

## NOTICE OF A REGULAR MEETING

Pursuant to Section 54954.2 of the Government Code of the State of California, a Regular meeting of the City of Tracy Planning Commission is hereby called for:

Date/Time: Wednesday, October 25, 2017  
7:00 P.M. (or as soon thereafter as possible)

Location: City of Tracy Council Chambers  
333 Civic Center Plaza

Government Code Section 54954.3 states that every public meeting shall provide an opportunity for the public to address the Planning Commission on any item, before or during consideration of the item, however no action shall be taken on any item not on the agenda.

### REGULAR MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES – 9/27/17

DIRECTOR'S REPORT REGARDING THIS AGENDA

ITEMS FROM THE AUDIENCE - *In accordance with Procedures for Preparation, Posting and Distribution of Agendas and the Conduct of Public Meetings, adopted by Resolution 2015-052 any item not on the agenda brought up by the public at a meeting, shall be automatically referred to staff. If staff is not able to resolve the matter satisfactorily, the member of the public may request a Commission Member to sponsor the item for discussion at a future meeting.*

#### 1. NEW BUSINESS

- A. PUBLIC HEARING TO CONSIDER APPROVAL OF A CONDITIONAL USE PERMIT AND RECLAMATION PLAN AMENDMENT TO DEFINE AND EXTEND THE EXPIRATION DATES FOR MINING UNTIL DECEMBER 31, 2036 AND RECLAMATION UNTIL DECEMBER 31, 2039 WITH NO CHANGES TO MINING OR RECLAMATION ACTIVITIES (REQUEST IS ONLY TO EXTEND TIME), AND APPROVAL OF THE RENEWAL OF THE INTERIM MANAGEMENT PLAN FOR AN ADDITIONAL FIVE YEAR PERIOD FOR THE PEREIRA MINE, LOCATED AT THE SOUTHWEST CORNER OF W. LINNE ROAD AND S. TRACY BOULEVARD, ASSESSOR'S PARCEL NUMBERS 253-110-06; 253-110-07; 253-110-008; 253-110-09; AND 253-110-014. APPLICANT IS TEICHERT AGGREGATES; OWNER IS TRIANGLE PROPERTIES; APPLICATION NUMBER CUP16-0010

#### 2. ITEMS FROM THE AUDIENCE

3. DIRECTOR'S REPORT

- Discussion of Recent APA Conference

4. ITEMS FROM THE COMMISSION

5. ADJOURNMENT

Posted: October 20, 2017

The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in public meetings. Persons requiring assistance or auxiliary aids in order to participate should call City Hall (209-831-6000), at least 24 hours prior to the meeting.

Any materials distributed to the majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Development Services Department located at 333 Civic Center Plaza during normal business hours.

**MINUTES  
TRACY CITY PLANNING COMMISSION  
SEPTEMBER 27, 2017, 7:00 P.M.  
CITY OF TRACY COUNCIL CHAMBERS  
333 CIVIC CENTER PLAZA**

**CALL TO ORDER**

Chair Orcutt called the meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

Chair Orcutt led the pledge of allegiance.

**ROLL CALL**

Roll Call found Chair Orcutt, Vice Chair Sangha, and Commissioners Hudson, Krogh, and Tanner present. Also present were: Bill Dean, Assistant Director of Development Services; Leticia Ramirez, Assistant City Attorney; Scott Claar, Senior Planner; Vicki Lombardo, Senior Planner; Cris Mina, Senior Civil Engineer; and Peggy Abundiz, Recording Secretary.

**MINUTES**

It was moved by Commissioner Tanner, and seconded by Vice Chair Sangha, that the Planning Commission meeting Minutes of September 13, 2017, be approved. Voice vote found all in favor; passed and so ordered.

**DIRECTOR'S REPORT REGARDING THIS AGENDA**

Bill Dean thanked the Commission for their service on this night, adding that there is a full agenda for the meeting. Mr. Dean pointed out that Agenda Item 1-A, regarding the Pereira Mine, will be re-noticed for a later meeting, as stated on the agenda. He further announced that Item 1-E, involving determination of consistency with the General Plan for the vacation of a small piece of right-of-way, needs further review and thus is being postponed to a future meeting as well.

**ITEMS FROM THE AUDIENCE**

None.

**1. NEW BUSINESS**

- A. PUBLIC HEARING TO CONSIDER APPROVAL OF A CONDITIONAL USE PERMIT AND RECLAMATION PLAN AMENDMENT TO DEFINE AND EXTEND THE EXPIRATION DATES FOR MINING UNTIL DECEMBER 31, 2036 AND RECLAMATION UNTIL DECEMBER 31, 2039 WITH NO CHANGES TO MINING OR RECLAMATION ACTIVITIES (REQUEST IS ONLY TO EXTEND TIME), AND APPROVAL OF THE RENEWAL OF THE INTERIM MANAGEMENT PLAN FOR AN ADDITIONAL FIVE YEAR PERIOD FOR THE PEREIRA MINE, LOCATED AT THE SOUTHWEST CORNER OF LINNE ROAD AND SOUTH TRACY BOULEVARD

(ASSESSOR'S PARCEL NUMBER 253-110-09) – APPLICANT IS TEICHERT AGGREGATES; OWNER IS TRIANGLE PROPERTIES; APPLICATION NUMBER CUP16-0010

As stated on the Agenda, this item will be re-noticed for a future Planning Commission meeting.

- B. PUBLIC HEARING TO CONSIDER RECOMMENDATIONS TO THE CITY COUNCIL REGARDING APPROVAL OF A GENERAL PLAN AMENDMENT TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION FROM RESIDENTIAL HIGH TO COMMERCIAL AND APPROVAL OF A REZONE FROM HIGH DENSITY RESIDENTIAL ZONE TO GENERAL HIGHWAY COMMERCIAL ZONE FOR A 6,000 SQUARE FOOT PARCEL LOCATED AT 2461 HOLLY DRIVE AND A 7,402 SQUARE FOOT PARCEL LOCATED AT 2441 HOLLY DRIVE. THE APPLICANT IS MIKE SOUZA. THE PROPERTY OWNERS ARE GEMELOS FAMILY PARTNERSHIP AND TRACY UNIFIED SCHOOL DISTRICT. APPLICATION NUMBERS GPA17-0002 AND R17-0002

Scott Claar presented the staff report. Chair Orcutt opened the public hearing at 7:03 p.m. Applicant Mike Souza spoke and addressed questions from the Commission. As there was no other testimony to be heard, Chair Orcutt closed the public hearing at 7:08 p.m. Scott Claar addressed questions from the Commission.

**ACTION** It was moved by Commissioner Hudson, and seconded by Commissioner Tanner, that the Planning Commission recommend that the City Council take the following actions, as stated in the Planning Commission Resolution dated September 27, 2017:

- Approve a General Plan Amendment to change the General Plan Land Use Designation from Residential High to Commercial for an approximately 6,000 square foot parcel located at 2461 Holly Drive, Assessor's Parcel Number 214-520-17, and an approximately 7,402 square foot parcel located at 2441 Holly Drive, Assessor's Parcel Number 214-520-18, Application Number GPA17-0002; and
- Introduce and adopt an ordinance to rezone an approximately 6,000 square foot parcel located at 2461 Holly Drive, Assessor's Parcel Number 214-520-17, and an approximately 7,402 square foot parcel located at 2441 Holly Drive, Assessor's Parcel Number 214-520-18, from High Density Residential Zone to General Highway Commercial Zone, Application Number R17-0002.

A voice vote found all in favor; 5-0-0, passed and so ordered.

- C. PRESENTATION AND QUESTION/ANSWER DISCUSSION ON THE PROPOSED TRACY VILLAGE DEVELOPMENT PROJECT

Vicki Lombardo presented the staff report, then requested that the Commission turn it over to Jeff Schroeder of Ponderosa Homes II, Inc., for a brief PowerPoint presentation. Mr. Schroeder made the presentation and addressed general questions

from the Commission relative to the development. Other questions from the Commission are listed below, with the Applicant's response following:

- Why wasn't the southwest walking strip made a road or access point for ingress, egress, emergency vehicles, etc.?  
APPLICANT: The strip sits between two residential lots and is 25 feet in width, which is not wide enough for vehicular access. We see it as a pedestrian access out to Corral Hollow Road.
- Citizens may not see a manmade lake as beneficial.  
APPLICANT: Lakes are well received in terms of an amenity. The original vision was four lakes, then the drought came, then it was two lakes or no lakes. We designated three lakes once the City informed us they had received a grant to extend the recycled water line down close enough to where we could afford to bring it over. We haven't finalized that location yet, or how long it will take to get there. We'll be using that recycled water, but it's really integrated into the entire project from a storm drain and water treatment standpoint. The lake will also provide irrigation for all of the common areas, which will help circulate the water in the lake as well. Additionally, the lake has filtration and pumping systems, as well as oxygen emitters, to prevent eutrophication. It's a manmade system run pretty efficiently, and it seems the homeowners association would want to protect that to the greatest extent possible because it is an amenity to the community. Another benefit is that it can provide a place for the City to send its recycled water.

At 7:34 p.m., Chair Orcutt invited the public to share any questions or comments they had on the development project.

Perpetua Comstock-Fritchie spoke and openly discussed her questions with Mr. Schroeder regarding the project, including future dedication of property for the widening of Valpico Road, as well as traffic concerns. Cris Mina addressed questions from the Commission and Ms. Comstock-Fritchie relative to future traffic improvements at the intersection of Corral Hollow and Valpico Roads.

Suzanne Shaw spoke, and echoed Ms. Comstock-Fritchie's concerns regarding traffic congestion. Ms. Shaw also asked questions with regard to: entrances to the development, future improvements on Corral Hollow Road, who will pay for the sidewalks, future dedication of property, and whether or not current residents will be allowed to continue using well water and propane. Chair Orcutt, Jeff Schroeder, Bill Dean, and Vicki Lombardo addressed these questions.

Perpetua Comstock-Fritchie asked questions regarding the annexation process, addressed by Bill Dean.

Judy Houdeshell inquired as to how long construction is expected to last. Discussion ensued regarding the active adult residential allocation system, and the approval processes required in order for this project to be completed.

As no one else came forward, Chair Orcutt closed the public question/comment session at 8:00 p.m.

Mr. Schroeder addressed additional general questions from the Commission relative to the project.

D. PUBLIC MEETING TO SOLICIT COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE TRACY VILLAGE DEVELOPMENT PROJECT

Vicki Lombardo presented the staff report, pointed out that the public comment period for the Draft Environmental Impact Report (DEIR) ends on October 2, and introduced Elizabeth Johnson, Senior Project Manager with First Carbon Solutions. Ms. Johnson pointed out that Mary Bean, Project Director, was present as well. Ms. Johnson gave a PowerPoint presentation, providing an overview of the environmental process and summarizing the findings contained in the DEIR, then invited questions from the Commission.

Bill Dean pointed out that the environmental process requires that staff note down questions at this point, rather than provide answers. Mr. Dean further explained that any questions raised, whether from an agency or a homeowner, will be answered through this process. Thus, tonight's purpose is simply to provide an opportunity for people to ask questions. Answers to these questions will be provided once technical staff has been consulted. In response to a question from Chair Orcutt, Mr. Dean stated that the DEIR is posted on the City's website, and a hard copy is also available for review at City Hall.

Elizabeth Johnson provided an overview of the EIR process.

The Commissioners raised the following questions regarding the DEIR:

- In terms of the improvements to Valpico Road, what is the viability of access for the existing lots that front onto that road in its ultimate configuration? (Cris Mina pointed out that if this question is not addressable in the EIR, then it can be addressed in the Tentative Map stage, when Engineering will write conditions of approval specifying the location of access points and construction detail of those access points.)
- Is the issue of birds a major problem? (Bill Dean pointed out that some possible mitigation measures are listed in the DEIR, but that, if possible, the final document will elaborate on that.)
- Page 3.16-5 – Discusses intersection studies. A number of these do not have pedestrian crosswalks. If it becomes City property, will pedestrian crosswalks be installed?
- Page 3.16-14 – Discusses Tracer. I would hope that the City is planning to do more with Tracer and/or para-transit in that area. If not, why not?

- Parking occupancy at the Ace Tracy Station—why wasn't this based on a more current study? The study was completed three years ago and the occupancy has got to be greater than 73.5%. Why isn't it current?
- Page 3.16-17 – Cumulative plus intersection level of service – Lammers and Valpico Roads are already at Level F. With the project included, the level remains at F. Why?
- Two areas of Corral Hollow and Valpico go from a Level C to E. Why?
- Tracy Boulevard and Valpico also go from Level C to E. Why? Can't these be improved?
- Pages 5-2 and 5-10 discuss alternatives. It seems like the project may really be going for Alternative 3, which is just the project. What about the option that the 42 properties not be a part of the City? (Bill Dean pointed out that a determination on this is not a part of the DEIR process—the process simply lists alternatives, but the ultimate decision rests with the City, and the Planning Commission has full discretion to make whatever recommendation it so chooses to City Council.)
- Page 5-16, Table 5-4 – there seems to be a big difference between a.m. and p.m in terms of travel. Why is there such a big difference between the two?
- Is there going to be a traffic signal at the intersection of Valpico and Corral Hollow?
- The current fire station which would service that community is on Central Avenue and Tracy Boulevard. It is slated to be moved to the east, to Valpico. Is moving that station going to diminish response times to this project and other neighborhoods in that area? Can the next closest station (believed to be Eleventh Street) handle backup call volume if those resources are deployed to other locations in the city? Will we still be within the level of service that's required?
- The City just acquired a tractor drawn aerial ladder truck apparatus that seems a lot bigger than what we had before. Do the turning radiuses inside of this development meet the requirements for that ladder truck, and do the turning radiuses meet the requirement for turning off of the city streets into the development?
- Page ES-2 – Under Applicant Objectives, third from the bottom it lists as one of the objectives: *“Reduce waste, reinvest back into the community, and minimize impacts on local services.”* What is meant by the term “reinvest back into the community?”

- Page ES-18 – In the Executive Summary Matrix, one of the mitigation measures, NOI-1b, discusses the 6-foot-high sound wall proposed, and then later that the project might implement an 8-foot-high sound wall. There is a comment related to that on Page 1-5, Comment 10: *“The resident on the east side of the property currently enjoys views across the project site. She has a 3-foot fence, and is concerned about the proposed 8-foot wall.”* Is it 6-foot or 8-foot? Is it going to be built? Aesthetics is a concern. How is it going to be perceived? Are we going to put vegetation on it? Are we going to tree line it? Stones? Etc. It would obviously be a sound wall, but would it be a decorative type wall?
- Would the southwest walking strip be best used as a one-way exit to minimize or potentially lessen the impacts on Valpico Road?

An audience member asked when the answers to these questions would be provided. Bill Dean stated that response time will depend on how many questions are posed.

At 8:34 p.m., Chair Orcutt opened the public comment period for the Tracy Village DEIR.

Judy Houdeshell spoke, expressing the following concerns:

- Page 3.3.40 – Discusses valley fever and references District Regulation VIII in terms of how the soil disturbance and dust would be handled during a project. The wind is 99% of the time going from west to east, and I get a lot of dust at my house every windy day. When they excavate they will be causing dust. It would be nice to be able to see what District Regulation VIII says, in particular with regard to dust control. It would be nice if that was delineated a little more thoroughly in the Report as the public document in order to understand what that would mean so that if we start getting a lot of dust there’s something I can fall back onto, and for the contractor to look at and understand they need to follow. It was interesting that it was noted that out of 8,652 people that were hospitalized between the years 2001 and 2007, 752 of them died. It is very serious. The report did find that this particular plot of land is probably not at a high risk for it, but you cannot be certain. So I am really concerned about the dust. (Joe Orcutt added a question here regarding the watering of construction sites for dust prevention, asking whether or not that would help keep the valley fever molecules settled as well.) Once the water dries, the dust picks back up again and with the wind it would make it worse, so hopefully there are other mitigation measures.
- The wall that will be built behind my house—I don’t think it’s a sound wall, but I am concerned about what that wall is going to look like and at what stage in the project it will be built. Also, with our 3-foot fence we have a built-in pond. My husband built part of the pond into the fence line. So there’s a lot of concern about what that wall is going to do to our pond, and to the look of our backyard.



- Ponderosa has stated to me that the houses along the back of our homes would all be single story, so that we would not have a 1 ½- or 2-story home directly behind us. I don't know if that's in the Report in terms of the visual impacts for the existing homeowners.
- Page 3.16-72 – There's a map. At the dead end that's adjacent to my house it references an emergency vehicle access, but yet in the drawing I only see a pedestrian access way and a house. I don't understand what that emergency vehicle access is. Is it going around the outside perimeter of the whole thing? Inside the wall? Within the new development? Or is it from the dead end going in, and they're going to need to move the housing footprints to make an emergency vehicle access? I couldn't figure out the map. It would be nice to see a blow-up of that area and what that reference to an emergency vehicle access really looks like.
- Valpico Road, Middlefield, and Linne all have traffic congestion problems. If there's any consideration possible for the multiplicity of construction projects happening at the same time and making things worse, or changing a regular red light to a blinking red light, which seems to happen quite often and slows traffic down tremendously, it would be nice for the City to look at those kinds of issues. I've had friends who have had to turn around and go home and not go into work. Traffic has been terrible.
- Regarding solar panels, it would be interesting to know what percentage of use the panels will have to cover. Is it a certain percentage of the homes are to have solar, or is it a certain percentage of solar power on each home? I would love to see Tracy become a zero net energy city. To put two solar panels on a house does almost nothing. You really need to have something that's significant enough to make a difference to the homeowner and really to look at the amount of power that's going to be consumed and see if the panels are going to be doing more than saving them a few dollars. (Chair Orcutt interjected here that, based on the Tentative Map and how they have the elevations and the directional faces of the different houses and the roofs, the engineers will be looking at all of that for where to optimally place all of the solar usage for the rooftops.) The layout and design of the homes should allow for more south facing rooflines to better accommodate more solar panels.
- Noise – I see in the Report that the construction hours allowable for the project are from 7:00 a.m. until 10:00 p.m. It seems like, for every waking hour of my life for the next 11 years, they could rightfully be out there making noise until 10:00 at night. In the report, the noise level was compared to that of the airport. Tracy's airport does not run planes until 10:00 at night. They run very small planes. I don't hear the airport from my house. I do hear on occasion the pounding of the gravel pit companies across Linne Road and that travels across the empty field pretty easily, but the airport noise is really almost nonexistent. (Chair Orcutt pointed out here that, as we move closer with the Tentative Map and having another public hearing this will be addressed.

Additionally, we have many developers here who love to work with the individual residents and talk with them separately outside of our meetings to help mitigate different impacts. He added that he has seen this quite a few times through different developments that have come through our City, and it's usually a pretty amicable type of relationship that grows from that.) People across the street from Ellis have made lots of comments to me that the noise starts at 5:00 a.m. when the crews show up and play their radios loud and start mobilizing to start their day. But with this being a binding legal document, 7:00 a.m. to 10:00 p.m., if they're hammering and sawing and making noise until 10:00 p.m. I don't have a legal leg to stand on. If that's going to go on for 10 years I'm moving away. The noise and dust are my two largest concerns.

