR Sections 3500 to 3505, and Sections 3700 to 3713).
  - 3. That the reclamation plan and potential use of reclaimed land pursuant to the plan are consistent with this chapter and the county's general plan and any applicable resource plan or element.
  - 4. That the reclamation plan has been reviewed pursuant to CEQA and the county's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible.
  - 5. That the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site development will compensate for related disturbance to resource values.
  - 6. That the reclamation plan will restore the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the General Plan and applicable resource plan.

#### 21.88.100 Financial assurances

- A. To ensure that reclamation will proceed in accordance with the approved reclamation plan, the county shall require as a condition of approval security which will be released upon satisfactory performance. The applicant may pose security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the county and the State Mining and Geology Board as specified in state regulations, and which the county reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved reclamation plan. Financial assurances shall be made payable to the county and the State Department of Conservation.

#### 21.88.170 Mineral resource protection

- A. Mine development is encouraged in compatible areas before encroachment of conflicting uses. Mineral resource areas that have been classified by the State Department of Conservation's Division of Mines and Geology or designated by the State Mining and Geology Board, as well as existing surface mining operations that remain in compliance with the provisions of this chapter, shall be protected from intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible for consistency with the county's general plan.

### **City of Newman General Plan:**

Through its recently adopted Newman 2030 General Plan, the City of Newman continues to envision a community with a small town atmosphere, a vibrant downtown which is surrounded by quaint residential neighborhoods and undeveloped agricultural and ranching lands. Newman plans on preserving a walkable community, with a well-connected street grid, pedestrian amenities and bike lanes.

#### **Chapter 1: Land Use Element**

##### *Land Use Goals and Policies*

**Goal LU-6:** Provide adequate land for and promote development of employment uses that create high quality jobs and enhance the economy of Newman.

*Policy LU-6.1:* The City shall commit itself to a long-term program of economic development to promote the maintenance and expansion of employment in Newman including employment in the industrial sector.

*Policy LU-6.2:* The City shall seek to establish greater diversification in future industrial and business development to provide residents of Newman with a range of employment opportunities from entry level jobs to highly skilled and professional jobs.

#### **Chapter 7: Natural Resources Element**

##### *Natural Resources Goals and Policies*

**Goal NR-1:** Promote the continued productivity of agricultural land surrounding Newman and prevent the premature conversion of agricultural land to urban uses.

*Policy NR-1.2:* The City shall encourage the County to retain agricultural uses of lands surrounding Newman pending annexation to the city.

**Potential Conflicts and/or Inconsistencies with Applicable Goals, Policies and Regulations.**

The agriculture sector is Stanislaus County's most important and leading industry providing a major contribution to the region's economy, which is evident by the County's General Plan vision to protect agricultural use from intrusion of incompatible urban uses. Although agriculture is of significant value to the County's continued economic sustainability, the protection and excavation of mineral resources of regional and statewide significance is also encouraged. Through its Mineral Resources overlay designation, the County has identified locations where minerals of regional or statewide significance exist, as identified by California Department of Conservation, Division of Mines and Geology (now known as California's Geological Survey) Special Report (SR) 173 entitled "*Mineral Land Classification of Stanislaus County, California.*" Land with the Mineral Resources overlay designation tends to be in areas where the land is designated as Agriculture and is zoned for General Agriculture (A-2) in order to further protect the area from intrusive, non-compatible land uses that may impede the ultimate excavation of the minerals from the area. Although the proposed project site has not been identified as having mineral resources of regional or statewide significance because of lack of data, recent geological analysis has determined that the site contains a quantity and quality of material that would be considered of regional significance. Therefore, it is anticipated that Stanislaus County will recognize the Project Site for regional significance in mineral resources and the aforementioned County goals and policies regarding mineral resources protection for future excavation shall apply.

The following tables analyzes consistencies and/or conflicts between each jurisdiction's applicable goals and policies and the proposed project in order to determine the significance of any potential land use impacts to the surrounding communities.