- I've had a wonderful view across the field for 27 years, since 1990. Many people come to the dead end next to my house with their kids. They ride their bicycles out there, they stop and stare at the sunset, and it's a lovers' lane viewpoint of Mount Diablo and the windmills and all of that. I know that's not going to keep progress from moving forward, but I just want it on record that there are a lot of people that enjoy that view across the field, more than just myself.
- Light is also a little concern. I have a hot tub in my backyard, right in the corner where there's going to be a pedestrian gate. I'm sure there's going to be a light right over our hot tub, which is not going to be a good thing for us. (Chair Orcutt pointed out here that this is part of the Tentative Map process, and offered to Ms. Houdeshell that she is welcome to come to that and as she takes a look and gauges where her house is and where the lighting is, etc., she can make recommendations, and perhaps the applicant would be willing to look at that and possibly meet somewhere in the middle where that may be. Chair Orcutt added that this is all a part of the public process.) I'm hoping for a little street lamp, rather than a regular street light.

As no one else come forward, Chair Orcutt closed the public comment period at 8:49 p.m.

Bill Dean thanked everyone for coming out, pointing out that the whole city improves when we engage in this process, and reiterating that there will be answers provided to the questions posed tonight through this process. Chair Orcutt echoed Mr. Dean's sentiments with regard to improvement of the city through this process.

**E. DETERMINATION OF CONSISTENCY WITH THE CITY OF TRACY GENERAL PLAN FOR A VACATION OF PUBLIC RIGHT-OF-WAY AFFECTING THE SOUTHEAST CORNER OF GRANT LINE AND PARADISE ROADS. APPLICANT IS PROLOGIS. APPLICATION NUMBER DET17-0003**

This item was postponed to a future meeting (refer to "Director's Report Regarding This Agenda" on Page 1).

## **2. ITEMS FROM THE AUDIENCE**

None.

## **3. DIRECTOR'S REPORT**

Bill Dean thanked those Commissioners who were able to attend the recent California American Planning Association (APA) Conference, pointing out that it was great to be able to be together and attend some sessions. Mr. Dean added that hopefully, as schedules allow, there will be even more participation next year. Mr. Dean stated his intention to add an agenda item for a Commission meeting in the near future, under Director's Report, to share what attendees experienced at the Conference, pointing out that it would be an opportunity for the Commission members who were not able to attend to hear from fellow Commissioners, and staff, about what was experienced and perhaps how it relates to the work they do. Chair Orcutt expressed his agreement.

## **4. ITEMS FROM THE COMMISSION**

Chair Orcutt invited the Commission to share any items they would like to discuss. Vice Chair Jass Sangha expressed concerns relative to criticisms recently expressed about the Planning Commission in terms of the appropriateness of what they say, their actions, and the direction they should be going. Vice Chair Sangha further shared her understanding of the Planning Commission as an independent Commission under the State of California, and any other state. She added that City staff have always encouraged the Commissioners to speak their minds and share their views, and have always pointed out that the Commission has the authority to do so.

In response to Ms. Sangha's concerns, Bill Dean stressed that the Planning Commission is an independent Commission appointed by the City Council which serves at their will to advise them on planning matters that come before them. Mr. Dean further stated that he strongly supports and thinks that the Commissioners should interact with one another at these meetings, fully evaluate the items staff brings forward, express opinions, challenge one another, further the dialogue, express concerns, listen to one another, and conduct the open public hearing so that people have a chance to participate in this community. Mr. Dean added that Tracy is a growing community with a lot at stake if this process is not followed, and that he is going to continue to do everything he can to encourage it from his office. Mr. Dean asked the Commissioners to inform him if any staff member dissuades them from participating in this way.

Vice Chair Sangha reiterated that the issue does not involve staff, adding that she wants it on record that staff have all been very supportive. Ms. Sangha shared that what drove her comments tonight was what she is hearing from citizens based upon their observations of the City Council meetings.

Mr. Dean thanked Ms. Sangha for raising this issue, and suggested that when the APA Conference item is discussed at a future meeting the role of the Planning Commission also be discussed, as that was the topic of some of the Conference sessions. Mr. Dean further suggested that perhaps in that discussion the Commissioners can share some of

the stories they heard from other jurisdictions about how to deal with sticky issues. Mr. Dean pointed out that it is not unique to Tracy that we are faced with issues that bring out passions in people, and that perhaps in that dialogue the Commissioners can share with each other what they may have gleaned from some of those sessions.

Vice Chair Sangha expressed that it is a blessing that all five Commissioners get along so well, adding that even when they disagree with each other they do not disrespect one another.

Jacy Krogh suggested that if any Commissioners have an issue involving the City Council they reach out to the Mayor or other appropriate person, and have the right to do so. Commissioner Krogh added that, although appointed by the City Council, the Commissioners are constituents of the Council, and that Council is responsible for answering questions from the electorate.

## **5. ADJOURNMENT**

It was moved by Commissioner Orcutt, and seconded by Commissioner Hudson, to adjourn.

Time: 8:58 p.m.

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CHAIR

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STAFF LIAISON

AGENDA ITEM 1-A

REQUEST

**PUBLIC HEARING TO CONSIDER APPROVAL OF A CONDITIONAL USE PERMIT AND RECLAMATION PLAN AMENDMENT TO DEFINE AND EXTEND THE EXPIRATION DATES FOR MINING UNTIL DECEMBER 31, 2036 AND RECLAMATION UNTIL DECEMBER 31, 2039 WITH NO CHANGES TO MINING OR RECLAMATION ACTIVITIES (REQUEST IS ONLY TO EXTEND TIME), AND APPROVAL OF THE RENEWAL OF THE INTERIM MANAGEMENT PLAN FOR AN ADDITIONAL FIVE YEAR PERIOD FOR THE PEREIRA MINE, LOCATED AT THE SOUTHWEST CORNER OF W. LINNE ROAD AND S. TRACY BOULEVARD, ASSESSOR'S PARCEL NUMBERS 253-110-06; 253-110-07; 253-110-008; 253-110-09; AND 253-110-014. APPLICANT IS TEICHERT AGGREGATES; OWNER IS TRIANGLE PROPERTIES; APPLICATION NUMBER CUP16-0010**

DISCUSSION

Project and Site Description

The applicant, Teichert Aggregates, is requesting to clarify and define the expiration dates of the Conditional Use Permit and Reclamation Plan that was previously approved for the Pereria Mine on January 24, 2001. The request is to clearly define the expiration dates of the Conditional Use Permit and Reclamation Plan. The request does not propose any changes to the mining or reclamation plans or access to any additional aggregate reserves, and remains consistent with the approved Mitigated Negative Declaration (MND) for the project. Specifically, Teichert Aggregates is requesting the proposed Conditional Use Permit and Mining expiration date of December 31, 2036, and the proposed completion of Reclamation of December 31, 2039. The proposed expiration dates are designed to afford the operator with some operational flexibility in light of fluctuating market demand for aggregate. However, should market conditions allow, both mining and reclamation may be completed sooner by the operator. The request also includes approval of an Interim Management Plan (IMP) pursuant to Section 10.08.4780 of the Tracy Municipal Code {T.M.C.}, that provides for an amendment to the originally approved reclamation plan, when a mine becomes idle and in compliance with the requirements of the Surface Mining and Reclamation Act, Public Resources Code (PRC § 2770(h)).

The previously approved Conditional Use Permit (CUP) and Reclamation Plan allowed for the extraction of an estimated aggregate volume of 12.1 million tons at an estimated annual production of +/- 1.5 million tons per year. Based on the original estimation from 2001, the project duration was projected to be between 7 to 10 years, depending upon market demand. According to the applicant, the estimated commencement date of mining was to be November 2000, with the estimated mining permit termination date of November 2010 and established reclamation termination date of January 2012. However, these dates were merely estimates. The CUP did not include a stated expiration date. The applicant has further indicated that these estimated dates shifted over time due to a number of factors, including delayed approval from the original proposal, which led to the mining commencement being delayed slightly in 2001. Then due to market conditions, the actual annual production fell short of the planned 1.5 million tons per year, and then ultimately led to the mine site going to an idle status in

2010 and having an IMP approved in 2011. The annual production for the years 2001 – 2009 only averaged approximately 800,000 tons per year. This leaves up to approximately 4.5 million tons left to be mined, once market conditions allow.

### Background

On January 24, 2001, the Planning Commission approved the Surface Mining Permit and Reclamation Plan (Application No. 10-00-CUP). Specifically, the CUP established a surface mining operation to extract sand and gravel (approximately 8 million cubic yards) on approximately 85 acres of a 100 acre site located at the southwest corner of Tracy Boulevard and Linne Road. The project also included approval of a reclamation plan, and approval of an MND. The purpose of a reclamation plan is to ensure that the disturbed site will be reclaimed and not left in a state of degradation or result in adverse effects from the surface mining operations. In this case the reclamation plan called for the end use of the site to be grazing/husbandry, with the site graded with gentle slopes ranging from 2:1 to 3:1 slopes.

On January 1, 2010, the Pereria Mine became idle and subsequently the operator, Teichert Aggregates, provided the City of Tracy with an IMP on March 16, 2011. Pursuant to Public Resources Code Section 2727.1 “idle” means that an operator of a surface mining operation has curtailed production at the surface mining operation, with the intent to resume the surface mining operation at a future date, for a period of one year or more by more than 90 percent of its maximum production within any of the last five years during which an IMP has not been approved. On August 23, 2011, the City of Tracy certified complete the first IMP for the site in response to the mine becoming idle in January 2011. In accordance with City practices, the IMP was referred to the California Department of Conservation – Office of Mine Reclamation (OMR) for review and comment. On September 20, 2011, the OMR commented back to the City that the IMP contained sufficient information describing the idle site and met the requirements of the Surface Mining and Reclamation Act (SMARA), with no additional comments.

In the September 20, 2011 response to the City of Tracy from the OMR, it was noted that an approved IMP may remain in effect for a period not to exceed five years. Once the five year period has ended, the lead agency may: (1) renew the IMP for up to a five year period, if the mine operator has complied fully with the IMP; or (2) require the mine operation to commence reclamation in accordance with the approved reclamation plan, and it was further noted that the IMP would need to be renewed in 2016 if the mine remained idle. On July 27, 2016, Teichert Aggregates submitted a request to renew the IMP for an additional five-year period, pursuant to Public Resources Code Section PRC § 272(h)(2)(A). On August 2, 2016, the City of Tracy submitted the IMP renewal to the OMR for review and comments. This application represents the first renewal of the IMP. Per PRC Section §Section 2770(h)(2)(A), an IMP may be renewed for an additional five years. If found necessary, a mine may be under an IMP for up to 15 consecutive years (initial IMP + 2 subsequent 5 year renewals).

During the IMP review process it was discovered that the original reclamation plan (RP-2001-01) approved by the Planning Commission on January 24, 2001 contained language that provided for the estimated mining and reclamation termination date of January 2012. However, the adopted resolution was not definitive in the actual expiration date of both the CUP and the Reclamation Plan.

Public Resources Code Section 2772(c)(3) of the SMARA Statutes requires a reclamation plan to contain the proposed dates for initiation and termination of the surface mining operation. Additionally, Section 10.08.4730(E)(3) of the Tracy Municipal Code {T.M.C.} states that a reclamation plan shall include the proposed dates for initiation and termination of such operation. As noted above, the termination dates of mining operation as well as the reclamation of the site were not clearly stated in the record, and as such have been confusing. Staff has consulted with staff from both the Department of Conservation – Division of Mine Reclamation and the State Mining and Geology Board regarding the Pereria Mine and appropriate measures for addressing the issue of both the mining and reclamation termination dates. It was determined by staff that the best approach is for the Planning Commission to consider defining the dates through a Conditional Use Permit/Reclamation Plan Amendment. In addition, the IMP, which is considered an amendment to the reclamation plan, can also be considered by the Planning Commission. The previous IMP was approved by staff on August 23, 2011, pursuant to Section 10.08.4780 of the Tracy Municipal Code {T.M.C.}, and the IMP is considered to be insignificant; nevertheless, staff believes that in order to set the record straight with timelines and expiration dates, all three actions/entitlements should be considered by the Planning Commission (CUP, Reclamation Plan, and IMP). For this reason, staff is bringing forth all three requests for the Planning Commission's consideration.

#### General Plan and Zoning Consistency

General Plan Objective LU – 6.1 states:

*“Minimize the impact of industrial development or aggregate mining on adjacent uses.”*

General Plan Policies P1. and P3, as they pertain to Objective LU – 6.1, state as follows:

- P1. New industrial or mining uses shall be designed to not adversely impact adjacent uses, particularly residential neighborhoods, with respect to, but not limited to, noise, dust and vibration, water quality, air quality, agricultural resources and biological resources.”*
- P3. Use of berms, landscaped buffer zones, soundwalls, and other similar measures between quarrying operations and noise-sensitive adjacent uses is encouraged to ensure consistency with standards established in City's Noise Element of the General Plan.*

The site is located immediately south of Linne Road and the Union Pacific Railroad tracks and immediately west of South Tracy Boulevard, adjacent to an area with mixed residential and industrial uses located within the unincorporated areas of San Joaquin County. The Tracy Municipal Airport, along with a parcel developed as the airport drainage sump area/pit, is located to the south and other light industrial uses are located to the west. The entire length of the northern boundary of the property along Linne Road has been developed with a 12 foot high earth berm that has been planted with both shrubs and London Plane trees that established both a visual and noise berm along Linne Road. The site is inspected each calendar year, pursuant to Section 10.08.4770(b) of the Tracy Municipal Code {T.M.C.} and the site, including the berm and landscaping, has been found to be well maintained and in adherence to the provisions of the approved mining and reclamation plan. Currently, the Pereria Mine is idle and no

mining has occurred since 2010. It is maintained, and mining can be reactivated based on market conditions. The site has also been shown to be compatible with the adjacent industrial uses.

General Plan Objective LU – 6.3 states:

*“Ensure that development near the Tracy Municipal Airport is compatible with airport uses and conforms to safety requirements.”*

General Plan Policies P3. and P4., as they pertain to Objective LU – 6.3, state as follows:

*P3. Uses that are compatible with the noise, air quality and traffic impacts associated with airports, such as aviation-oriented commercial and industrial uses, should be located near the airport whenever possible.*

*P4. Adequate environmental protection and mitigation shall be provided for uses that are less compatible with the development near Tracy Municipal Airport.*

The Pereria Mine is located immediately north of the Tracy Municipal Airport. The mine site has in many areas been excavated below the existing grade at an average depth of 50 feet. There are no structures or processing equipment located on the Pereria Mine site. In the Initial Study and Negative Declaration prepared for the project, dated January 25, 2001, it was stated that:

*“The project site was designated by the Urban Management Plan/General Plan (UMP) as Industrial and has a Zoning Classification of Heavy Industrial (M-2), Aggregate Mineral Overlay (AMO) and Airport Overlay (AO). Surface mining is a conditionally permitted use in the M-2 zoning classification where the site is located adjacent to a non-industrial or non-agricultural zone. The Tracy Industrial Areas Specific Plan [Section 4.1.2(b)] indicates that [t]he conditions of Parcel 8 (the subject property) create an opportunity for a multi-stage development process of the site, with a sand and gravel mining operation as an initial use and subsequent land reclamation to allow a distribution of industrial light manufacturing use.’ This would enable the gravel under the grounds to be used productively and for the site to house an appropriate and compatible use after reclamation.”*

Based on the approved reclamation plan, including the IMP, the site has been maintained in conformance with the previously approved mitigation measures, the M-2 Zoning District and is not in conflict with the provisions of the Airport Overlay. Further, the approved reclamation plan notes that the quarry floor will be reclaimed for grazing and animal husbandry, which will not be in conflict as an adjacent use to the airport. The continued use of the quarry will also not conflict with the airport, as this use has been in place since 2001, and is therefore in conformance with the above noted objectives and policies of the General Plan.

#### Environmental Document

Pursuant to the California Code of Regulations, Title 14, Chapter 3 (CEQA Guidelines), specifically Section 15162, which states when an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project



unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

On January 24, 2001, the Planning Commission considered and approved a conditional use permit, mining permit and adopted a negative declaration for the establishment of a surface mining operation to extract sand and gravel (approximately 8 million cubic yards) on approximately 85 acres of a 100 acre site. In adopting the prior mitigated negative declaration pursuant to Section 15074 of the CEQA Guidelines, the City of Tracy found the following:

- a. There was no substantial evidence the project would have a significant effect on the environment and the MND reflected the City's independent analysis; and
- b. The City had adopted a program for reporting on or monitoring the changes through the imposition of conditions of approval to mitigate or avoid significant environmental effects.

It should be noted that the current proposal will not result in any changes to mining or reclamation activities or increase production. The proposal is merely to extend the completion and expiration time frames of the reclamation plan.

The project will not result in any new significant adverse impacts to the physical environment or in any increase in the severity of any previously identified potentially significant impacts of the project. There are no substantial changes in the Project or in the mitigation measures included in the 2001 MND and the City's past findings. Therefore, the City can make the finding that an Addendum to the 2001 MND will be the appropriate environmental document to be prepared for this Project pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.; California Code of Regulations, Title 14, § 15000 et seq. (CEQA Guidelines)).

### RECOMMENDATION

Staff recommends that the Planning Commission approve the Conditional Use Permit (Application Number CUP16-0010) and Reclamation Plan Amendment, along with the Interim Management Plan (IMP) defining and extending the mining termination date to December 31, 2036 and the completion of the reclamation to December 31, 2039; and approve the IMP, allowing the Pereria Mine to remain idle for another period not to exceed five (5) years, and allowing the mine to resume active status, thereby extending the IMP until October 25, 2021, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated October 25, 2017. This will allow for the site at the southwest corner of Linne Road and South Tracy Boulevard (Assessor's Parcel Number 253-110-09) to continue mining and be reclaimed.

### MOTION

Move that the Planning Commission approve the Conditional Use Permit (Application Number CUP 16-0010) and Reclamation Plan Amendment to define and extend the expiration dates for the mining until December 31, 2036 and the reclamation of the site until December 31, 2039; and approve the Interim Management Plan (IMP) for an additional five (5) year period (first IMP renewal) and extend the IMP until October 25, 2021 for the Pereria Mine located at the southwest corner of Linne Road and South Tracy Boulevard, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated October 25, 2017.

Prepared by: Nash Gonzalez, Contract Planner

Approved by: Bill Dean, Assistant Development Services Department Director

### ATTACHMENTS

Attachment A: Reclamation Plan

Attachment B: Interim Management Plan

Attachment C: August 22, 2016 letter from Office of Mine Reclamation for IMP comments

Attachment D: CEQA Addendum

Attachment E: Planning Commission Resolution

# ATTACHMENT A

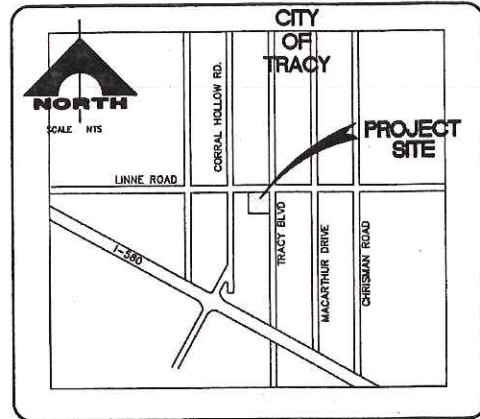
# MINING AND RECLAMATION EXHIBIT FOR PEREIRA 2000

AMENDED NOVEMBER, 2016

## BY TEICHERT AGGREGATES

PROPOSED ACTIVITY: SURFACE MINING OF THE CORRAL HOLLOW ALLUVIAL FAN.  
 ENTITLEMENT REQUESTED: CONDITIONAL USE PERMIT TO CONDUCT MINING OPERATIONS AS WELL AS APPROVAL OF THE PEREIRA 2000 RECLAMATION PLAN.

INDEX OF DRAWINGS	
PAGE	TITLE
1	COVER SHEET
2	LOCATION EXHIBIT/300' RADIUS MAP
3	SITE EXHIBIT
4	MINING EXHIBIT
5	RECLAMATION EXHIBIT
6	TYPICAL SECTIONS
7	LANDSCAPING EXHIBIT



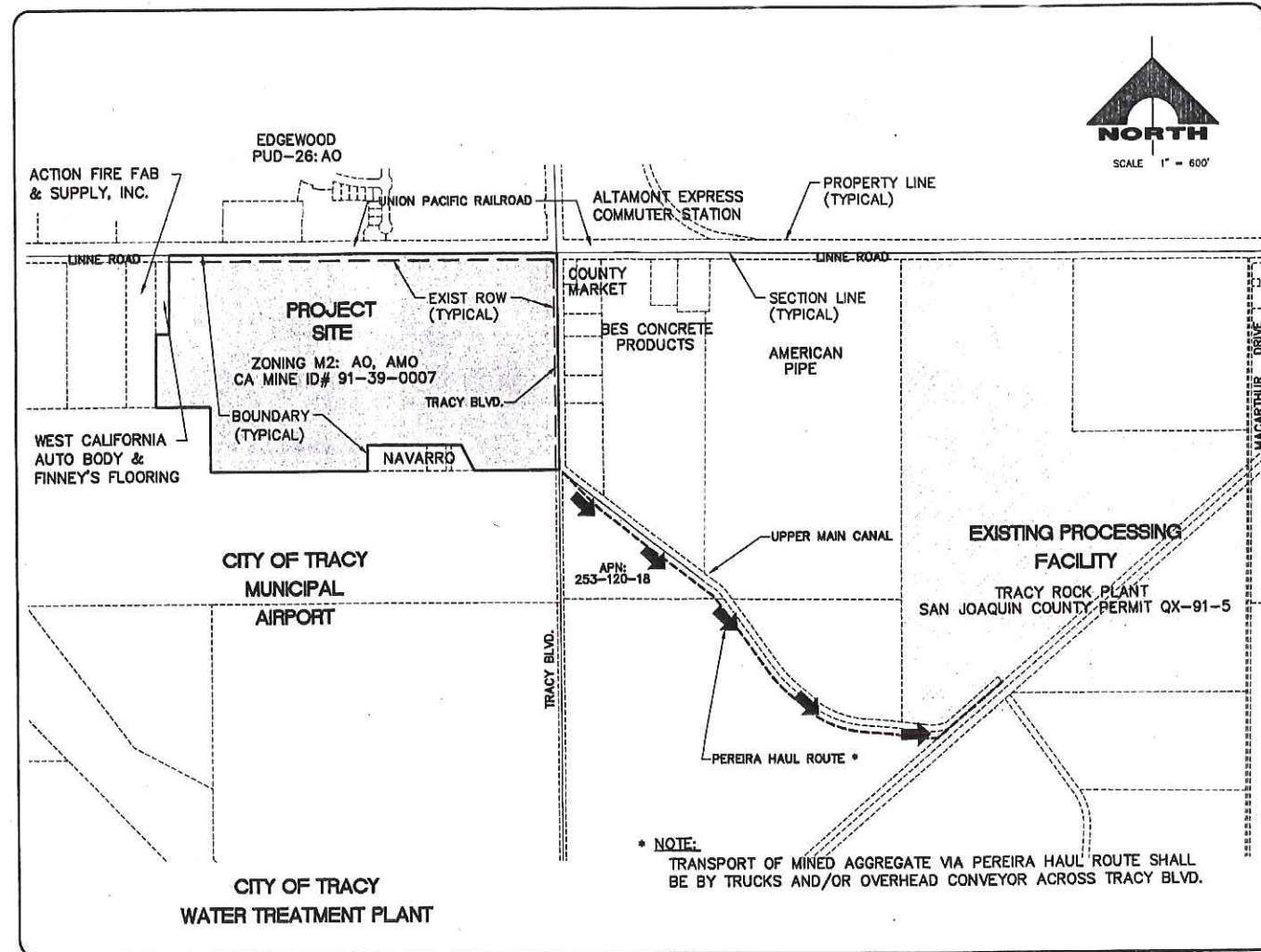
VICINITY MAP  
NOT TO SCALE

**APPLICANT & MINE OPERATOR:**  
 TEICHERT AGGREGATES (A DIVISION OF A. TEICHERT & SON, INC.)  
 P.O. BOX 15002  
 SACRAMENTO, CA 95851-1002  
 PHONE: (916) 484-3317  
 ATTN: JASON SMITH

**PROPERTY OWNER:**  
 TRIANGLE PROPERTIES  
 3500 AMERICAN RIVER DR.  
 SACRAMENTO, CA 95864  
 PHONE: (916) 484-3272  
 ATTN: TROY REIMCHE

**PLANT MANAGER:**  
 36314 BIRD RD.  
 TRACY, CA 95304  
 PHONE: (209) 834-8320  
 ATTN: JERRY HANSEN

**PROJECT NAME:**  
 PEREIRA 2000  
**ASSESSOR PARCEL NUMBERS:**  
 253-110-06, 07, 08, 09, AND 14

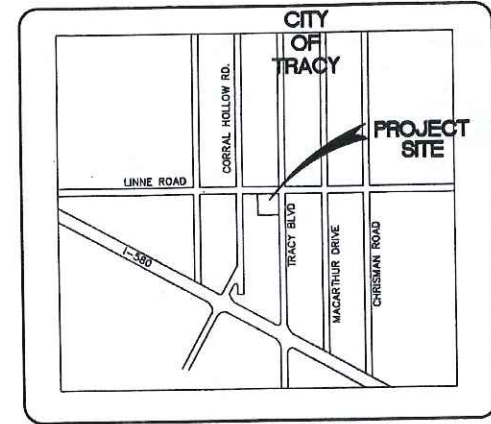
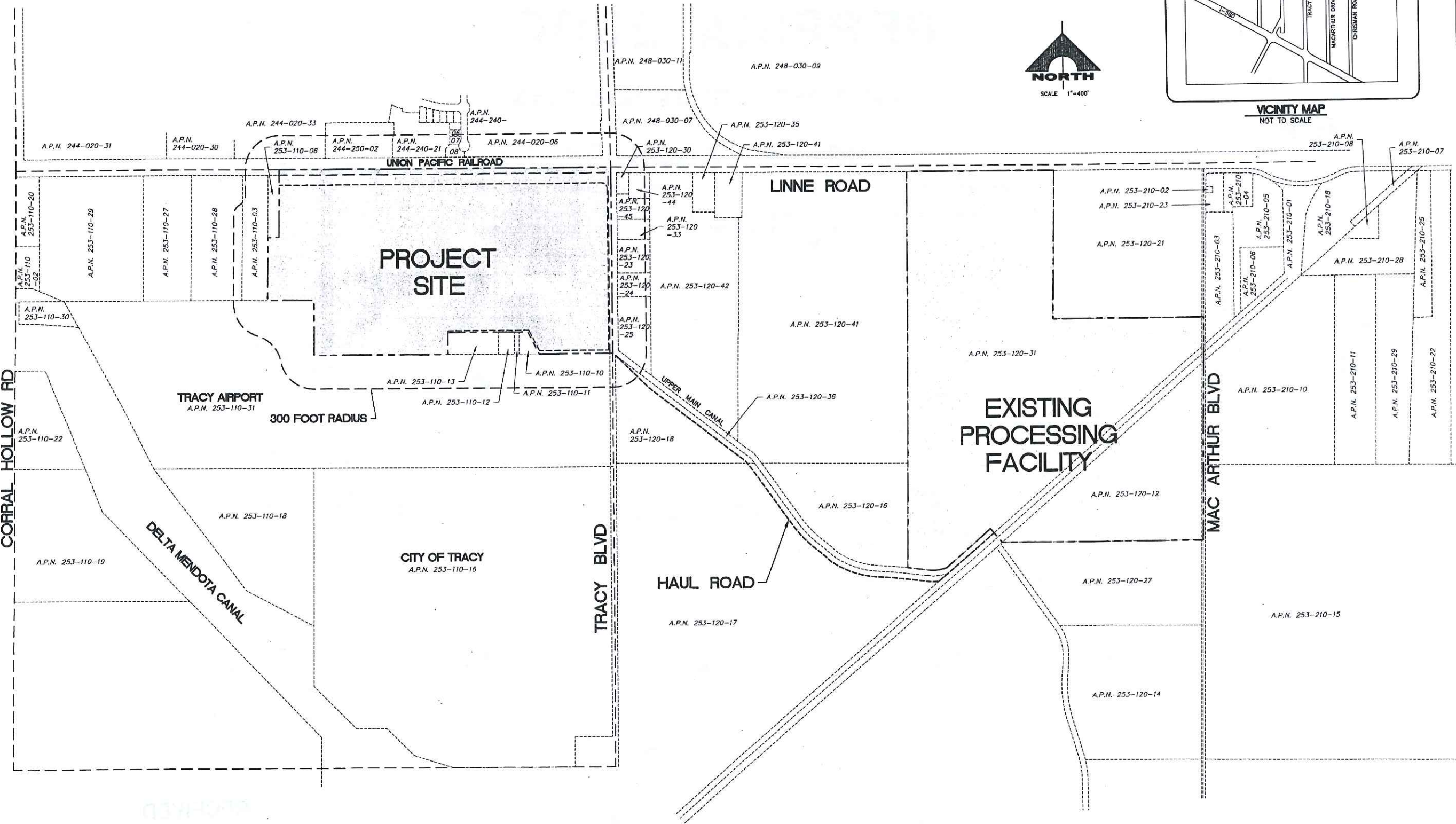


RECEIVED  
 SEP 14 2017

CITY OF TRACY  
 DEVELOPMENT SERVICES

TEICHERT AGGREGATES	PEREIRA 2000	COVER SHEET
TEICHERT AGGREGATES		
11/20/16	AMENDED	
1/8/01	AMENDED	
11/9/00	AMENDED	
REV. DATE	DATE	DESCR. APP. DATE
SHEET		
1		
1 OF 7 SHTS		





TEICHERT AGGREGATES  
PEREIRA 2000

LOCATION EXHIBIT AND 300' RADIUS MAP

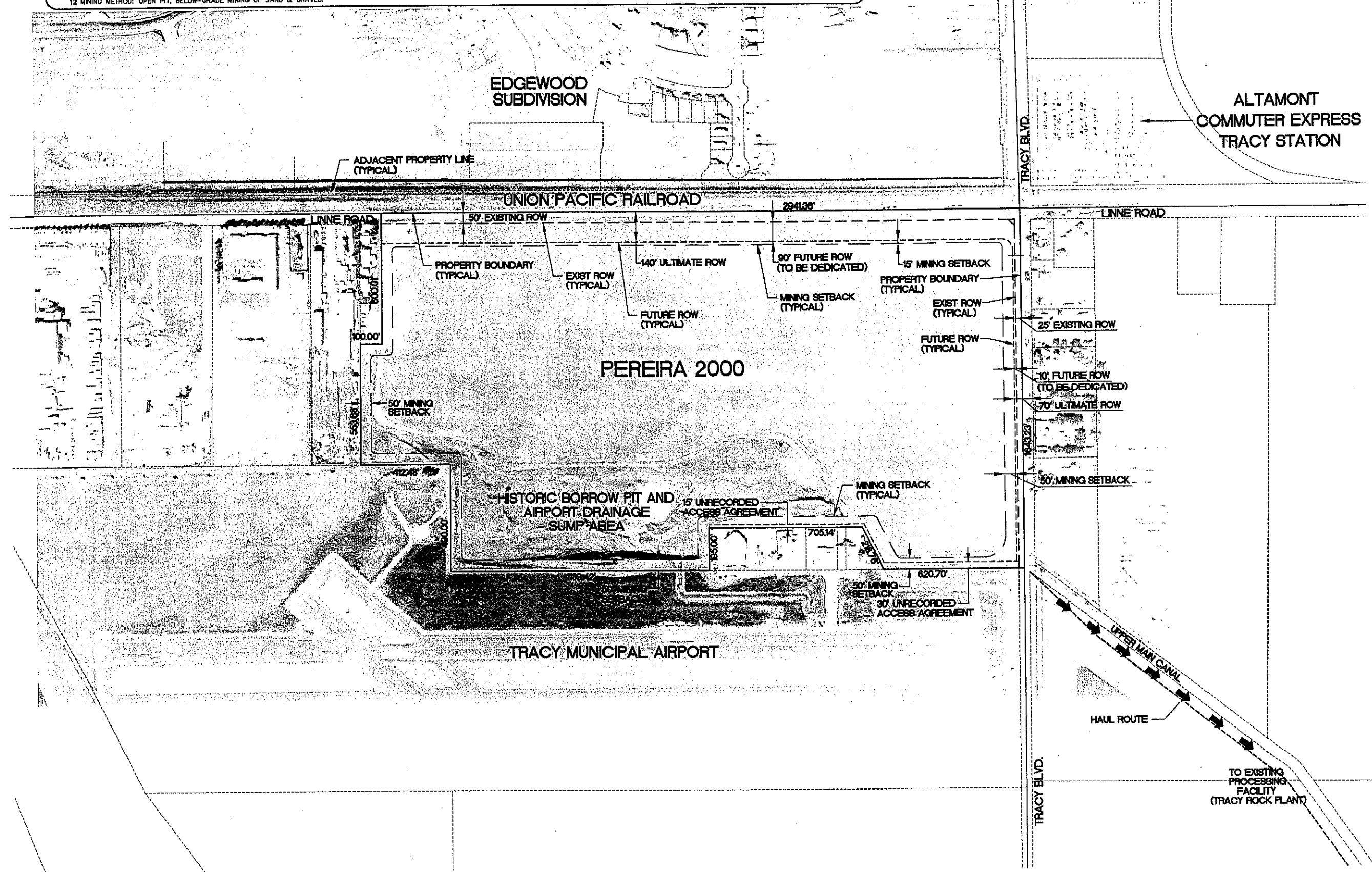


REV.	DATE	DESCRIPTION

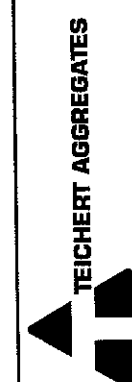
**PEREIRA 2000 NOTES**

- 1 TOTAL PROPERTY ACREAGE: 101± ACRES
- 2 MINEABLE ACREAGE: ±85 ACRES.
- 3 NUMBER OF MINING PHASES: ONE
- 4 HOURS OF OPERATION: 7:00 AM TO 7:00 PM MONDAY-SUNDAY.
- 5 ESTIMATED MINING PERMIT TERMINATION DATE: DECEMBER 31, 2036
- 6 ESTIMATED RECLAMATION TERMINATION DATE: DECEMBER 31, 2039
- 7 ESTIMATED AGGREGATE VOLUME: 12.1 MILLION TONS.
- 8 ANTICIPATED ANNUAL PRODUCTION: ±1.5 MILLION TONS.
- 9 MAXIMUM DEPTH OF EXCAVATION: 90 FEET BELOW GRADE.
- 10 MINING SLOPE: 3/4:1 (H:V) AVERAGE.
- 11 RECLAIMED SLOPE: 2:1 (H:V)
- 12 MINING METHOD: OPEN PIT, BELOW-GRADE MINING OF SAND & GRAVEL.

- 13 MINING SETBACKS: 15 FEET LINNE RD. ONLY ; 50 FEET TRACY BLVD., AIRPORT AND WESTERN PROPERTY LINE
- 14 LINNE ROAD RIGHT-OF-WAY (ROW) DEDICATION: 90 FEET
- 15 TRACY BLVD. RIGHT-OF-WAY (ROW) DEDICATION: 10 FEET.
- 16 PROCESSING TO OCCUR AT THE ADJACENT TRACY ROCK PLANT. (SAN JOAQUIN COUNTY)
- 17 PLACEMENT OF TOPSOIL: AS REMOVED, TOPSOIL SHALL BE PLACED INTO 12 FOOT HIGH, 50 FOOT WIDE BERM (SEE DETAILS ON SHEET 4 AND 7)



TEICHERT AGGREGATES  
PEREIRA 2000  
SITE EXHIBIT



REV.	DATE	DESCRIPTION
1	11/20/16	AMENDED
2	1/8/01	AMENDED
3	11/8/00	AMENDED

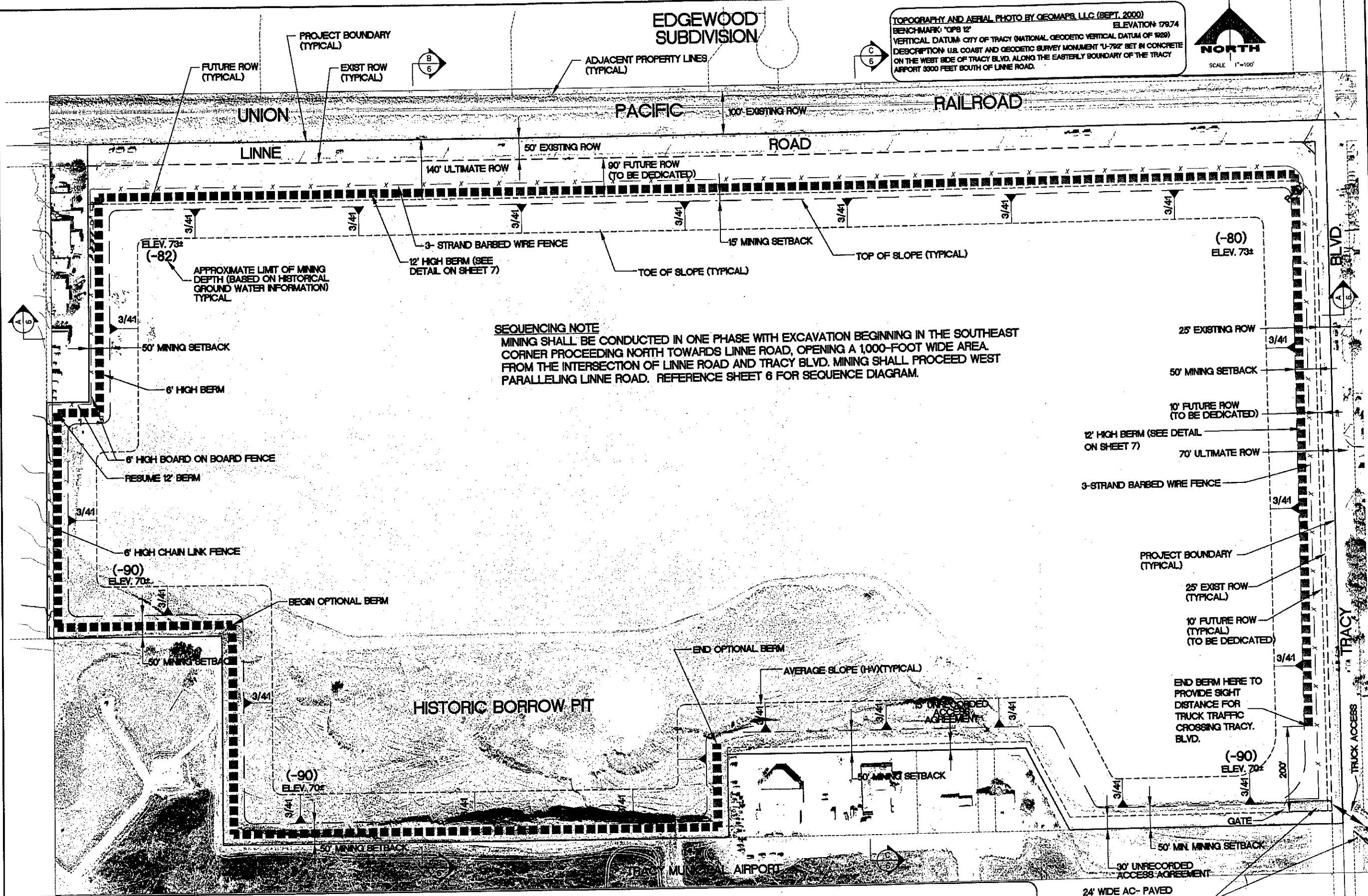
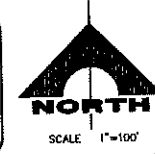
DATE: 11/20/16  
APP: [Signature]  
REV. DATE

SHEET  
**3**  
3 OF 7 SHTS



**EDGEWOOD SUBDIVISION**

TOPOGRAPHY AND AERIAL PHOTO BY GEOMAPS, LLC (SEPT. 2000)  
 BENCHMARK: "GPS 12" ELEVATION: 179.74  
 VERTICAL DATUM: CITY OF TRACY (NATIONAL GEODETIC VERTICAL DATUM OF 1929)  
 DESCRIPTION: U.S. COAST AND GEODETIC SURVEY MONUMENT "U-792" SET IN CONCRETE ON THE WEST SIDE OF TRACY BLVD. ALONG THE EASTERLY BOUNDARY OF THE TRACY AIRPORT 3300 FEET SOUTH OF LINNE ROAD.