Stanislaus County General Plan Goal/Policy	CMI – Riddle Surface Mine Relevant Component
<b>CHAPTER 1: LAND USE ELEMENT</b>	
<b>Land Use Goals and Policies</b>	
<i><b>Goal 1:</b> Provide for diverse land use needs by designating patterns which are responsive to the physical characteristics of the land as well as to environmental, economic, and social concerns of the residents of Stanislaus County.</i>	

Stanislaus County General Plan Goal/Policy	CMI – Riddle Surface Mine Relevant Component
<p><i>Policy 2:</i> Land designated Agriculture shall be restricted to uses that are compatible with agricultural practices, including natural resources management, open space, outdoor recreation and enjoyment of scenic beauty.</p>	<p>The proposed project would convert existing agricultural land into a surface aggregate mining site. Although surface mining is not a direct or incidental use related to agriculture, surface mining is a permitted use under the General Agriculture (A-2) zoning district. State law mandates that all regulatory documents be consistent; therefore, it is assumed aggregate mining is a permitted use under the Agriculture land use designation. Furthermore, agricultural production would be maintained on both the North and South Sites during mining operations until the progression of mining requires that the land halt agricultural production. Although the end use would not return the site to a direct agricultural production area the incidental use of establishing a reservoir would provide irrigation water in support of the surrounding agricultural areas.</p>
<p><b>Goal 2:</b> Ensure Compatibility between land uses.</p>	
<p><i>Policy 14:</i> Uses shall not be permitted to intrude into or be located adjacent to an agricultural area if they are detrimental to continued agricultural usage of the surrounding area.</p>	<p>The proposed project would incorporate design features that would help minimize or eliminate any potential impacts to the surrounding agricultural uses. The most significant feature would be the inclusion of a setback buffer that would protect the surrounding agricultural uses from potential impacts from mining on the site.</p>
<p><b>Goal 3:</b> Foster stable economic growth through appropriate land use policies.</p>	
<p><i>Policy 16:</i> Agriculture, as the primary industry of the County, shall be promoted and protected.</p>	<p>As a permitted and recognized use within the Agriculture designated areas, the proposed aggregate surface mining will implement all the necessary measures, such as establishing a setback buffer, to ensure that surrounding agricultural uses are not exposed to any potential impacts from the project.</p>
<p><i>Policy 17:</i> Promote diversification and growth of the local economy.</p>	<p>Aggregate resource extraction would help promote the diversification and growth of the economy by providing the region a highly sought after resource necessary for the development of construction projects and will also directly and indirectly provide for a long-term employment base.</p>

Stanislaus County General Plan Goal/Policy	CMI – Riddle Surface Mine Relevant Component
<p><b>Goal 4:</b> Ensure that an effective level of public service is provided in unincorporated areas.</p>	
<p><i>Policy 23:</i> New development shall pay its fair share of the cost of cumulative impacts on circulation and transit systems.</p>	<p>Once all potential circulation impacts from the proposed project are determined and fair share costs are assessed as part of the conditions of approval, the applicant will satisfy this requirement.</p>

Stanislaus County General Plan Goal/Policy	CMI – Riddle Surface Mine Relevant Component
<p><b>Designation: Agriculture</b></p> <p><i>The major portion of Stanislaus County is productive and potentially productive agricultural land. These lands are of economic importance not only to Stanislaus County, but to the state and nation as well, as evidenced by the fact that Stanislaus County ranks very high nationally in production of agricultural commodities.</i></p> <p><i>This designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas. It is intended for areas of land which are presently or potentially desirable for agricultural usage. These are typically areas which possess characteristics with respect to location, topography, parcel size, soil classification, water availability and adjacent usage which, in proper combination, provide a favorable agricultural environment. This designation establishes agriculture as the primary use in land so designated, but allows dwelling units, limited agriculturally related commercial services, agriculturally related light industrial uses, and other uses which by their unique nature are not compatible with urban uses, provided they do not conflict with the primary use. The Agriculture designation is also consistent with areas the overall General Plan has identified as suitable for open space or recreational use and for ranchettes.</i></p>	<p>Based on the intent of the Agriculture designation, the proposed project is consistent with the designation. The designation allows other uses which by their unique nature are not compatible with urban uses, provided it does not conflict with the primary use. The project is a unique use, which is not compatible with urban uses, but is recognized as a permitted use within the A-2 zoning district.</p> <p>Additionally, agricultural production will be maintained on-site in those areas not actively employed for the purpose of aggregate extraction. Once the entire site, both North and South sites, is completely mined the subsequent use will establish water reservoir site. This subsequent use will act as a support facility in providing irrigation water for the surrounding agricultural production operations. This end use is consistent with the intent of the agriculture designation in that the reservoir facility will be a direct support to surrounding agricultural production while ensuring that it precludes incompatible urban development.</p>