**SEQUENCING NOTE**  
 MINING SHALL BE CONDUCTED IN ONE PHASE WITH EXCAVATION BEGINNING IN THE SOUTHEAST CORNER PROCEEDING NORTH TOWARDS LINNE ROAD, OPENING A 1,000-FOOT WIDE AREA FROM THE INTERSECTION OF LINNE ROAD AND TRACY BLVD. MINING SHALL PROCEED WEST PARALLELING LINNE ROAD. REFERENCE SHEET 6 FOR SEQUENCE DIAGRAM.

**MINING NOTES:**

1. THE EXISTING SITE TOPOGRAPHY SLOPES GENERALLY DOWN TOWARDS THE NORTHEAST.
2. NUMBER OF MINING PHASES: ONE, MINEABLE ACREAGE ± 85 ACRES.
3. HOURS OF OPERATION: 7:00AM - 7:00PM, MONDAY-SUNDAY
4. MAXIMUM DEPTH OF EXCAVATION: 90 FEET BELOW EXISTING GRADE.
5. FINAL PIT DEPTH SHALL ULTIMATELY DEPEND ON GROUNDWATER DEPTH AND VOLUME OF CLAY LENSES UNCOVERED DURING MINING.
6. MINING SLOPE: 3/4:1 (H:V) AVERAGE.
7. DUST SUPPRESSION: PROJECT AREA SHALL BE WETTED AS REQUIRED BY WATER TRUCKS.

8. PROCESSING OF MINED AGGREGATE TO OCCUR AT THE ADJACENT TRACY ROCK PLANT. (SAN JOAQUIN COUNTY)
9. EXCAVATED AGGREGATE SHALL BE TRANSPORTED BY TRUCKS AND/OR OVERHEAD CONVEYOR ACROSS TRACY BLVD.
10. THE FIRST 100 FEET OF ACCESS ROAD ADJOINING TRACY BLVD. (BOTH SIDES) SHALL BE PAVED. ADDITIONALLY, THE PAVEMENT AT THE CROSSING AREA ON TRACY BLVD. WILL BE IMPROVED AS REQUIRED FOR TRUCK TRAFFIC.
11. TO PROVIDE SCREENING A 12-FOOT BERM SHALL BE CONSTRUCTED ALONG LINNE ROAD, TRACY BLVD. AND ADJACENT USERS TO THE WEST & SOUTH AS SHOWN ON THE PLANS.

12. PERIMETER SHALL BE BERMED WITH TOP SOIL AND/OR OVERBURDEN PER PLAN. BERM WILL BE REMOVED UPON COMPLETION OF MINING.
13. TOPSOIL SHALL BE SEGREGATED BY DISTINCT SOIL HORIZONS.
14. STOCKPILED MATERIALS WILL BE SPRAYED WITH WATER TO SUPPRESS WIND EROSION.
15. HISTORICAL GROUNDWATER IS ESTIMATED AT 85 - 95 FEET DEEP AND SHALL NOT BE INTERCEPTED.
16. STORM DRAINAGE: NATURAL, NO DISCHARGE FROM PROPOSED PROJECT.
17. EXCAVATING PEREIRA WILL RESULT IN AN ALTERED SURFACE RELIEF. THE DEPTH OF THE RAW MATERIAL RANGES FROM 3 TO 90 FEET BELOW ORIGINAL GROUND. THE AVERAGE DEPTH OF THE QUARRY IS ANTICIPATED TO BE 65 FEET, DEPENDANT UPON EXISTING FIELD CONDITIONS.

24' WIDE AC-PAVED CONSTRUCTION ACCESS ROAD 100' MINIMUM LENGTH BOTH SIDES OF TRACY BLVD.

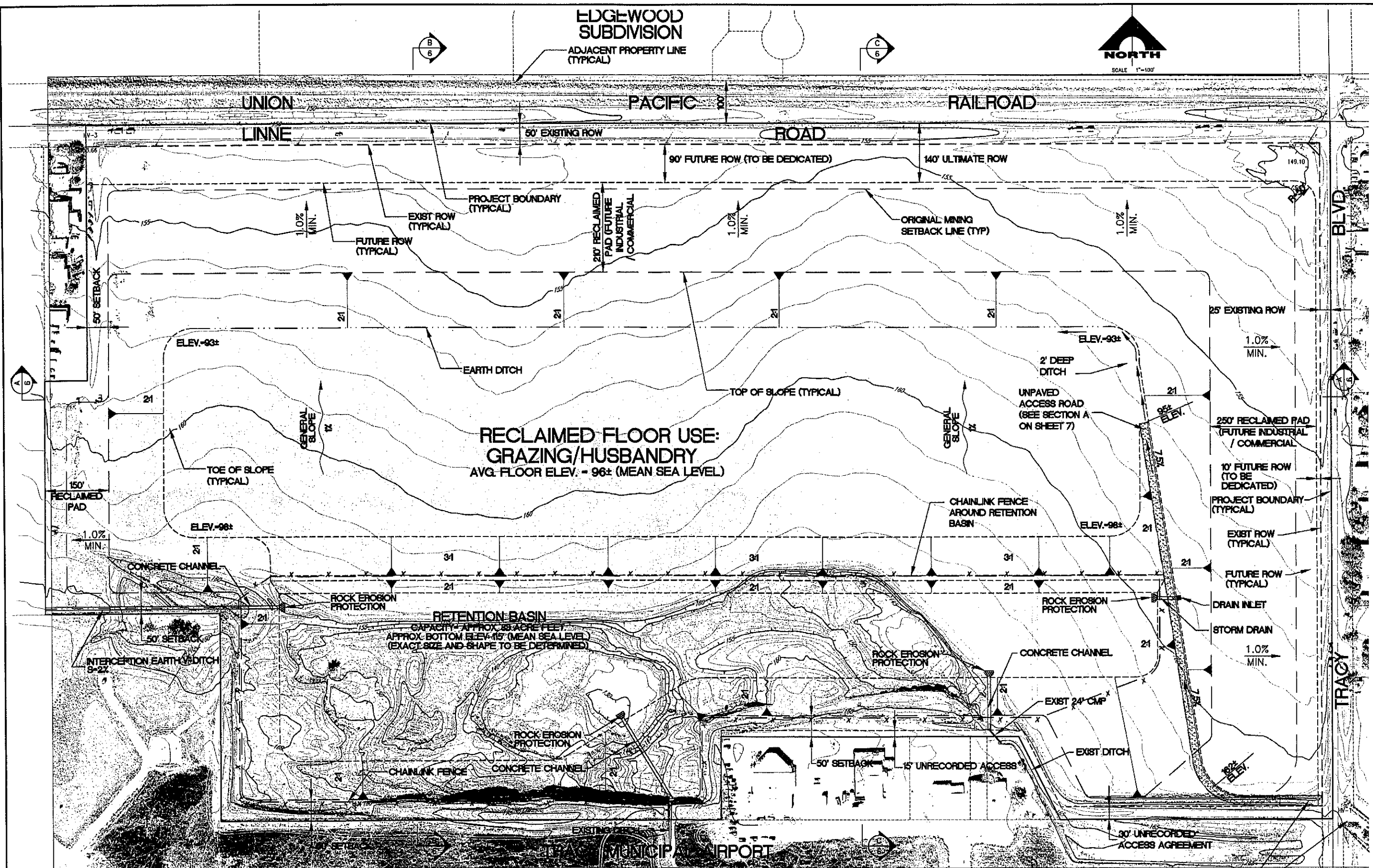
TEICHERT AGGREGATES	PEREIRA 2000	MINING EXHIBIT
<b>TEICHERT AGGREGATES</b>		
11/20/16	AMENDED	
1/9/20	AMENDED	
11/8/20	AMENDED	
SHEET <b>4</b>		
4 OF 7 SHEETS		

**EDGEWOOD SUBDIVISION**

ADJACENT PROPERTY LINE (TYPICAL)



SCALE 1"=100'



**RECLAIMED FLOOR USE:  
GRAZING/HUSBANDRY**  
AVG. FLOOR ELEV. = 96± (MEAN SEA LEVEL)

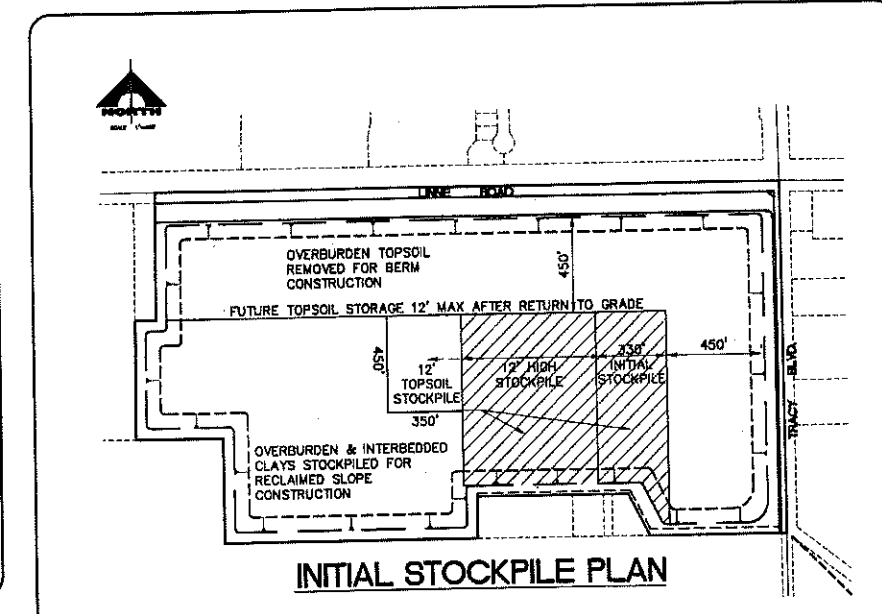
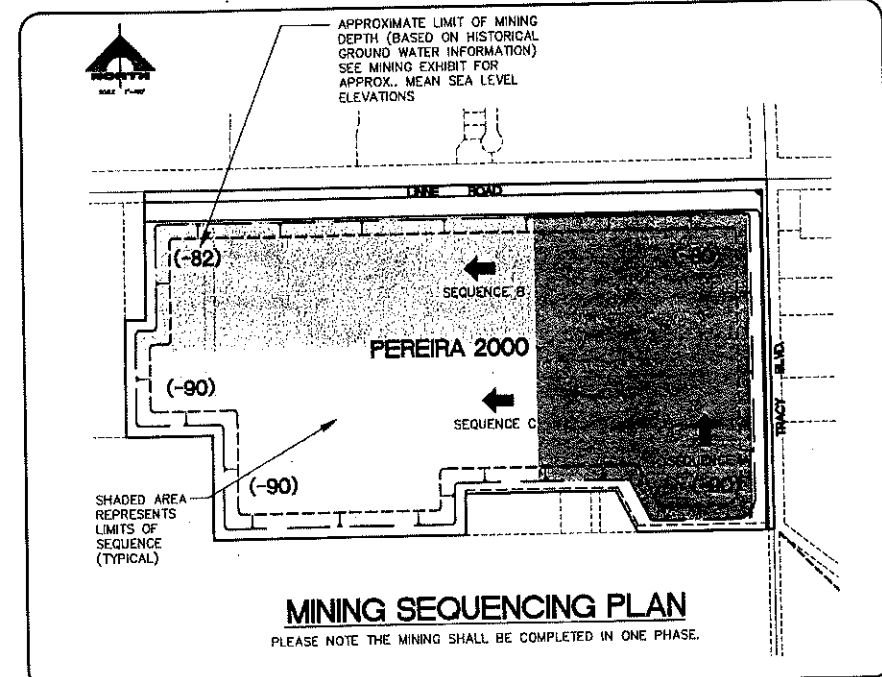
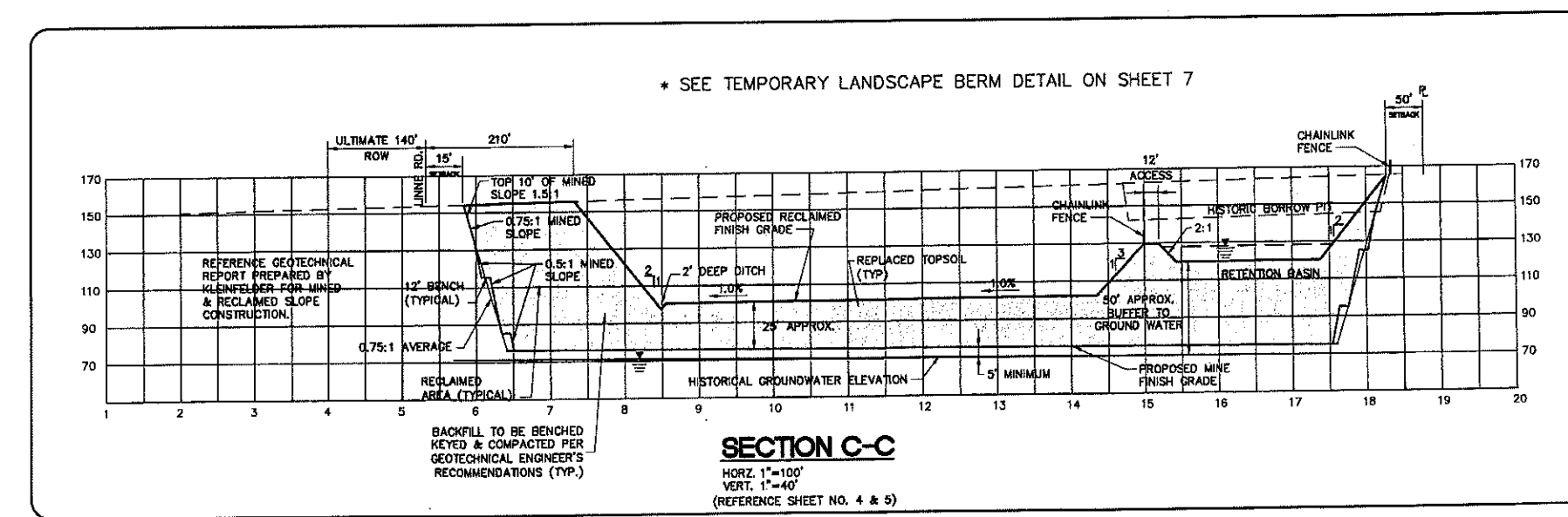
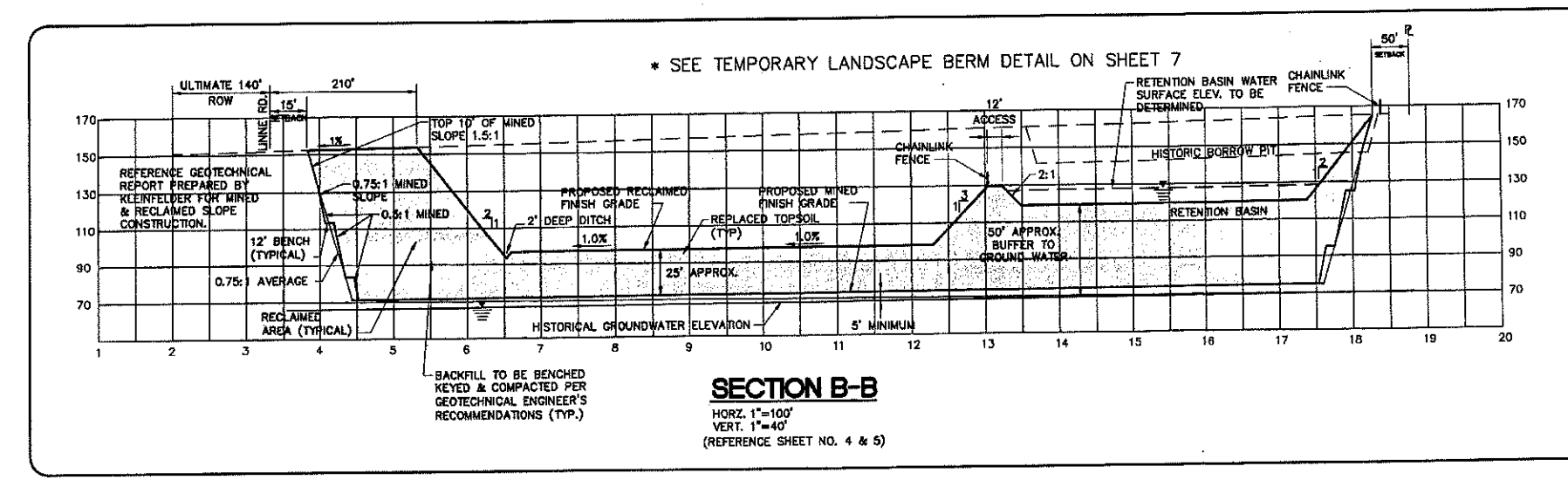
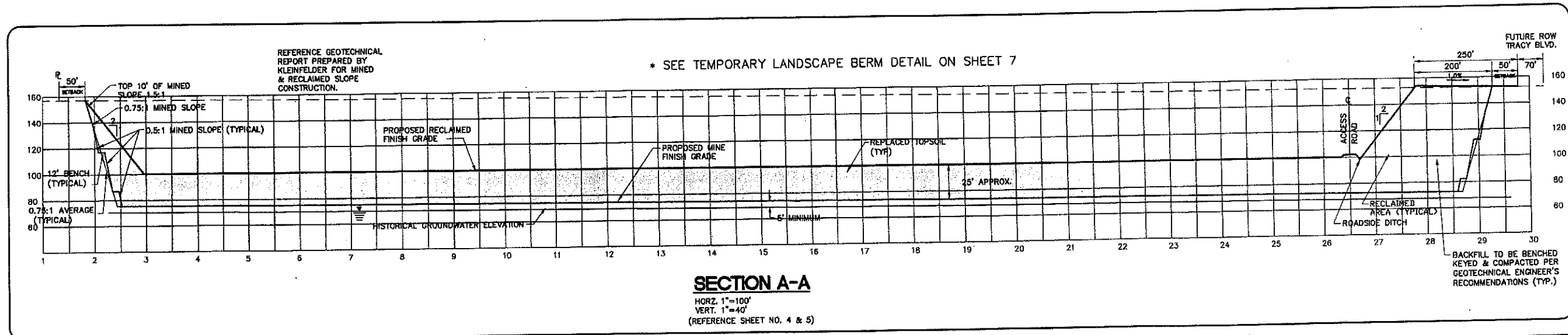
**RETENTION BASIN**  
CAPACITY - APPROX. 88 ACRE FEET  
APPROX. BOTTOM ELEV. 115± (MEAN SEA LEVEL)  
(EXACT SIZE AND SHAPE TO BE DETERMINED)