Stanislaus County General Plan Goal/Policy	CMI – Riddle Surface Mine Relevant Component
<p><b>Designation: Mineral Resources Overlay</b></p> <p><i>The Mineral Resources designation is an overlay designation intended to protect mineral deposits that have been identified by the state as being of regional or statewide significance. Development of land designated Mineral Resources will be restricted to those kinds of development that will not interfere with the ultimate excavation of the minerals identified by the State as being in the area.</i></p>	<p>A geotechnical analysis has determined that the subject site contains approximately 62 million tons of aggregate resource. This quantity constitutes a significant regional resource given that Map 52 of the California Geological Survey determined that the County only has 51 million tons of entitled aggregate resource. Based on the aforementioned information, the County should recognize the significance of protecting and extracting the mineral resources located on the site.</p>
<p><b>CHAPTER 2: CIRCULATION ELEMENT</b></p>	
<p><b>Circulation Goals and Policies</b></p>	
<p><b>Goal 1:</b> Provide a system of roads and roads throughout the County that meets land use needs.</p>	
<p><i>Policy 1:</i> Development will be permitted only when facilities for circulation exist, or will exist as part of the development, to adequately handle increased traffic.</p>	<p>A project traffic impact analysis has determined that the amount of vehicle trips associated with the project along with the existing trips on the identified roads would have minimal impact to the affected roadways. Applicable mitigation measures will be established to reduce any potential impacts to less than significant.</p>
<p><b>CHAPTER 3: CONSERVATION ELEMENT</b></p>	
<p><b>Conservation Goals and Policies</b></p>	
<p><b>Goal 2:</b> Conserve water resources and protect water quality in the County.</p>	
<p><i>Policy 5:</i> Protect groundwater aquifers and recharge areas, particularly those critical for the replenishment of reservoirs and aquifers.</p>	<p>Groundwater has been determined to exist at an average depth of approximately 65 feet below ground surface. Mining would occur to a depth of 130 bgs at the North Site and 70 feet bgs at the South Site exposing ground water. The exposed groundwater and open pit site will then be used as a reservoir for agricultural purposes and as a basin for the County’s planned flood control system. The subsequent uses will help maintain stable groundwater levels while providing proper use for the exposed groundwater.</p>

Stanislaus County General Plan Goal/Policy	CMI – Riddle Surface Mine Relevant Component
<b>Goal 3:</b> Provide for the long-term conservation and use of agricultural lands.	
<i>Policy 11:</i> In areas designated “Agriculture” on the Land Use Element, discourage land uses which are incompatible with agriculture.	Stanislaus County’s General Plan Land Use Element recognizes that mineral resource excavation is a permitted use within the Agriculture land use designation as evident by the permitted uses described in the Zoning Ordinance General Agriculture (A-2) zoning district
<b>Goal 9:</b> Manage extractive mineral resources to ensure an adequate supply without degradation of the environment.	
<i>Policy 26:</i> Surface mining in areas classified by the State Division of Mines and Geology as having significant deposits of extractive mineral resources shall be encouraged.	Although the majority of the project site is classified as MRZ-3a, which applies to areas containing known mineral occurrences of undetermined mineral resource significance, recent geological analysis has determined that the site does contain significant amounts of aggregate resources that would be of regional significance. Approximately 62 million tons of aggregate are estimated to exist on the project site. True to its policy, the County should encourage the excavation of this resource.
<i>Policy 27:</i> The County shall emphasize the conservation and development of lands having significant deposits of extractive mineral resources by not permitting uses that threaten the potential to extract the minerals.	The Project Site currently has a land use designation of Agriculture and is within the A-2 zoning district. The current use of the site and that of its surroundings is for agricultural purposes, allowing for a swift transition from agricultural use to mineral resource excavation.
<i>Policy 28:</i> Lands used for the extraction of mineral resources shall be reclaimed as required by the <u>Surface Mining and Reclamation Act of 1975</u> to minimize undesirable impacts.	As required by State law, reclamation of the Project Site will be in accordance with the policies of the Surface Mining and Reclamation Act of 1975 in order to minimize any undesirable impacts.
<b>CHAPTER 7: AGRICULTURE ELEMENT</b>	
<b>Agriculture Goals and Policies</b>	
<b>Goal 1:</b> Strengthen the agricultural sector of our economy.	
<b>Objective Number 1.3:</b> Minimizing agricultural conflicts	