- RECLAMATION NOTES**
1. EXCAVATING PEREIRA WILL RESULT IN AN ALTERED SURFACE RELIEF.
  2. THE MINING PROCESS BEGINS WITH THE REMOVAL OF THE TOPSOIL & OVERBURDEN.
  3. UPON CONCLUDING MINING PEREIRA WILL CONTAIN ACREAGE BOTH AT AND BELOW GRADE.
  4. THE RECLAIMED USAGE WILL CONSIST OF AN INDUSTRIAL AT-GRADE FRONTAGE AND BELOW-GRADE GRAZING.
  5. FINAL SLOPES SHALL NOT EXCEED 2:1.
  6. THE A & B SOIL HORIZONS SHALL BE REMOVED & STOCKPILED SEPARATELY & RETURNED IN THE REVERSE ORDER AND/OR REPLACED AS THEY ARE TAKEN OUT.
  7. ALL STOCKPILED SOIL WILL BE REPLACED UPON CONCLUSION OF MINING.
  8. FINAL RECLAIMED SLOPES SHALL BE SEEDED.
  9. A SURETY BOND SHALL BE POSTED TO INSURE RECLAMATION IS COMPLETED.
  10. ESTIMATED AVERAGE RECLAIMED DEPTH IS ±64' BELOW ORIGINAL GROUND.
  11. FINAL PIT DEPTH ULTIMATELY DEPENDS ON GROUNDWATER DEPTH AND VOLUME OF CLAY LENSES UNCOVERED DURING MINING.

- DRAINAGE NOTES**
1. STORM RUNOFF FROM THE AIRPORT WILL CONTINUE TO DRAIN INTO THE QUARRY AREA. THE RETENTION BASIN WILL BE SIZED TO ACCOMMODATE 200% OF A 10 YEAR, 48 HOUR STORM OR AS REQUIRED BY THE CITY.
  2. AIRPORT RUNOFF WILL BE CONVEYED INTO THE QUARRY AT 3 SEPARATE LOCATIONS UTILIZING ENGINEERED CONCRETE CHANNELS AND ROCK EROSION PROTECTION PLACED AT THE BASE OF THE CHANNELS IN ACCORDANCE WITH CITY OF TRACY REQUIREMENTS, OR ALTERNATIVE METHOD TO BE DETERMINED.

24' WIDE A.C. PAVED  
CONSTRUCTION ACCESS  
100' LONG MIN.  
(TYP. BOTH SIDES)

TEICHERT AGGREGATES		TEICHERT AGGREGATES	
PEREIRA 2000		RECLAMATION EXHIBIT	
		DATE: 11/19/01 DRAWN BY: J.P.S./D.L.S./C.W./J.P.S.	
		SHEET <b>5</b> 5 OF 7 SHEETS	



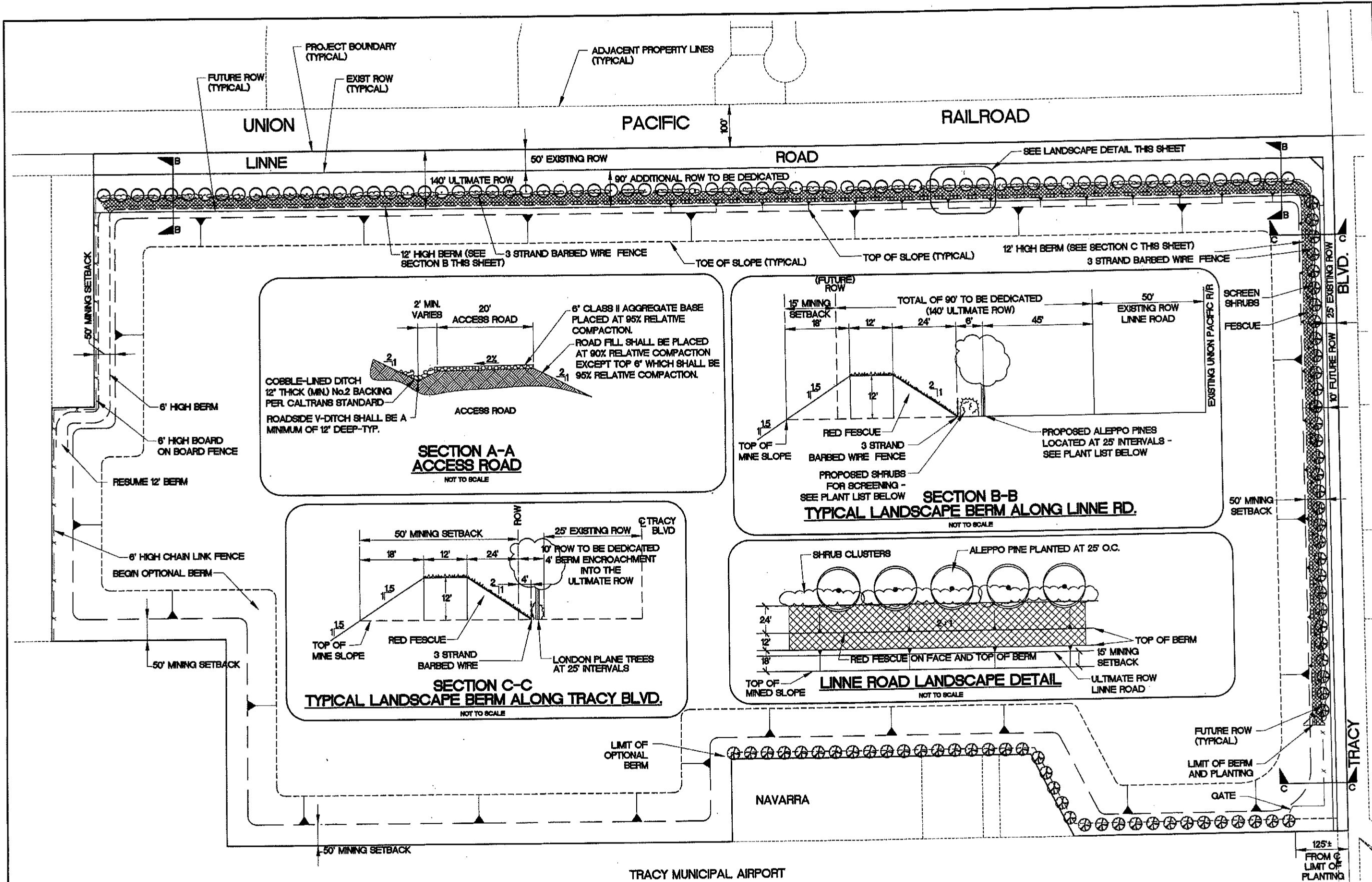
TEICHERT AGGREGATES  
 PEREIRA 2000  
 TYPICAL SECTIONS



NO.	DATE	DESCRIPTION
1	11/15/01	AMENDED
2	11/18/00	AMENDED

DATE AGN. APP. DATE LOG. APP.  
 SHEET  
**6**  
 6 OF 7 SHTS





TEICHERT AGGREGATES  
 FEBRERA 2000  
 LANDSCAPING EXHIBIT

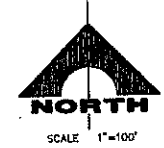


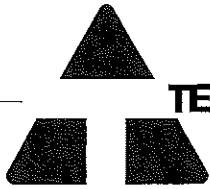
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DESCRIPTION	
REV. DATE	
01/08/01 AMENDED	
11/18/00 SHEET ADDED	
SHEET	7
7 OF 7 SHITS	

- LANDSCAPE NOTES:**
1. FESCUE BERM TO BE IRRIGATED WITH ROTARY SPRINKLERS.
  2. TREE AND SHRUBS TO BE IRRIGATED W/ BUBBLERS.
  3. IRRIGATION TO BE PROVIDED BY METERED CONNECTION TO EXISTING CITY WATER MAIN.
  4. PROVISION OF LANDSCAPING ALONG TRACY BLVD. & LINNE RD. IS CONTINGENT UPON THE CITY OF TRACY APPROVING THE CONNECTION TO THE EXISTING CITY WATER LINE.

- PLANT LIST:**
1. TREE ALONG LINNE ROAD (15 GALLON) AT 25' O.C.  
 PINUS HALEPENSIS / ALEPPO PINE
  - TREE ALONG TRACY BLVD. AND NAVARRA (15 GALLON) AT 25' O.C.  
 PLATANUS ACERIFOLIA 'BLOODGOOD' / LONDON PLANE TREE

2. SHRUBS (5 GALLON)  
 ACACIA LONGIFOLIA / GOLDEN WATTLE  
 PHOTINIA FRASERI / PHOTINIA
3. GROUNDCOVER (HYDROSEED)  
 FESTUCA RUBRA / RED FESCUE



**TEICHERT AGGREGATES***Established 1887***RECEIVED**

JUL 27 2016

**CITY OF TRACY  
DEVELOPMENT SERVICES**

July 22nd, 2016

Nash Gonzalez  
Contract Planner  
City of Tracy Development Services Department  
333 Civic Center Plaza  
Tracy, CA 95376

**RE: Teichert Pereira Interim Management Plan**

Dear Nash,

The Teichert Aggregates Pereira Mine Site (CA Mine ID 91-39-0007) originally received approval for an Interim Management Plan (IMP) from the City of Tracy August 23<sup>rd</sup>, 2011. Since that time, the Pereira site has remained idle, and plans to remain idle for the near future. However, the plan remains in place to resume mining activities as market and economic conditions allow.

As a result, we are formally requesting to receive approval for the first 5-year IMP extension allowed under SMARA section 2770(h)(2)(A).

Please find enclosed IMP for your review and subsequent action. In attempt to standardize our IMP process across many mine sites and jurisdictions, we have created a more detailed IMP template. Our submission includes this form, a site map and site photographs.

If you have any questions regarding this matter, please contact me at 916-484-3317.

Best regards,



Jason Smith  
Teichert Materials  
ARD Project Manager

Enc;



**INTERIM MANAGEMENT PLAN  
for  
Teichert Aggregates  
Pereira Mine Site**

**July 22, 2016**

**Pereira (California Mine ID #91-39-0007)**

**PROPERTY INFORMATION:**

- **CA Mine ID(s):**  
#91-39-0007
- **Lead Agency:**  
City of Tracy
- **Mining Permit Number/Approval Date:**  
10-00-CUP Approved January 24, 2001
- **APNs:**  
253-110-06,07,08,09,14  
**Total Permitted Mining Acres:**  
85 acres

**MINING OPERATOR(S):**

Teichert Aggregates  
Attn: Jason Smith  
P.O. Box 15002  
Sacramento CA, 95851  
Telephone: (916) 484-3317

**DESIGNATED AGENT(S):**

Same as above

**LAND OWNER(S):**

- Triangle Properties  
3500 American River Dr  
Sacramento, CA 95864

**RECLAMATION PLAN STATUS:**

- Reclamation in progress.

**DATE MINE BECAME IDLE:**

- **Original Idle Date:**  
January 1, 2010
- **Date Mining is Expected to Resume:**  
To be determined in the future based on economic and market conditions.

**MAXIMUM PRODUCTION:**

- **Production During Last 5 Active Years:**
    - 2005; 1,196,560 Tons \*
    - 2006; 1,157,864 Tons
    - 2007; 1,062,974 Tons
    - 2008; 591,586 Tons
    - 2009; 29,609 Tons
- (\*highest year of production)

**FINANCIAL ASSURANCES:**

- **Current Financial Assurance Amount (Bond):**  
\$1,294,189.68 (Approved June 2016)
- **Proposed Change to FACE:**  
\$1,294,189.68 (Approved June 2016)

**MANAGEMENT PLAN**

- **SITE DESCRIPTION: (APPENDIX A)**
  - **Size (acres disturbed):**  
Current disturbed acres: 68
  - **Type of mining and product:**  
Alluvial Sand and Gravel
  - **Setting:**  
Urban/Rural
  - **Reason for change in operation:**  
Operations has become idle due to market and economic conditions.
  - **Equipment or facilities remaining on site:**  
Conveyors tunnel, and access roads associated with site infrastructure.
  - **Mining activity & operations while idle:**  
Current activities include: reclamation, monitoring and exploratory testing as necessary.
- **EROSION CONTROL PLAN:**
  - The entire site will be monitored as needed.
  - Erosion of rills greater in cross section than 5 square inches and exceeding 5 feet in length will be arrested by placement of graded rock interceptors or straw bales to show concentrated runoff within 1 week following any rainfall event.
- **REVEGETATION PLAN:**

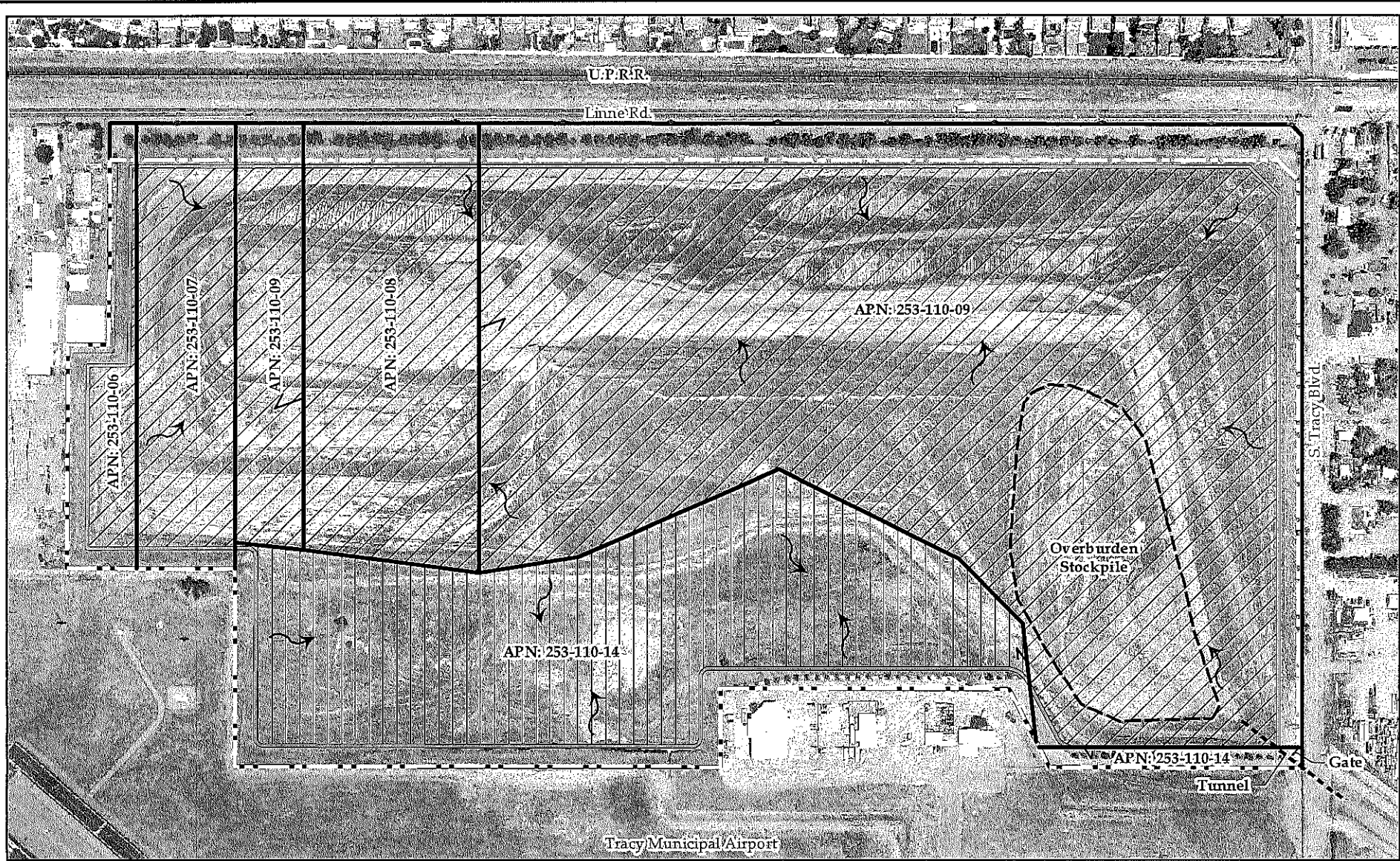
- Should revegetation be selected as an option to stabilize the site, the operator may choose to apply a seed mix (see example below) via broadcast or hydro-seeding by October 31<sup>st</sup> of each year.

<u>Species</u>		<u>Seeding Rate</u>
Soft-chess brome	<i>Bromus hordeaceus</i>	20 lbs/acre
Zorro fescue	<i>Festuca myuros</i>	8 lbs/acre
Small fescue	<i>Festuca micostachys</i>	8 lbs/acre
Wild oat	<i>Avena fatua</i>	6 lbs/acre
Rose clover	<i>Trifolium hirtum</i>	4 lbs/acre
Crimson Clover	<i>Trifolium incarnatum</i>	2 lbs/acre
<b>Total</b>		<b>48 lbs/acre</b>

- **PUBLIC SAFETY:**
  - The entire site is fenced. Access to the site is controlled by locked gates. There is no pedestrian access. No trespassing signs are also posted.
- **MAINTENANCE AND MONITORING:**
  - The site will be routinely visited and monitored throughout the duration of its interim management status.
- **SITE MAP:**

Please see attached map (**Appendix A**).
- **SITE PHOTOS:**

Please see attached photos (**Appendix B**).