Stanislaus County General Plan Goal/Policy	CMI – Riddle Surface Mine Relevant Component
<p><i>Policy 1.10:</i> The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.</p>	<p>The proposed use of mineral resource excavation would not provide any threats to or conflicts with the surrounding agricultural operations given that the proposed use would not be classified as people-intensive and would not establish sensitive receptors. Notwithstanding, measures will be taken to minimize any possible impacts through the establishment of buffer setbacks and landscaping, albeit, mineral resource extraction is a permitted use within the A-2 zoning district which by law is required to be consistent with General Plan goals and policies. Therefore, the proposed use should be a recognized use within the Agriculture land use designation.</p>
<p><b>Appendix “A” Stanislaus County Buffer and Setback Guidelines</b></p>	
<p><b>Purpose and Intent:</b> The purpose of these guidelines is to protect the long-term health of local agriculture by minimizing conflicts resulting from normal agricultural practices as a consequence of new or expanding nonagricultural uses approved in or adjacent to the A-2 (General Agriculture) zoning district.</p> <p>The intent of these guidelines is to establish standards for the development and maintenance of buffers and setbacks designed to physically and biologically avoid conflicts between agricultural and non-agricultural uses.</p>	<p>CMI understands the County’s concerns regarding the protection of agricultural production and processes from conflicts with non-agricultural uses; therefore, CMI intends to comply with requirements regarding a setback buffer as being included in the project.</p>

Stanislaus County General Plan Goal/Policy	CMI – Riddle Surface Mine Relevant Component
<p><b>Applicability:</b> These guidelines shall apply to all new or expanding non-agricultural uses approved by discretionary permit<sup>1</sup> in the A-2 zoning district or on a parcel adjoining the A-2 zoning district. Nonagricultural uses located within a Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI) for an incorporated city shall be subject to these guidelines if the project site is located within 300 feet of any production agriculture operation, as defined by the Stanislaus County General Plan Agricultural Element, or the outer boundary of the SOI at the time of approval.</p> <p>Buffer and setback requirements established by these guidelines shall be located on the parcel for which a discretionary permit is sought and shall protect the maximum amount of adjoining farmable land.</p>	<p>It is understood the proposed project is considered and non-agricultural use but permitted within the A-2 zoning district given that it satisfies established findings. The required buffer setbacks will be established at the perimeter of the Project Site.</p>
<p><b>Buffer Design Standards for New Non-Agricultural Uses:</b> All projects shall incorporate a minimum 150-foot wide buffer. Projects which propose people intensive outdoor activities, such as athletic fields, shall incorporate a minimum 300- foot wide buffer. All buffers shall incorporate a solid wall and vegetative screen consistent with the following standards:</p>	<p>Appendix A – Buffer and Setback Guidelines of the Agriculture Element allows project applicants to propose buffer alternatives to be reviewed and supported by the Stanislaus County Agricultural Advisory Board. Given that the proposed project is not a people-intensive use, and is permitted within the A-2 zoning designation, a setback buffer of 50 feet from the property line or 100 feet from centerline, whichever is greater, is suitable to reduce or eliminate any potential conflicts with the surrounding agricultural uses.</p>
<p><u>Fencing:</u> A 6-foot high solid wall of uniform construction shall be installed along any portion of a buffer where the project site and the adjoining agricultural operation share a common parcel line.</p>	<p>The proposed project includes a chain-link fence with vegetative screening along the perimeter of the site. This screening method meets the purpose of protecting surrounding agriculture uses.</p>

Stanislaus County General Plan Goal/Policy	CMI – Riddle Surface Mine Relevant Component
<p><u>Vegetative Screen: (minimum standards)</u></p> <ul style="list-style-type: none"> <li>• Two staggered rows of trees and shrubs characterized by evergreen foliage extending from the base of the plant to the crown. Fast growing plants with a short life span shall be discouraged.</li> <li>• Trees and shrubs should be vigorous, drought tolerant and at least 6-feet in height at the time of installation.</li> <li>• Plants shall have 50% to 70% porosity (i.e., approximately 50% to 75% of the plant is air space).</li> <li>• Plant height shall vary in order to capture drift within 4-feet of ground application.</li> <li>• A mature height of 15-feet or more shall be required for each tree.</li> <li>• To ensure adequate coverage, two staggered rows shall be located 5-feet apart and consist of minimum 5 gallon plants at least 6-feet tall planted 10-feet on center. Alternative spacing between rows may be authorized to accommodate the needs of specific plant species.</li> </ul>	<p>The proposed project incorporates a vegetative screen around the perimeter of the site within the required buffer area. This vegetative screen is in conformance with the guidelines established by Appendix “A” Buffer and Setback Guidelines document.</p>
<p><u>Permitted uses within a buffer area shall include:</u> public roadways, utilities, drainage facilities, landscaping, parking lots and similar low human intensity uses. Walking and bike trails shall be allowed within buffers provided they are designed without rest areas.</p> <ul style="list-style-type: none"> <li>• Landscaping shall be designed to exclude turf areas which could induce activities and add to overall maintenance costs and water usage.</li> </ul>	<p>The Proposed Project factors in the public roadways as part the of the site setbacks as permitted by the County Guidelines.</p>

Stanislaus County Zoning Ordinance Regulations	CMI-Riddle Surface Mine Relevant Component
Chapter 21.20 General Agriculture District (A-2)	
21.20.30 – Uses requiring use permit	

<b>Stanislaus County Zoning Ordinance</b>	
<b>Regulations</b>	<b>CMI-Riddle Surface Mine Relevant Component</b>
<p>C. Tier Three. The uses listed below are not directly related to agriculture but may be necessary to serve the A-2 District or may be difficult to locate in an urban area. Some of these uses can be people-intensive and, as a result, have the potential to adversely impact agriculture; these people-intensive uses are generally required to be located within LAFCO-approved spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities. Tier Three uses may be allowed when the planning commission finds that, in addition to the findings required under Section 21.96.050:</p>	<p>The proposed project of mineral resource extraction is not directly related to agriculture but it would be impossible to locate such use in an urban area. Contrary to some of the other Tier Three permitted uses, mineral resource extraction is not a people-intensive use in relation to the area mining requires. Therefore, the proposed project would not have an adverse impact on surrounding agricultural uses and their practices.</p>
<p>1. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity, and</p>	<p>The proposed use would not be classified as people-intensive and would also not establish sensitive receptors that would potentially affect agricultural practices. With a proper buffer setback and additional mitigation measures, such as dust suppression practices, any potential impacts to the surrounding agricultural uses can be less than significant.</p>

<b>Stanislaus County Zoning Ordinance</b>	
<b>Regulations</b>	<b>CMI-Riddle Surface Mine Relevant Component</b>
<p>2. The parcel on which such use is requested is not located in one of the County's "most productive agricultural areas," as that term is used in the Agricultural Element of the General Plan; or the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future. In determining "most productive agricultural areas," factors to be considered include but are not limited to soil types and potential for agricultural production; the availability of irrigation water; ownership and parcelization patterns; uniqueness and flexibility of use; the existence of Williamson Act contracts; existing uses and their contributions to the agricultural sector of the economy. "Most productive agricultural areas" does not include any land within LAFCO-approved spheres of influence of cities or community services districts and sanitary districts serving unincorporated communities.</p>	<p>The subject site (North and South site) has been under utilized for the purpose of agricultural production for the last several years and in 2005 Williamson Act Contract notice of non-renewal for both the North and South sites were recorded with the County which would have the existing contracts expire in 2015. Based on these factors the site should not be considered a part of the County's "most productive agricultural areas" as defined by the County's Agriculture Element. Although the site would be removed from the County agricultural lands inventory while mining occurs, the reclamation plan proposes an end use of a water reservoir and/or County flood control basin which would support agricultural operations within the region.</p>
<p>p. Commercial excavation of earth, minerals, building materials, or removal of oil or gas, together with the necessary apparatus and appurtenances incidental thereto.</p>	<p>The proposed use is consistent with the permitted use of commercial excavation of earth, minerals, and building materials with the necessary apparatus and appurtenances incidental thereto under Tier Three of the General Agriculture (A-2) zoning district which is subject to a use permit.</p>
<p><b>Chapter 21.88 Surface Mining and Reclamation</b></p>	
<p><u>21.88.010 Purpose and Intent</u></p>	

<b>Stanislaus County Zoning Ordinance</b>	
<b>Regulations</b>	<b>CMI-Riddle Surface Mine Relevant Component</b>
<p>A. The county recognizes that the extraction of minerals is essential to the continued economic well-being of the county and to the needs of society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. The county also recognizes that surface mining takes place in diverse areas where geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and the specifications therefore vary accordingly.</p>	
<p>B. The purpose and intent of chapter is to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by California’s Surface Mining and Reclamation Act of 1975 (Public Resources Code Sections 2710 et seq.), as amended, hereinafter referred to as “SMARA,” Public Resources Code (PRC) Section 2207 (relating to annual reporting requirements), and state Mining and Geology Board regulations (hereinafter referred to as “state regulations”) for surface mining and reclamation practice (California Code of Regulations [CCR], Title 14, division 2, Chapter 8, Subchapter 1, Sections 3500 et seq.), to ensure that:</p>	<p>The Proposed Project complies with the Surface Mining and Reclamation Act of 1975 (Public Resources Code Sections 2710 et seq.), as amended, Public Resources Code (PRC) Section 2207, and State Mining and Geology Board regulations for surface mining and reclamation practice (California Code of Regulations [CCR], Title 14, division 2, Chapter 8, Subchapter 1, Sections 3500 et seq.)</p>
<p>1. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses;</p>	<p>The Proposed Project will comply with all of SMARAs requirements including reclaiming the site to a usable condition which is readily adaptable for alternative land uses. The proposed end use would be a water reservoir and/or County flood control basin which would support agricultural operations within the region. Furthermore, the project will incorporate project design features and mitigation measures which will help reduce, if not, eliminate any potential environmental impacts.</p>