**LEGEND:**

	Powerpole		Disturbed Mining Area
	Site Drainage		Previously Disturbed
	Overburden Stockpile		Project Boundary
	Reclamation Boundary		Parcel Boundaries

0 175 350 Feet  
1 inch = 350 feet

**SOURCE:**  
Orthophoto Provided by Point Co.  
(May 01, 2014)

**DISCLAIMER:**  
*The data was mapped for assessment purposes only.  
No liability is assumed for the accuracy of the data shown.*

**INTERIM MANAGEMENT PLAN  
SITE MAP**  
CA MINE ID: 91-39-0007

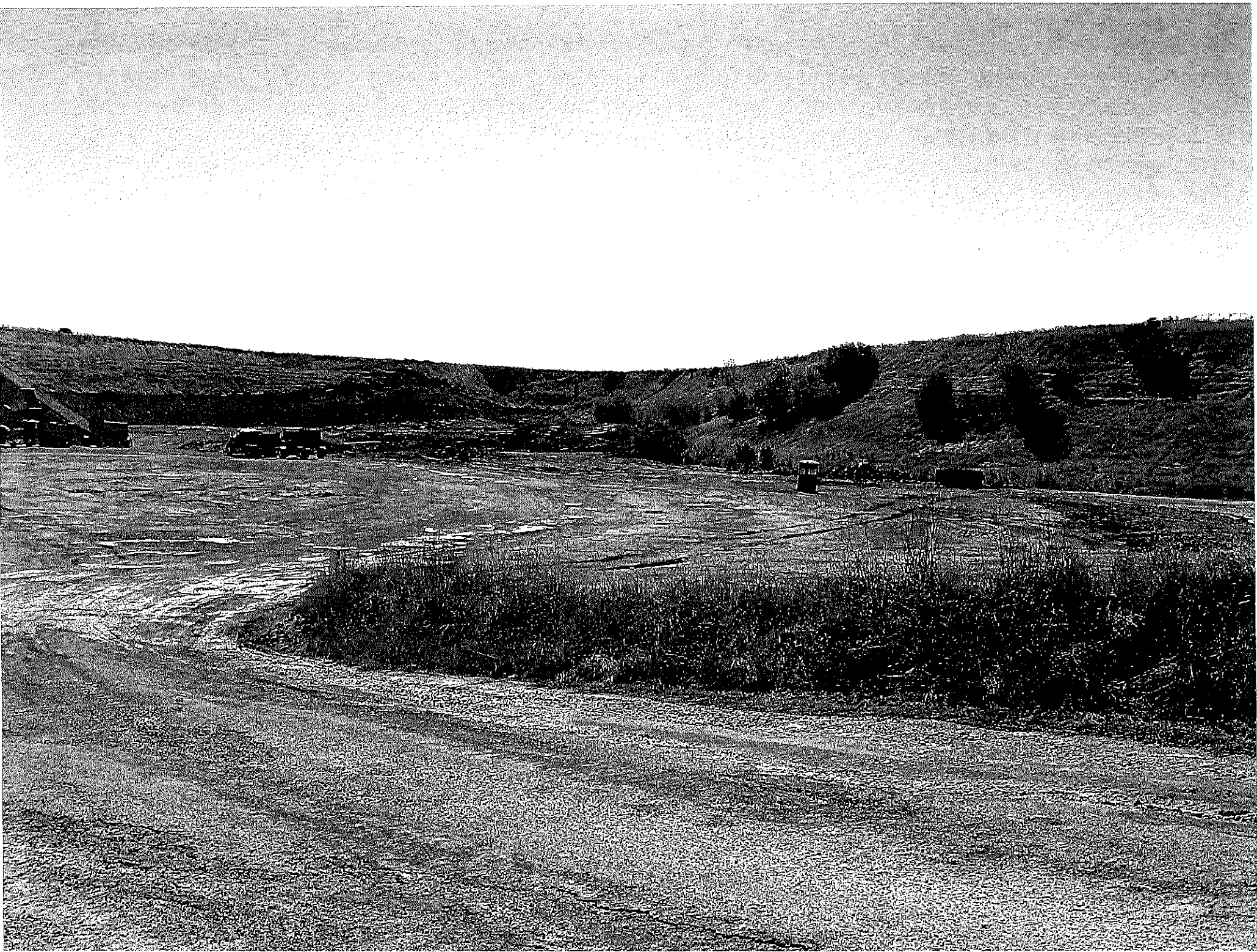
**TRACY- PEREIRA PROPERTY  
TEICHERT AGGREGATES**

**CITY OF TRACY  
SAN JOAQUIN COUNTY, CALIFORNIA**



















State of California • Natural Resources Agency  
 Department of Conservation  
**Office of Mine Reclamation**  
 801 K Street • MS 09-06  
 Sacramento, CA 95814  
 (916) 323-9198 • FAX (916) 445-6066

*Edmund G. Brown Jr., Governor*  
*Pat Perez, Assistant Director*

August 22, 2016

VIA EMAIL: (Nash.Gonzalez@ci.tracy.ca.us)  
 ORIGINAL SENT BY MAIL

Nash Gonzalez  
 City of Tracy  
 Development Services Department  
 333 Civic Center Plaza  
 Tracy, CA 95376

Dear Mr. Gonzalez:

PEREIRA MINE  
 INTERIM MANAGEMENT PLAN  
 CA MINE ID #91-39-0007

The Department of Conservation's Office of Mine Reclamation (OMR) has reviewed the Interim Management Plan (IMP) for the Pereira Mine submitted by the City of Tracy on August 2, 2016. The Pereira Mine (mine) operates under a reclamation plan that was conditionally approved by the City on January 24, 2001. The mine became idle in 2010 and the City previously approved an IMP on August 23, 2010.

Pursuant to Public Resource Code section 2770(h), an approved IMP remains in effect for a period not to exceed five years, at which time the lead agency does one of the following: (1) Renew the IMP for another period not to exceed five years if the lead agency finds that the surface mining operator has complied with the provisions of the IMP, (2) Require the surface mining operator to commence reclamation in accordance with its approved reclamation plan, or (3) Allow the mining operation to resume active status.

This application represents the first renewal of the IMP. The IMP contains sufficient information to describe conditions while the mine is idle and meets the minimum requirements of the Surface Mining and Reclamation Act. OMR thanks the City for the opportunity to review this IMP and has no additional comments at this time.

If you have any questions on these comments or require any assistance with other mine reclamation issues, please contact Beth Hendrickson at (916) 445-6175.

Sincerely,

Beth Hendrickson, Manager  
 Environmental Services Unit

Paul Fry, Manager  
 Engineering Geology Unit

## City of Tracy – Development Services – 333 Civic Center Plaza, Tracy, CA 95376

**Initial Study/Environmental Checklist  
Addendum to January 24, 2001 Negative Declaration**

**ADDENDUM SUMMARY**

<b>PROJECT NAME:</b>	Pereira Quarry, Teichert CUP/Rec Plan Amendment	<b>FILE NUMBER:</b> CUP 16-0010
<b>SITE ADDRESS:</b>	11440 W. Linne Road and 28989 S. Tracy Blvd., Tracy, CA	APN: 253-110-06; 253-110-007; 253-110-008; 253-110-009; and 253-110-014
<b>APPLICANT</b>	Teichert Aggregates, Attn: Jason Smith P. O Box 15002 Sacramento, CA 95851 <a href="mailto:jsmith@teichert.com">jsmith@teichert.com</a>	PHONE: (916) 484-3317 FAX No. (916) 484-7012
<b>PROPERTY OWNER:</b>	Triangle Properties Attn: Jason Smith P. O. Box 15002 Sacramento, CA 95851	Prev. Adopted Mitigated Negative Declaration: SCH #: N/A Adopted: January 24, 2001 by Planning Commission
<b>PROJECT DESCRIPTION:</b>		
<p>Teichert Aggregates is requesting approval of a Conditional Use Permit and Reclamation Plan Amendment (CUP 16-0010) for the Pereira Mine - CA Mine ID # 91-39-0007, to define and extend the expiration dates for the reclamation plan until December 31, 2039, with no changes to mining or reclamation activities, with the request only being to extend the time of the existing entitlement. In addition, the request also includes the renewal of the Interim Management Plan (IMP) for an additional five (5) year period. The site has been primarily used for the extraction of sand and gravel (aggregate) from the Corral Hollow alluvial fan. The site is located at 11440 Linne Road and 28989 S. Tracy Blvd., specifically situated on the southwest corner of Linne Road and S. Tracy Blvd. The property consists of approximately 100 acres with approximately 85 acres that are devoted to the mine. Specifically, the previous Conditional Use Permit (10-00-CUP) established the surface mining operation allowing for the extraction of up to 8 million cubic yards. The purpose of the reclamation plan is to establish the end use for grazing/husbandry, with the site graded with gentle slopes ranging from 2:1 to 3:1 finished slopes. The project when approved in 2001, did not include on-site processing, but rather harvested material was transported to an off-site processing plant located outside of the City in San Joaquin County to the east, adjacent to MacArthur Drive. The site was mined until January 1, 2010, when the Pereira Mine became idle and subsequently the operator, Teichert Aggregates provided the City of Tracy with an Interim Management Plan (IMP) on March 16, 2011.</p> <p>Pursuant to Public Resources Code Section 2727.1 "idle" means that an operator of a surface mining operation has curtailed production at the surface mining operation, with the intent to resume the surface mining operation at a future date, for a period of one year or more by more than 90 percent of its maximum production within any of the last five years during which an interim management plan has not been approved. On August 23, 2011, the City of Tracy certified complete the first interim management plan (IMP) for the site in response to the mine becoming idle in January 2011.</p>		

In the September 20, 2011 response to the City of Tracy from OMR, it was noted that an approved IMP may remain in effect for a period not to exceed five years. Once the five year period has ended, the lead agency may: (1) renew the IMP for up to a five year period, if the mine operator has complied fully with the IMP; or (2) require the mine operation to commence reclamation in accordance with the approved reclamation plan, and it was further noted that the IMP would need to be renewed in 2016 if the mine remains idle. On July 27, 2016, Teichert Aggregates submitted a request to renew the IMP for an additional five-year period, pursuant to Public Resources Code Section PRC § 272(h)(2)(A). On August 2, 2016, the City of Tracy submitted the IMP renewal to the Office of Mine Reclamation (OMR) for review and comments. This application represents the first renewal of the IMP. Per PRC Section §Section 2770(h)(2)(A), an IMP may be renewed for an additional five years. If found necessary, a mine may be under an IMP for up to 15 consecutive years if found necessary (initial IMP + 2 subsequent 5 year renewals).

During the IMP review process it was discovered that the original reclamation plan (RP-2001-01) approved by the Planning Commission on January 24, 2001 contained language that provided for the estimated mining and reclamation termination date of January 2012. However, the adopted resolution was not definitive in the actual expiration date of both the Conditional Use Permit and Reclamation Plan.

Public Resources Code Section 2772(c)(3) of the SMARA Statutes requires a reclamation plan to contain the proposed dates for initiation and termination of the surface mining operation. As well, Section 10.08.4730(E)(3) of the Tracy Municipal Code also states that a reclamation plan shall include the proposed dates for initiation and termination of such operation. As noted above, the termination dates of mining operation as well as the reclamation of the site were not clearly stated in the record and as such have been confusing.

The site is inspected annually as required pursuant to the Surface Mining and Reclamation Act (SMARA) for compliance with the provisions of the approved reclamation plan.

**ENVIRONMENTAL SETTING:**

The Pereira Mine is located approximately 3.21 +/- miles south of the City of Tracy downtown center, and approximately 4.75 mile south of Interstate Highway 205, with the quarry being situated on the Southwest corner of Linne Road and S. Tracy Blvd. Access to the site is via a private driveway located at the southwest corner of the subject property, at 28989 S. Tracy Blvd.

The project site is located within a Heavy Industrial area of the City. The adjacent uses include residential homes to the north across Linne Road and a Union Pacific Railroad line, a local market and rural residential and industrial to the east, located outside the Tracy city limits, the Tracy Airport to the south and light industrial uses to the west. The site is bordered by Linne Road on the north and S. Tracy Boulevard on the east. The site has a land use classification of Industrial and a Zoning classification of Heavy Industrial (M-2). Surface mining is a conditionally permitted use in the M-2 zoning classification. Since 2001, the site has been mined and in 2010 extraction operations became idle due to the economic downturn in the economy. The site previously did not have processing of the aggregate as a component of the approved permit.

**DETERMINATION:**

Pursuant to the California Code of Regulations, Title 14, Chapter 3 (CEQA Guidelines), specifically Section 15162, which states when an EIR has been certified or negative declaration adopted for a

project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative

On January 24, 2001, the Planning Commission considered and approved a conditional use permit, mining permit and adopted a negative declaration for the establishment of a surface mining operation to extract sand and gravel (approximately 8 million cubic yards) on approximately 85 acres of 100 acre site. In adopting the prior mitigated negative declaration pursuant to Section 15074 of the CEQA Guidelines, the City of Tracy found the following:

- a. There was no substantial evidence the project would have a significant effect on the environment and that the mitigated negative declaration reflected the City's independent judgement and analysis; and
- b. The City had adopted a program for reporting on or monitoring the changes through the imposition of conditions of approval to mitigate or avoid significant environmental effects.

It should be noted that the current proposal will not result in any changes to mining or reclamation activities or increase production. The proposal is merely to extend the completion and expiration time frames of the reclamation plan.

The Project will not result in any new significant adverse impacts to the physical environment or in any increase in the severity of any previously identified potentially significant impacts of the project. There are no substantial changes in the Project or in the mitigation measures included in the 2001 Mitigated Negative Declaration and the City's past findings. Therefore, the City can make the finding that an Addendum to the 2001 Negative Declaration will be the appropriate environmental document to be prepared for this Project pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.; California Code of Regulations, Title 14, § 15000 et seq. (CEQA Guidelines)).

**PUBLIC/RESPONSIBLE/TRUSTEE AGENCY REVIEW:**

An Addendum prepared pursuant to CEQA does not require to be circulation for public review and comment. A copy of the Addendum, the Initial Study, the previously adopted Negative Declaration with Mitigation Measures/Conditions of Approval, the various City permits, and related supporting technical studies prepared for the Project, may be reviewed at the City of Tracy, Development Services Department, 333 Civic Center Plaza, Tracy, CA 95376, pursuant to Public Resources Code § 21166; CEQA Guidelines, §§§ 15164, 15162, 15105



**CITY OF TRACY**  
**DRAFT NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT**

**Project Applicant and Property Owner :**

<i>Applicant:</i> Teichert Aggregates 3500 American River Drive Sacramento, CA 95851-1002	<i>Property Owner:</i> Sutter-Bypass Properties, Inc. P.O. Box 15002 Sacramento, CA 95851-1002
----------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------

**Project Name and Address:** The project is known as Teichert/Pereira Surface Mine. The proposed project site consists of an approximately 100 acre property, located at the southwest corner of Tracy Boulevard and Linne Road, Tracy, CA, APN: 253-110-06, 07, 08, 09 and 14

**Lead Agency and Contact Person:** City of Tracy Development and Engineering Services Department, 520 Tracy Boulevard, Tracy, CA 95376, Attn: Kenneth Kent, Associate Planner, and Alan Bell, Senior Planner (209) 831-4610.

**Project Description:** The proposed project involves establishment of a surface mine to extract sand and gravel to be transported to an off-site processing plant located outside the City in San Joaquin County to the east, adjacent to MacArthur Drive. Approximately 85 acres of the 100 acre site would be mined. The estimated volume of material to be mined from the site would be 12.1 million tons, which is equivalent to 8 million cubic yards. The project site would be mined for a period of seven to ten years, depending upon market demand for aggregate materials. It is estimated that approximately 1.5 million tons (1 million cubic yards) would be mined on an annual basis. The site would be mined to a depth of approximately 90 feet below existing grade. The subsurface geology of the site consists of layers of sand and gravel with interspersed layers of clay. Initial grading would remove topsoil layers to be stockpiled on the site, to be used upon reclamation of the site following completion of mining.

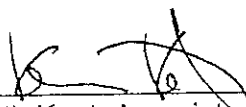
**Mitigation Measures:** See Initial Study.

**Proposed Findings:** This project will not have a significant impact on the environment based upon:

- a. The Initial Study shows that there is no substantial evidence that the project may have a significant effect on the environment.
- b. The Initial Study identified potentially significant effects, but:
  - 1. Revisions in the project plans were made by the applicant to avoid the effects or to mitigate the effects to a point where clearly no significant effects would occur.
  - 2. The City has an enforceable commitment from the applicant to include the mitigation measures in the project to avoid the effect to a point where clearly no significant effects would occur.
  - 3. The proposed project is a subsequent project within the Tracy Planning Area for which potential environmental effects have been previously considered and addressed under the UMP and UMP EIR.

This Negative Declaration of Environmental Impact was prepared by the City of Tracy Development and Engineering Services Department following the completion of an Initial Study for the project. A copy of the Initial Study is attached.





Date 11-15-00

Kenneth Kent, Associate Planner  
City of Tracy Development and Engineering Services Department

## INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

1. **Project Title:**  
Teichert/Pereira Surface Mine and Reclamation Plan  
Application No. 10-00-CUP
  
2. **Lead Agency Name and Address:**  
City of Tracy, Development and Engineering Services Department  
520 Tracy Boulevard, Tracy, CA 95376
  
3. **Contact Person and Phone Number:**  
Kenneth Kent, Associate Planner, (209) 831-4600  
Alan Bell, Senior Planner, (209) 831-4600
  
4. **Applicant and Property Owner Name and Address:**

<i>Applicant:</i> Teichert Aggregates, Inc. 3500 American River Drive Sacramento, CA 95851-1002	<i>Property Owner:</i> Sutter-Bypass Properties, Inc. P.O. Box 15002 Sacramento, CA 95851-1002
----------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------
  
5. **Project Location and Site Description:**

The proposed project site consists of an approximately 100 acre property, located at the southwest corner of Tracy Boulevard and Linne Road, Tracy, CA, APN: 253-110-06, 07, 08, 09 and 14 (See Figure 1). The proposed site has approximately 295 feet of frontage on Linne Road and 165 feet along Tracy Boulevard. The project site is currently fallow. Adjacent uses include residential homes to the north across Linne Road and a Southern Pacific Railroad line, a local market, and rural residential and industrial to the east, located outside the Tracy city limits, the Tracy Airport to the south and light industrial uses to the west.
  
6. **Description of Project:**

The proposed project involves establishment of a surface mine to extract sand and gravel to be transported to an off-site processing plant located outside the City in San Joaquin County to the east, adjacent to MacArthur Drive. Approximately 85 acres of the 100 acre site would be mined. The estimated volume of material to be mined from the site would be 12.1 million tons, which is equivalent to 8 million cubic yards. The project site would be mined for a period of seven to ten years, depending upon market demand for aggregate materials. It is estimated that approximately 1.5 million tons (1 million cubic yards) would be mined on an annual basis. The site would be mined to a depth of approximately 90 feet below existing grade. The subsurface geology of the site consists of layers of sand and gravel with interspersed layers of clay. Initial grading would remove topsoil layers to be stockpiled on the site, to be used upon reclamation of the site following completion of mining. The reclamation plan proposed by the applicant includes backfilling the site along the frontage of Linne Road and Tracy Boulevard to create level building pad areas with a depth of approximately 250 feet for future light industrial uses. The remainder of the site would be reclaimed with 2:1 slopes to allow for 31 acres of agricultural/grazing use and 10 acres for a stormwater detention basin serving the Tracy

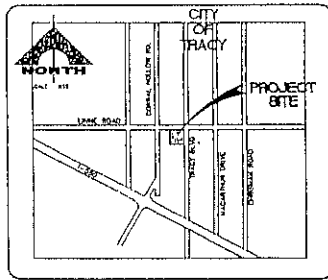
Municipal Airport. In addition, the project site has been identified as a potential site for winter storage of water treated from the future wastewater reclamation facility planned to serve future development in the southwestern portion of the City, such as Tracy Hill, South Schulte and some of the Westside Properties.