Stanislaus County Zoning Ordinance Regulations	CMI-Riddle Surface Mine Relevant Component
<p>2. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.</p>	<p>Due to the fact that the Project Site and surrounding lands are of agricultural use, recreation, watershed, wildlife, range and forage are of minimal to no existence on the site or in the immediate surroundings. A visual impact assessment was developed for the proposed project and it was determined that potential visual impacts to the identified sensitive receptors would be less than significant with mitigation.</p>
<p>3. Residual hazards to the public health and safety are eliminated. (Ord. CS 663, §20, 1998)</p>	<p>Given that the proposed Project Site and surrounding lands are designated as Agriculture, zoned A-2, and are currently used for agricultural purposes, the proposed project will not directly expose the public to any potential health and safety risks. Mitigation measures will be incorporated to eliminate any potential residual hazards.</p>
<p><u>21.88.040 Scope</u></p>	
<p>Except as provided in this chapter, no person shall conduct surface mining operations unless a permit, reclamation plan, and financial assurances for reclamation have been approved by the county. Any applicable exemption from this requirement does not automatically exempt a project or activity from the application of other regulations, ordinances or policies by the county, including but not limited to, the application of CEQA, the requirement of site approval/use permit or other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law.</p>	<p>The applicant will proceed with the proposed project by seeking approval for the mining and reclamation plan along with the financial assurance and will seek to obtain all the necessary permits to establish the proposed mining plant.</p>
<p><u>21.88.060 Process</u></p>	

<b>Stanislaus County Zoning Ordinance</b>	
<b>Regulations</b>	<b>CMI-Riddle Surface Mine Relevant Component</b>
<p>A. Applications for site approval/use permit or reclamation plan for surface mining or land reclamation projects shall be made on forms provided by the planning department. Said application shall be filed in accord with this chapter and procedures to be established by the planning director. The forms for reclamation plan applications shall require, at a minimum, each of the elements required by SMARA (Sections 2772 and 2773) and state regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed reclamation plan, to be established at the discretion of the planning director.</p>	<p>The applicant will file all the required applications in accordance with County requirements and SMARA regulations.</p>
<p><u><i>21.88.070 Standards for Reclamation</i></u></p>	
<p>A. All reclamation plans shall comply with the provisions of SMARA (Section 2772 and Section 2773) and state regulations (CCR Sections 3500 to 3505). Reclamation plans approved after January 15, 1993, reclamation plans for proposed new mining operations, and any substantial amendments to previously approved reclamation plans, shall also comply with the requirements for reclamation performance standards (CCR Sections 3700 to 3713).</p>	<p>The Reclamation Plan addresses all sections outlined in SMARA Section 2772 and 2773 along with state regulations CCR Sections 3500 to 3505. The reclamation plan also complies with the requirements for reclamation performance standards CCR Sections 3700 to 3713.</p>

<b>Stanislaus County Zoning Ordinance</b>	
<b>Regulations</b>	<b>CMI-Riddle Surface Mine Relevant Component</b>
<p>C. Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the county. Each phase of reclamation shall be specifically described in the reclamation plan and shall include (1) the beginning and expected ending dates for each phase; (2) all reclamation activities required; (3) estimated costs for completion of each phase of reclamation. (Ord. CS 663, §26, 1998).</p>	<p>Reclamation of the mined areas will occur immediately after each mining unit is completed.</p>
<p><u><i>21.88.090 Findings for Approval</i></u></p>	
<p>A. Site Approval/Use Permits. In addition to any findings required by this code, site approval/use permits for surface mining operations shall include a finding that the project complies with the provisions of SMARA and state regulations.</p>	<p>The project description and methods for reclamations comply with the provisions of SMARA and State regulations.</p>
<p>B. Reclamation Plans. For reclamation plans, the following findings shall be required.</p>	
<p>1. That the reclamation plan complies with SMARA Sections 2772 and 2773, and any other applicable provisions;</p>	<p>The reclamation plan complies with SMARA sections 2772 and 2773, and any other applicable provisions.</p>
<p>2. That the reclamation plan complies with applicable requirements of state regulations (CCR Sections 3500 to 3505, and Sections 3700 to 3713).</p>	<p>The reclamation plan complies with all applicable requirements of State regulations regarding reclamation plan content and reclamation standards (CCR Sections 3500 to 3505 and Sections 3700 to 3713).</p>

Stanislaus County Zoning Ordinance Regulations	CMI-Riddle Surface Mine Relevant Component
<p>3. That the reclamation plan and potential use of reclaimed land pursuant to the plan are consistent with this chapter and the county's general plan and any applicable resource plan or element.</p>	<p>The proposed end use of a water reservoir and/or County flood control basin, which would support agricultural operations within the region, is consistent with the County's General Plan Agriculture Element Goals and Policies as well as Chapter 21.88 Surface Mining and Reclamation of the County Zoning Ordinance.</p>
<p>4. That the reclamation plan has been reviewed pursuant to CEQA and the county's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible.</p>	<p>The mining and reclamation plan will be reviewed pursuant to CEQA and the county's environmental review guidelines at which point mitigation measures will be applied to assist in minimizing or eliminating any potential impacts to the maximum extent feasible.</p>
<p>5. That the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site development will compensate for related disturbance to resource values.</p>	<p>The proposed site reclamation would include grading slopes above ground water levels at a 2:1 ratio as part of the mining process in conformance with SMARA Section 3704 suitable for the proposed end use of a water reservoir and/or County flood control basin which would support agricultural operations within the region.</p>
<p>6. That the reclamation plan will restore the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the General Plan and applicable resource plan.</p>	<p>The reclamation plan would establish a site that supports a water reservoir and/or County flood control basin which would support agricultural operations within the region.</p>
<p><u>21.88.100 Financial Assurances</u></p>	

<b>Stanislaus County Zoning Ordinance</b>	
<b>Regulations</b>	<b>CMI-Riddle Surface Mine Relevant Component</b>
<p>A. To ensure that reclamation will proceed in accordance with the approved reclamation plan, the county shall require as a condition of approval security which will be released upon satisfactory performance. The applicant may pose security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the county and the State Mining and Geology Board as specified in state regulations, and which the county reasonably determines are adequate to perform reclamation in accordance with the surface mining operation’s approved reclamation plan. Financial assurances shall be made payable to the county and the State Department of Conservation.</p>	<p>In compliance with SMARA, the applicant shall prepare financial assurance estimate to determine the surety amount required to ensure that reclamation of the site is completed to the specifications of the approved reclamation plan. A financial assurance instrument acceptable to both Department of Conservation and Stanislaus County at a value equal to or greater than the approved financial assurance estimate shall be posted.</p>
<p><u>21.88.170 Mineral Resource Protection</u></p>	
<p>A. Mine development is encouraged in compatible areas before encroachment of conflicting uses. Mineral resource areas that have been classified by the State Department of Conservation’s Division of Mines and Geology or designated by the State Mining and Geology Board, as well as existing surface mining operations that remain in compliance with the provisions of this chapter, shall be protected from intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible for consistency with the county’s general plan.</p>	<p>The proposed mining project is a permitted use under the A-2 zoning district in the Tier 3 category. Although the State Department of Conservation’s Division of Mines and Geology (now known as California Geological Survey) has not designated the proposed site as having mineral resources of regional or statewide significance due to the lack of evidence, recent analysis has shown that the site contains PCC-quality aggregate resources of regional significance. Therefore, based on the County’s goals and policies, mineral resources on the site should be protected for future extraction.</p>

<b>City of Newman General Plan</b>	
<b>Goals and Objectives</b>	<b>CMI-Riddle Surface Mine Relevant Component</b>
<p><b>CHAPTER 1: LAND USE ELEMENT</b></p>	
<p><b>Goal LU-6:</b> Provide adequate land for and promote development of employment uses that create high quality jobs and enhance the economy of Newman.</p>	