A surface mining permit and reclamation plan were previously approved for the project site in 1991. However, no mining activity has occurred on the site to date. Based upon the elapsed time of almost ten years, surrounding land use changes, including residential development to the north and adoption of a new General Plan and Zoning in 1993, the City has determined that the permit expired and a new mining permit along with updated environmental analysis is required before mining activity can commence.

7. **UMP/General Plan Designation and Zoning Classification:**

The Project site has been designated by the Urban Management Plan/General Plan (UMP) as Industrial and has a Zoning Classification of Heavy Industrial (M-2), Aggregate Mineral Overlay (AMO) and Airport Overlay (AO). Surface mining is a conditionally permitted use in the M-2 zoning classification where the site is located adjacent to a non-industrial or non-agricultural zone. The Tracy Industrial Areas Specific Plan [Section 4.1.2(b)] indicates that "[t]he conditions of Parcel 8 (the subject property) create an opportunity for a multi-stage development process of the site, with a sand and gravel mining operation as an initial use and subsequent land reclamation to allow a distribution of industrial light manufacturing use. This would enable the gravel under the ground to be used productively and for the site to house an appropriate and compatible use after reclamation."

8. **Other public agencies whose approval is required (e.g., permits, financing, approval, or participation agreement):** The proposed reclamation plan is reviewed by the State Department of Conservation, Office of Mine Reclamation.



VICINITY MAP  
NOT TO SCALE

# MINING AND RECLAMATION EXHIBIT FOR PEREIRA 2000 BY TEICHERT AGGREGATES

PROPOSED ACTIVITY: SURFACE MINING OF THE CORRAL HOLLOW ALLUVIAL FAN  
 ENTITLEMENT REQUESTED: CONDITIONAL USE PERMIT TO CONDUCT MINING OPERATIONS AS WELL AS APPROVAL OF THE PEREIRA 2000 RECLAMATION PLAN.

INDEX OF DRAWINGS	
PAGE	TITLE
1	COVER SHEET
2	LOCATION EXHIBIT/500' RADIUS MAP
3	SITE EXHIBIT
4	MINING EXHIBIT
5	RECLAMATION EXHIBIT
6	TYPICAL SECTIONS

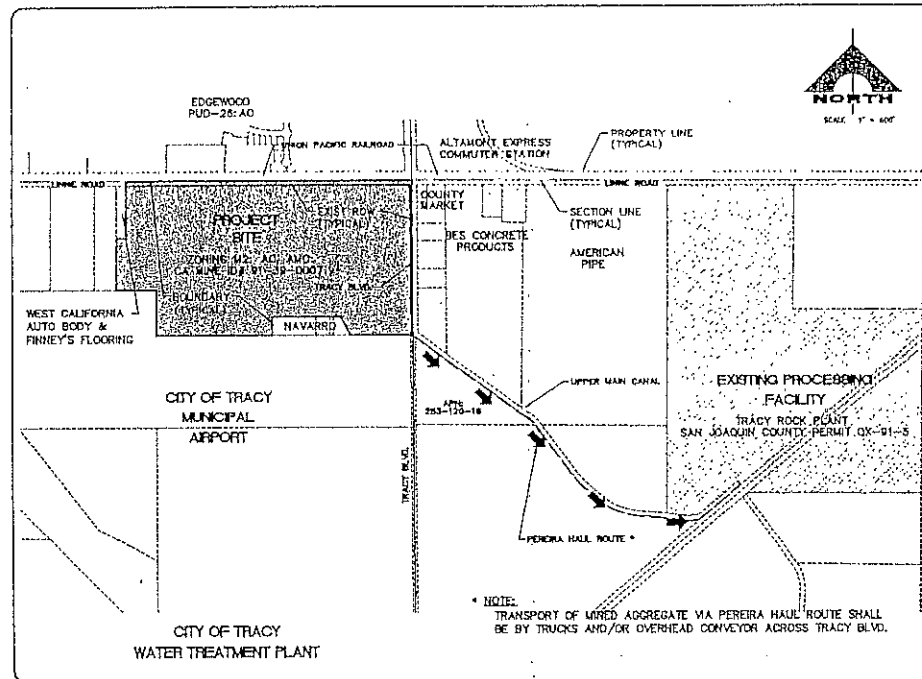
**APPLICANT & MINE OPERATOR:**  
 TEICHERT AGGREGATES (A DIVISION OF A. TEICHERT & SON, INC.)  
 P.O. BOX 15002  
 SACRAMENTO, CA. 95851-1002  
 PHONE: (916) 484-3319  
 ATTN: LILLIE O'KEEFE NOBLE

**PROPERTY OWNER:**  
 SUTTER BYPASS PROPERTIES, INC.  
 P.O. BOX 15002  
 SACRAMENTO, CA. 95851-1002  
 PHONE: (916) 484-3390  
 ATTN: ROBERT H. HAMEL

**PLANT MANAGER:**  
 TRACY ROCK PLANT  
 29099 SOUTH MAC ARTHUR  
 TRACY, CA. 95376  
 PHONE: (209) 834-8310  
 ATTN: PAUL MERCURIO

**PROJECT NAME:**  
 PEREIRA 2000  
**ASSESSOR PARCEL NUMBERS:**  
 253-110-06, 07, 08, 09, AND 14

Call before you Dig.  
 1-800-642-2444  
PROHIBITED UNDER CERT LAWS



\* NOTE:  
 TRANSPORT OF MINED AGGREGATE VIA PEREIRA HAUL ROUTE SHALL BE BY TRUCKS AND/OR OVERHEAD CONVEYOR ACROSS TRACY BLVD.

CONTACTS		
AGENCY	REPRESENTATIVES	PHONE
CITY OF TRACY	KENNETH KENT	
GEOTECHNICAL ENGINEER	KLEINFELDER	(209) 948-1345
PROJECT ENGINEER	G.C. WALLACE OF CALIFORNIA	(916) 285-7600
TEICHERT AGGREGATES	LILLIE O'KEEFE NOBLE	(916) 484-3319
U.S.A.		1-800-642-2444

TEICHERT AGGREGATES  
 PEREIRA 2000  
 COVER SHEET  
 C.C. WALLACE OF CALIFORNIA, INC.  
 Engineers/Planners/Surveyors  
 29099 SOUTH MAC ARTHUR, TRACY, CA 95376  
 PHONE: (209) 834-8310  
 FAX: (209) 834-8311  
 LICENSE NO. 10000  
 STATE OF CALIFORNIA  
 SHEET 1 OF 6  
 DATE: 07/08/06

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

- |                                                         |                                                                        |                                                        |
|---------------------------------------------------------|------------------------------------------------------------------------|--------------------------------------------------------|
| <input checked="" type="checkbox"/> Land Use & Planning | <input checked="" type="checkbox"/> Transportation/Circulation         | <input type="checkbox"/> Public Services               |
| <input type="checkbox"/> Population & Housing           | <input checked="" type="checkbox"/> Biological Resources               | <input type="checkbox"/> Utilities & Services Systems  |
| <input checked="" type="checkbox"/> Geological Problems | <input checked="" type="checkbox"/> Energy & Mineral Resources         | <input checked="" type="checkbox"/> Aesthetics         |
| <input checked="" type="checkbox"/> Water               | <input type="checkbox"/> Hazards                                       | <input checked="" type="checkbox"/> Cultural Resources |
| <input checked="" type="checkbox"/> Air Quality         | <input checked="" type="checkbox"/> Noise                              | <input type="checkbox"/> Recreation                    |
|                                                         | <input checked="" type="checkbox"/> Mandatory Findings of Significance |                                                        |

**DETERMINATION**

On the basis of this initial evaluation:

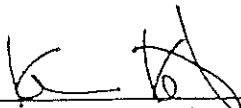
I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

  
\_\_\_\_\_  
Kenneth Kent, Associate Planner

11-15-00  
\_\_\_\_\_  
Date

## **A. Purpose and Legal Basis for the Initial Study**

Section 15063 of the California Environmental Quality Act (CEQA) provides that if a development project is consistent with a program environmental impact report which has been certified, the environmental review shall be limited to the effects which are specific to the project. Accordingly, the Initial Study for Teichert/Pereira Surface Mine (Project) serves as a second tier environmental document which includes any new information that identifies potential impacts that are more significant than described in the first tier 1988 Industrial Areas Specific Plan Environmental Impact Report and 1993 General Plan/Urban Management Plan (UMP) Environmental Impact Report (SCH No. 91092060).

As a public disclosure document, this Initial Study also provides local decision makers and the public with information regarding the environmental impacts associated with the Project. According to Section 15063 of the CEQA Guidelines, the purpose of an Initial Study is to:

1. Provide the Lead Agency with information to use as the basis for deciding whether to prepare an EIR or a Negative Declaration.
2. Enable an applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a Negative Declaration.
3. Assist in the preparation of an EIR, if one is required by:
  - a. Focusing the EIR on the effects determined to be significant,
  - b. Identifying the effects determined not to be significant,
  - c. Explaining the reasons for determining that potentially significant effects would not be significant, and
  - d. Identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project's environmental effects.
4. Facilitate environmental assessment early in the design of a project.
5. Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment.
6. Eliminate unnecessary EIRs.
7. Determine whether a previously prepared EIR could be used with the project.

## **B. Relationship to the Tracy Urban Management Plan and Industrial Areas Specific Plan**

The Tracy General Plan/Urban Management Plan (UMP) was adopted and the associated EIR (SCH No. 91092060) was certified in July, 1993. This document comprehensively examined the potential environmental impacts that may occur as a result of build-out of the 72,775 acre Tracy Planning Area (TPA). For those significant environmental impacts for which no mitigation measures were available, the City adopted a Statement of Overriding Consideration (Resolution 93-226). This document herein

incorporates by reference the UMP, UMP EIR, and Resolution 93-226. The Tracy Industrial Areas Specific Plan (ISP) and the associated EIR were adopted in 1988. This document comprehensively examined the potential environmental impacts that may occur as a result of build-out of the 682 acre ISP.

As a subsequent development project within the TPA and ISP, many potential environmental effects of the project have been previously considered at the program level and addressed within the UMP and associated EIR and ISP and EIR (Copies are available for review at the Tracy Department of Development and Engineering Services Department). As a second tier environmental document, Teichert/Pereira Surface Mine Initial Study incorporates the goals, policies, and action items of the UMP, along with measures from the UMP EIR, as well as the ISP and EIR as mitigation for potential impacts of the Project.

As a subsequent development project within the ISP, many potential environmental effects of the project have been previously considered at the program level and addressed within the ISP and associated EIR (Copies of the ISP and ISP EIR are available for review at the Tracy Development and Engineering Services Department). As a second tier environmental document, Teichert/Pereira Surface Mine Initial Study incorporates the goals, policies, and action items of the ISP, along with mitigation measures from the ISP EIR, as mitigation for potential impacts of the Project.

### C. Initial Environmental Checklist

Following each major category in the Initial Study are four determinations by which to judge the project's impact. These categories and their meanings are shown below:

**"No Impact"** means that it is anticipated that the project will not effect the physical environment on and around the project site. It, therefore, does not warrant mitigation measures.

**"Less than Significant Impact"** means the project is anticipated to effect the physical environment on and around the project site, however, to a less than significant degree, and therefore not warranting mitigation measures.

**"Potentially Significant Unless Mitigation Added"** applies to impacts where the incorporation of mitigation measures into a project has reduced an effect from "Potentially Significant" to "Less Than Significant". In such cases, and with such projects, mitigation measures will be provided including a brief explanation of how they reduce the effect to a less than significant level.

**"Significant and Unavoidable Impact"** means there is substantial evidence that an effect is significant, and no mitigation is possible. In cases where a Statement of Overriding Considerations has been adopted for certain regional impacts within the Tracy Urban Management Plan EIR, a first tier EIR, a discussion will be provided regarding its purpose and applicability. The identification of one or more "Significant and Unavoidable Impact" entries, for which a Statement of Overriding Considerations has not been adopted, will necessitate the preparation of an EIR.

**Initial Study  
Checklist And Analysis**

The following represents the City's CEQA Checklist supplemented with expanded discussion, analysis and related mitigation measures.

**I. Geology/Earth**

**Environmental Impacts**

	Will the proposal result in:	Significant and Unavoidable Impact	Potentially Significant Impact Unless Mitigation Added	Less Than Significant Impact	No Impact
1.	Unstable earth conditions or changes in geologic substructures?			X	
2.	Disruptions, displacements, compaction, or over-covering of the soil?			X	
3.	Change in topography or ground surface relief features?		X		
4.	The destruction, covering, or modification of any unique geologic or physical features?				X
5.	Any increase in wind or water erosion of soils, either on or off the site?		X		
6.	Changes in deposition or erosion of beach sands, or changes in sedimentation, deposition, or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet, or lake?				X
7.	Exposure of people or property to geologic hazards such as earthquakes, landslides, mud-slides, ground failure, or similar hazards?		X		

1. The subject site consists of generally flat terrain, sloping slightly to the northeast. The project site consists of gravely clay loam and gravely clay type soils. Subsurface geology is characterized as interstratified sands, clays and gravels. A soil report has been prepared for the proposed mine operation, addressing slope stability during mining activities as well as final slopes following reclamation of the site.
2. Approximately 140,000 cubic yards of top soil would be removed during mining activities to be stockpiled on-site and serve as a berm along Tracy Boulevard and Linne Road and then replaced upon completion of mineral extraction as part of the reclamation plan.
3. The subject property is comprised of generally flat terrain. The project would remove approximately 8 million cubic yards of material from the site, resulting in an approximately 80-acre mining pit, with active mine wall of 3/4:1 slope, extending up to existing grade approximately 90 feet above.. Reclamation of the site will be required upon completion of surface mining. The resulting topography would include a 36 acre finished pit floor, approximately 80-90 feet below existing surrounding grade. Final slopes would be 2:1, extending up to existing grade, where the frontage along Tracy Boulevard and Linne Road



would brought back up to existing surrounding grade, with a level building area approximately 200 feet in depth.

4. The project site is comprised of generally flat terrain. No unique geologic or physical features are found on the site and no such features would be affected by the proposed project.
5. Wind and water erosion of disturbed soils could potentially result during mining activities. Operation of the mine includes wetting of haul routes and areas of active excavation to minimize dust. Mitigation is discussed in section 2 (Air Quality)
6. The project site does not contain streams, lakes, or estuaries of any water body. Therefore, no such water features will be affected by the project.
7. According to the UMP EIR, the project site lies within an area of historically low seismic activity. Geologic hazards that may be associated with seismic activity at the project site could include ground shaking, liquefaction, seismic settlement, compressible soils, collapsible soils, and expansive soils. The soil report prepared for the proposed project addresses slope stability of the proposed 3/4:1 active mining slopes and final 2:1 slopes, determining that these slope would be stable.

Applicable Mitigation

1. Proposed final 2:1 slopes shall be constructed in accordance with recommendations provided by the project soil engineer, based upon appropriate performance standards, including compaction rates, keying and benching and subsurface drainage as necessary.
2. Comply with reclamation plan terms as approved by the City and as identified in the comments of the State Office of Mine Reclamation, Department of Conservation.

**II. Air**

	Will the proposal result in:	Significant and Unavoidable Impact	Potentially Significant Impact Unless Mitigation Added	Less Than Significant Impact	No Impact
1.	Substantial air emissions or deterioration of ambient air quality?		X		
2.	The creation of objectionable odors?				X
3.	Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?				X

1. Air quality impacts related to mining activities and transporting material from the mine to the off-site processing plant are generally attributable to dust generated by equipment and vehicles. Fugitive dust is emitted both during mining activity and as a result of wind erosion over exposed earth surfaces. Dust created by mining activities has the potential to impact visibility at the Tracy Municipal Airport, located south of the project site. The project will be required to comply with the San Joaquin Valley Unified Air Pollution Control District's Regulation VIII Fugitive Dust/PM<sub>10</sub> Synopsis (attached) in order to reduce the amount of PM<sub>10</sub> injected into the ambient air from man-

made sources., which will reduce potential visibility impacts to a less-than-significant level. The applicant is proposing use of water trucks to wet down haul routes and excavation areas to suppress dust. The proposed reclamation plan calls for ongoing placement of final slopes and hydroseeding to establish vegetative cover on those areas of the site that will not be further disturbed by mining activities, thereby reducing dust generation. Therefore air quality impacts for the proposed project would be considered less-than-significant.

2. Operation of the proposed mine would involve operation of diesel-powered grading and hauling equipment, such as excavators, tractors and haul trucks, all of which will emit exhaust fumes. However, the amount of exhaust fumes from the equipment anticipated to be in operation at any one time would be considered less-than-significant.
3. Given the localized nature of the proposed mining operation, it is determined that the project would not significantly affect local or regional climatic conditions.

Applicable Mitigation

1. During construction activities, applicant shall comply with the San Joaquin Valley Unified Air Pollution Control District's Regulation VIII Fugitive Dust/PM<sub>10</sub> Synopsis in order to reduce the amount of PM<sub>10</sub> injected into the ambient air from man-made sources.
2. The applicant shall fund City staff time to monitor compliance with dust control and operation of equipment.

**III. Water**

	Will the proposal result in:	Significant and Unavoidable Impact	Potentially Significant Impact Unless Mitigation Added	Less Than Significant Impact	No Impact
1.	Changes in currents, or the course or direction of water movements, either marine or fresh water?				X
2.	Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?			X	
3.	Alterations to the course or flow of flood waters?				X
4.	Changes in the amount of surface water in any water body?				X
5.	Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen, or turbidity?		X		
6.	Alteration of the direction or rate of flow of groundwater?		X		
7.	Substantial reduction in the amount of water otherwise available for public water supplies?				X
8.	Exposure of people or property to water related hazards such as flooding or tidal waves?				X

1. The project site does not contain fresh or marine waters. Consequently, it will not affect the course or direction of such water movements.

2. The project would not result in change in absorption capability because minimal paving is associated with the project. Other than 100 feet of paved access road from the right-of-way Of Tracy Boulevard into the site, the site will remain unpaved. Stormwater would be retained on-site within the mining pit and will naturally percolate into the soil. In addition , the project site will also accommodate stormwater from the Tracy Airport, with creating of a 10 acre retention pond in the southern portion of the site.
3. The project site does not lie within the flood-plain of any stream, river, or water body, and flood waters do not flow through the subject property. Development of the project will not alter the course or flow of flood waters.
4. The project site does not contain any water body and will therefore not alter the amount of surface water in any water body.
5. During mining operation, soils are exposed and are more susceptible to wind and water erosion which can contribute to the degradation of surface water quality in the short term. However, drainage from the project property would be retained on-site and would therefore not impact surface waters
6. The project would excavate to a depth of approximately 90 feet Below existing grade. The applicant has provided a hydrology report prepared by Luhdorff and Scalmanni Consulting Engineers, indicating that the water table on the project site is estimated to be approximately 100 feet below existing grade. The proposed mine is required by the Regional Water Quality Control Board to not breach the water table during mining activities.
7. The project proposes to use two primary sources of water. Water trucks used to suppress dust will be filled using existing well at the off-site Teichert rock processing plant. To irrigate proposed landscaping along Line Road and Tracy Boulevard, the applicant proposes to connect to City water. The project property is part of the 87-3 Assessment District that provides water capacity for the site. The water use for landscaping will not be significant and will be far less that the amount of water allocated to the property though assessments that have been paid by the property owner. Therefore, this use of water will not result in a substantial reduction of water supplies.
8. The project does not lie within any existing flood plain, and will not result in the exposure of people or property to water related hazards such as flooding.