City of Newman General Plan	
Goals and Objectives	CMI-Riddle Surface Mine Relevant Component
<p><i>Policy LU-6.1:</i> The City shall commit itself to a long-term program of economic development to promote the maintenance and expansion of employment in Newman including employment in the industrial sector.</p>	<p>The proposed project and use would directly and indirectly contribute to an expansion of regional employment opportunities in the industrial sector. The use would provide for additional employment opportunities directly on the site as part of the mining, processing and trucking components and indirectly such as private distributors of the construction materials and construction opportunities.</p>
<p><i>Policy LU-6.2:</i> The City shall seek to establish greater diversification in future industrial and business development to provide residents of Newman with a range of employment opportunities from entry level jobs to highly skilled and professional jobs.</p>	<p>The proposed project will contribute in the diversification of employment in the industrial sector. The proposed use will provide additional long-term employment opportunities, both directly and indirectly, for residents in the region.</p>
<p><b>CHAPTER 7: NATURAL RESOURCES ELEMENT</b></p>	
<p><b>Goal NR-1:</b> Promote the continued productivity of agricultural land surrounding Newman and prevent the premature conversion of agricultural land to urban uses.</p>	
<p><i>Policy NR-1.2:</i> The City shall encourage the County to retain agricultural uses of lands surrounding Newman pending annexation to the city.</p>	<p>The proposed project would establish a mining site in an area historically known for predominantly agricultural uses, notwithstanding the presence of surface mining activities of the subject property. Although the proposed use is not considered a direct or incidental agricultural use, the extraction of mineral resources is a permitted use within the A-2 zoning district. Therefore, the proposed use is consistent with the Agriculture land use designation subject to discretion of the County Planning Commission. Reclamation of the site would establish an end use of a water reservoir and/or County flood control basin which would support agricultural operations within the region. Given the fact that the proposed site is not within the City Planning Area boundary, annexation of this portion of the property is not likely to occur anytime in the foreseeable future.</p>

Impacts resulting from potential conflicts with applicable land use plans, policies, and regulations would be **less than significant**.

**C. Potential Conflicts With Applicable Habitat Conservation Plan or Natural Community**

**Conservation Plan:** The project site is not within the boundaries of a habitat conservation plan or a natural community conservation plan. Therefore, there would be ***no impact***.

**5. Mitigation Measures:**

No significant land use impacts have been identified in this analysis. Therefore, no mitigation measures are required.

**6. Supplemental Land Use Consideration:**

The California Department Conservation, California Geological Survey authored a Special Report (Map 52) in 2002, subsequently updated in 2006, depicting the 50-year aggregate demand compared to permitted resources for each of the Production-Consumption Regions of the State of California. Map 52 documents Stanislaus County's 50-year aggregate demand to be approximately 344 million tons compared to a total estimate of 51 million tons permitted (entitled) to meet the demand. The permitted resource constitutes approximately 15% of the 50-year demand for Stanislaus County. The currently permitted supply is less than a 10-year supply. This data clearly demonstrates the shortage of locally available aggregate resource to meet the demand.

**7. Conclusion:**

An analysis of land use goals and policies for Stanislaus County and neighboring City of Newman shows a common interest in preserving agricultural uses throughout the County and, for the purpose of this analysis, in the region of the proposed project site. The County and City of Newman both understand that the agricultural industry is a significant contributor to the economic vitality of the region and, therefore, must be protected. The main goal is to prevent incompatible urban uses from establishing themselves in areas that are designated and zoned for agricultural use. This is evident by the numerous goals, policies and regulations established in the County's General Plan and Zoning Ordinance as well as the City of Newman's General Plan. On the other hand, the County also understands that the preservation and extraction of mineral resources of value is a necessity for the continued growth of the region which, in turn, is of great significance to the ongoing economic stability of the region. Because of this, the County has adopted goals and policies, which in conjunction with the goals and policies established to protect agricultural lands and uses, further help protect areas known to have significant mineral resources from intrusion of incompatible land uses which would prevent the future extraction of the minerals.

Calaveras Materials Inc.'s Proposed Project is consistent with the goals, policies and regulations of the aforementioned jurisdictions. Although the subject site has not been identified by California Department of Conservation, California Geological Survey as having mineral resources of regional or statewide significance, recent geological analysis has shown that the site does contain mineral resources of the regional significance. Therefore, the applicant has applied to the State Mining and Geology Board for official mineral resource classification of the site (MRZ-2). Once recognized as a site containing aggregate resources of regional significance, mineral resource preservation and extraction goals and policies will apply. Therefore, it is assumed these policies apply to the project. The project complies with the applicable regulations requiring a buffer setback from adjacent agricultural uses although the proposed use is not an incompatible urban use and would not have an adverse affect on the current agricultural practices surrounding the site.

## 8. References:

- Stanislaus County (December, 2007). Stanislaus County Zoning Ordinance.
- Stanislaus County – Planning and Community Development (As amended on December 16,2008). Stanislaus County General Plan. Stanislaus County.
- DC&E (Adopted April 10, 2007). Newman 2030 General Plan. City of Newman.
- Calaveras Materials Company Inc. (October 2009). Riddle Surface Mining and Reclamation Plan.
- Susan L. Kohler (December 2006), Aggregate Availability in California, Fifty-Year Aggregate Demand Compared to Permitted Aggregate Resources. Department of Conservation, California Geological Survey.