#### Applicable Mitigation

1. Stockpiled top soil and overburden shall be hydroseeded and shall be maintained with a vegetative cover to minimize runoff and erosion.

#### IV. Plant/Animal Life

	Will the proposal result in:	Significant and Unavoidable Impact	Potentially Significant Impact Unless Mitigation Added	Less Than Significant Impact	No Impact
1.	Change in the diversity of species, or number of any species of plants, crops, and aquatic plants?			X	
2.	Reduction of the number of any unique, rare, or endangered species of plants?			X	
3.	Introduction of new species of plants into an area, or result in a barrier to the normal replenishment of existing species?			X	
4.	Reduction in acreage of any agricultural crop?				X
5.	Change in the diversity of species, or number of any species of animals (birds, and animals including reptiles, fish and shellfish, benthic organisms, or insects?)			X	
6.	Reduction of the number of any unique, rare or endangered species of animals?		X		
7.	Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?			X	
8.	Deterioration to existing fish or wildlife habitat?			X	

1 - 8. A biological resource survey report prepared by Foothill Associates (Exhibit \*) was prepared to assess the potential for the project to affect special status species or otherwise impact fish and wildlife habitat. As indicated in the survey report, the proposed project is not expected to affect special-status species. However, it does indicate that an additional Burrowing owl survey will be required. Burrowing owls occur throughout the Central Valley and nest in abandoned ground squirrel burrows. The owls could potentially move onto the site prior to initiation of mining activities. \*

#### Applicable Mitigation

1. If during development of the project new evidence is revealed that development may displace or disrupt wildlife or wildlife habitat, the project applicant shall be required to contact the California Department of Game and the Fish and Wildlife Service and follow relevant laws with respect to species found.
2. Prior to initiation of mining activities on the site, a Burrowing Owl survey shall be conducted by a biologist and submitted to the City and Department of Fish and Game. If individuals are found on-site, Department of Fish and Game protocol shall be followed.

V. Noise

	Will the proposal result in:	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Added	Less Than Significant Impact	No Impact
1.	Increases in existing noise levels?		X		
2.	Exposure of people to severe noise levels?				X

1&2 A noise analysis was conducted by the applicant for the proposed mine operation to assess potential impacts to adjacent uses and to determine consistency with the City of Tracy Noise Ordinance (Exhibit \*). The project site is located with residential property approximately 250 feet from the north project property line. Under Section 4-3.1004 of the Tracy Municipal Code, pertaining to the Aggregate Mineral Overlay Zone, the one hour noise level shall not exceed 75 dB Leq at any point on or beyond the boundaries of the subject property. However, where an industrial property is adjacent to a non-industrial property, the allowable noise level shall be the average of the two zones. In this case, residentially zoned property is located to the north of the project site. The residential noise standard is 55 dB Leq at the property line. Therefore, the average between the two zones is must not exceed 65 dB Leq for the project. The noise study, prepared by Bollard and Brennan, Inc., determined that operation of the project would not exceed City of Tracy Noise Ordinance.

The existing noise environment in the project area is defined primarily by traffic on Tracy Boulevard and Linne Road. Other noise sources in the vicinity include the airport to the south and existing aggregate mining and sand and gravel processing facilities to the east. The noise analysis indicates that the average hourly noise level at any existing property line where residences are located is predicted to be 65 dB Leq or less. It is estimated that the noise level at the new residences to the north would be approximately 55 dB Leq or less, which would be consistent with the Tracy Noise Ordinance.

Although the noise analysis predicts that noise levels will meet Tracy Municipal Code noise standards, the residential homes to the north are sensitive receptors in terms of noise. The proposed hours of operation for mining activities would be from 6:00 A.M. to 10:00 P.M. of each day. Noise generated by mining activities occurring early in the morning and in the evening hours will have a negative impact on adjacent residences.

Applicable Mitigation

1. Operation of the project site must comply with the Tracy Municipal Code noise standard of 65 dB Leq or less at the boundary of the project adjacent to residential property. The project shall meet all other applicable standards of the Tracy Noise Ordinance.
2. A earthen berm, a minimum of 12 feet in height shall be constructed along the frontage of the project along Linne Road and Tracy Boulevard to provide noise buffering. The berm shall remain in place during the life of the subject mine.
3. The applicant shall fund and City shall conduct a detailed noise analysis upon commencement of operation, which shall also include a minimum monthly monitoring for the first year of operation and then annually thereafter.
4. Hours of operation shall be from 7:00 A.M. to 7:00 P.M. of the same day.

**VI. Light And Glare**

	Will the proposal result in:	Significant and Unavoidable Impact	Potentially Significant Impact Unless Mitigation Added	Less Than Significant Impact	No Impact
1.	The production of new light and glare?		X		

1. No fixed lighting sources are proposed for the project site. Based on the proposed hours of operation indicating work until up to 10:00 P.M., operation of excavating equipment and trucks would involve the use of vehicle lights which shine onto adjacent properties. However, these light sources would be intermittent and once the mine is excavated below existing grade and proposed berming has been constructed, the lights would be shielded from view off-site. Should the applicant chose to use any fixed light sources during operation of the mine, the light source would need to be directed down and appropriate shielding used to minimize glare.

Applicable Mitigation

1. Light sources shall be directed down and shall be shielded to minimize glare as viewed from off-site.

**VII. Land Use**

	Will the proposal result in:	Significant and Unavoidable Impact	Potentially Significant Impact Unless Mitigation Added	Less Than Significant Impact	No Impact
1.	A substantial alteration of the present or planned land use of an area?		X		

- The proposed project would alter the present undeveloped state of the property. The project is consistent with the UMP designation of industrial. In addition, the zoning for the site is Heavy Industrial (M-2) and Aggregate Mineral Overlay (AMO). The Tracy Industrial Areas Specific Plan, adopted in 1988 indicates that the subject site is suitable for mineral extraction with future industrial uses following reclamation of the site.  
Residential use to the north and why this mining and trucking activities will not adversely affect residential

Possible impacts to airport operations (dust)

Applicable Mitigation

- In order to ensure the project does not adversely impact residential or other nearby uses, the applicant shall comply with all mitigation measures of this Initial Study/Negative Declaration.

**VIII. Natural Resources**

	Will the proposal result in:	Significant and Unavoidable Impact	Potentially Significant Impact Unless Mitigation Added	Less Than Significant Impact	No Impact
1.	Increase in the rate of use of any natural resources?			X	
2.	Substantial depletion of any natural resources?				X

- & 2. The proposed project would mine sand and gravel deposits that are a part of the alluvial fan from Corral Hollow Creek. It is estimated that these deposits consist of approximately 545.2 million tons. The project site is located within an area that contains sand and gravel which extends beyond the city limits. The State Department of Mines and Geology has designated the area in and around the project site \* The project would not result in a loss of availability of important natural resources. In fact, the proposed project would make mineral resources available for use, consistent with State policy regarding mineral deposits of regional significance. In addition, the project would be extracting a relatively small portion of the total estimated deposits contained within the Corral Hollow Fan.

The Tracy Urban Management Plan (General Plan) establishes goals and policies to protect future productivity of mineral resource lands.

Applicable Mitigation

None.



**IX. Risk Of Upset**

	Will the proposal result in:	Significant and Unavoidable Impact	Potentially Significant Impact Unless Mitigation Added	Less Than Significant Impact	No Impact
1.	A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation) in the event of an accident or upset conditions?				X
2.	Possible interference with an emergency response plan or an emergency evacuation plan?				X

1. The project is not anticipated to result in a risk of an explosion or the release of hazardous substances because the project does not propose to use such materials. In addition, maintenance of trucks and excavating equipment would not occur on-site, eliminating the potential for oil to be spilled on the site..
2. The project is not anticipated to impact implementation of an emergency or evacuation plans.

Applicable Mitigation

None.

**X. Housing/Population**

	Will the proposal result in:	Significant and Unavoidable Impact	Potentially Significant Impact Unless Mitigation Added	Less Than Significant Impact	No Impact
1.	A change to the location, distribution density, or growth rate of the human population of an area?			X	
2.	Will the proposal affect existing housing or create a demand for additional housing?		X		

- 1&2 The project would not induce substantial growth in the area nor displace existing housing or people. There would be no impacts to the residential development to the north with the mitigation measures proposed by this Initial Study/ Negative Declaration.

Applicable Mitigation

None.

**XI. Transportation/Circulation**

	Will the proposal result in:	Significant and Unavoidable Impact	Potentially Significant Impact Unless Mitigation Added	Less Than Significant Impact	No Impact
1.	Generation of substantial additional vehicular movement?		X		
2.	Effects on existing parking facilities or demand for new parking?			X	
3.	Substantial impact upon existing transportation system?				X
4.	Alterations to present patterns of circulation or movement of people and/or goods?				X
5.	Alterations to waterborne, rail, or air traffic?				X
6.	Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?			X	

- The proposed project involves transportation of excavated material from the site across Tracy Boulevard at the southeast corner of the property. It is estimated that approximately 26 truck loads per hour from the site, resulting in 52 total trips per hour across Tracy Boulevard. The truck haul route would then traverse land outside the city limits following a drainage canal to the existing Teichert rock plant adjacent to MacArthur Drive.

Immediate traffic impacts would be trucks crossing Tracy Boulevard. The applicant has proposed a traffic control plan that includes appropriate signage and flag controls. The proposed traffic control plan includes flag personnel that will hold truck on the project property until traffic is clear on Tracy Boulevard.

As a result of the project, it is estimated that truck trips leaving the existing off-site rock processing plant would average 320 truck loads per day. The applicant has indicated that this amount of truck traffic would be a one third reduction in historic levels.

#### Applicable Mitigation

- Prior to initiation of mining activities on the project site, the applicant shall receive approval of an encroachment permit and traffic control plan for the Tracy Boulevard truck crossing.

## **XII. Public Services**

	Will the proposal result in:	Significant and Unavoidable Impact	Potentially Significant Impact Unless Mitigation Added	Less Than Significant Impact	No Impact
1.	Fire protection?				X
2.	Police protection?				X
3.	Schools?				X
4.	Parks or other recreational facilities?				X
5.	Maintenance of public facilities, including roads?		X		
6.	Other governmental services?				X

1-4 Minimal impacts are anticipated to fire, police, schools or parks facilities.

5&6 Trucks crossing Tracy Boulevard from the site to the off-site processing plant will have a substantial impact to the roadway. The applicant has submitted an encroachment permit application to reconstruct and reinforce the portion of Tracy Boulevard to be used for truck crossing.

Ongoing monitoring of project operations to track project mitigation compliance would generate considerable staff time.

Applicable Mitigation

1. Prior to initiation of mining activities on the project site, the applicant shall receive approval of an encroachment permit and traffic control plan for the Tracy Boulevard truck crossing.
2. The applicant shall be responsible for the cost of staff time and/or consultants to monitor compliance with mitigation measures

**XIII Energy**

	Will the proposal result in:	Significant and Unavoidable Impact	Potentially Significant Impact Unless Mitigation Added	Less Than Significant Impact	No Impact
1.	Use of substantial amounts of fuel or energy?				X
2.	Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?				X

1. Operation of grading equipment and trucks over the life of the mine is not anticipated result in a substantial use of fuel or energy.

Applicable Mitigation

None.

**XIV. Utilities**

	Will the proposal result in the need for new systems, or substantial alterations to the following utilities:	Significant and Unavoidable Impact	Potentially Significant Impact Unless Mitigation Added	Less Than Significant Impact	No Impact
1.	Power or natural gas?			X	
2.	Communication systems?			X	
3.	Water?			X	
4.	Wastewater?			X	
5.	Storm water drainage?			X	

6.	Solid waste and disposal?			X	
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- 1 & 2. The project would not utilize power and natural gas.
3. To irrigate proposed landscaping along Line Road and Tracy Boulevard, the applicant proposes to connect to City water. The project property is part of the 87-3 Assessment District that provides water capacity for the site. The water use for landscaping will not be significant and will be far less than the amount of water allocated to the property through assessments that have been paid by the property owner. Therefore, this use of water will not result in a substantial reduction of water supplies.
4. The project is not proposing to connect to the City's sanitary sewer system. Workers would utilize facilities at the existing off-site rock processing plant and portable toilets at the mine site.
5. The project would retain storm drainage on-site. In addition, a storm water retention pond of \* acres would be established along the southern portion of the pit floor to serve the Tracy Airport.
6. Solid waste generated by the project will be minimal and will be similar to the existing agricultural use of the property.

Applicable Mitigation

None

**XV. Human Health**

	Will the proposal result in:	Significant Impact	Potentially Significant Impact	Less Than Significant Impact	No Impact
1.	Creation of any health hazard or potential health hazard (excluding mental health)?		X		
2.	Exposure of people to potential health hazards?		X		

1 & 2. Air, noise hazards would be created unless mitigated as provided in this Initial Study/Negative Declaration. In addition, the steep wall of the active mine at ¾ to 1 slope (75 percent) could pose a hazard if not appropriately secured. The applicant is proposing barbed wire fencing and a gate at the entrance to secure the site.

Applicable Mitigation

- Security fencing shall be maintained around the site to prevent unauthorized persons from entering the site
- The project has potential to create air and noise impacts, that would pose health hazards, unless the mitigation contained in this Initial Study/ Negative Declaration are met.

**XVI. Aesthetics**

	Will the proposal result in:	Significant Impact	Potentially Significant Impact	Less Than Significant Impact	No Impact
1.	The obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of any aesthetically offensive site open to the public?		X		

1. The project site is located south of residentially designated property upon which new homes are under construction. The General Plan designates the project site Industrial, in which mineral extraction is a consistent use. In addition, the property has a zoning designation of Heavy Industrial (M-2) and Aggregate Mineral Overlay (AMO), which provide for mining of the site. The General Plan also establishes goals and policies that protect the productivity mineral resource lands. To assess potential visual impacts of an active surface mine, the applicant has provided cross-sections (figure \*) which depict the line-of-sight from the nearest residences into the proposed mining area. The nearest residential lots would be separated from the proposed mining area by approximately 250 feet. This distance consists of a 100 foot wide Union Pacific Railroad right-of-way, 50 foot wide existing Linne Road right-of-way, proposed 50 foot wide future right-of-way dedication, and 50 feet for proposed landscaping and berm to the edge of the mine slope. The proposed homes are setback from their rear property line along Linne Road approximately 50 feet. Therefore, residential structures would be located approximately 300 feet from the edge of the mine slope. There are approximately 42 residential lots that back up to Linne Road that will be adjacent to the proposed mine site.

There is a soundwall from 11 to 14 feet in height located along the rear property line of the residential lots. The second floor of two-story homes extend above the soundwall and provides a view from the residences into the mine site. As depicted in the cross-sections, with a 6 foot high berm proposed along the Linne Road frontage of the project site, residents of the nearest potential two-story residences would have a clear view of mining operations. To address visual impacts, it would be appropriate to provide screening that serves as a buffer, rather than completely obscuring any views of the subject property. Based on the cross-sections provided by the applicant, a 12 foot high berm appears to provide a reasonable visual buffer.

#### Applicable Mitigation

1. During the life of the mine, an earthen berm with associated landscaping shall be maintained at a minimum height of 12 feet along the Linne Road and Tracy Boulevard frontage of the project site.

## XVII. Cultural Resources

	Will the proposal result in:	Significant and Unavoidable Impact	Potentially Significant Impact Unless Mitigation Added	Less Than Significant Impact	No Impact
1.	Alteration of or the destruction of a prehistoric or historic archaeological site?				X
2.	Adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?				X
3.	Does the proposal have the potential to cause a physical change which will affect unique ethnic cultural values?				X
4.	Will the proposal restrict existing religious or sacred uses within the potential impact area?				X

- 1-4. The Urban Management Plan (UMP) EIR and the Industrial Specific Plan (ISP) EIR identified no evidence of significant cultural, prehistoric, historic or religious artifacts at the project site. However, in the event that cultural resources are identified during excavation or grading activities, the UMP mitigation measure requires a qualified archeologist to be retained to oversee the excavation.

### Applicable UMP Mitigation

- CO. 6.2.2 If evidence of archaeological artifacts are discovered during construction all operations within an area at and adjacent to the discovered site shall halt until a qualified archaeologist determines that extent of significance at the site.

### XVIII. Mandatory Findings Of Significance

	Will the proposal have the potential to:	Significant and Unavoidable Impact	Potentially Significant Impact Unless Mitigation Added	Less Than Significant Impact	No Impact
A1	Degrade the quality of the environment?		X		
A2	Substantially reduce the habitat of a fish or wildlife species?			X	
A3	Cause a fish or wildlife population to drop below self-sustaining levels?			X	
A4	Threaten to eliminate a plant or animal community?			X	
A5	Reduce the number or restrict the range of a rare or endangered plant or animal?			X	
A6	Eliminate important examples of the major periods of California history or prehistory?			X	
B	Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)			X	
C	Does the project have environmental effect which will cause substantial adverse effects on human beings, either directly or indirectly?			X	
D	Does a project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future).			X	

#### Discussion

- A1. The project with mitigation measures contained within this Initial Study/Negative Declaration would result in less-than-significant impacts in all environmental areas assessed.
- A2. The Plant/Animal Life Section of this Initial Study indicates that project site does not support a substantial amount of habitat for fish or wildlife species and will not substantially reduce the habitat for fish and wildlife species.
- A3. The subject property does not support substantial amounts of habitat for fish and wildlife species and is not expected to substantially reduce the population of fish and wildlife species below self-sustaining levels.
- A4. The project will not have the potential to reduce the number or types of plant or animal communities and, therefore, will not result in the elimination of such plant or animal communities.

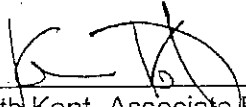


- A5. The project will not have the potential to reduce the number or restrict the range of a rare or endangered plant or animal.
- A6. As noted in the Cultural Resources Section of this Initial Study, the project site is believed to contain no examples of objects that will be historically or archaeological significant. Should new evidence be revealed during the construction of the site, specific mitigation measures have been identified that will mitigate such impacts to a less than significant level.
- B. The project with mitigation measures contained within this Initial Study/Negative Declaration would result in less-than-significant impacts and will not contribute to cumulative impacts.
- C. Development of the project is not anticipated to result in substantial adverse effects on human beings. Where appropriate, mitigation measures have been specified that will reduce impacts to a less than significant level.
- D. The project does not have the potential to achieve short-term, to the disadvantage of long-term, environmental goals. Future development in accordance with the proposed Tracy Urban Management Plan will extend urbanization into existing underdeveloped areas. Economic pressure for growth within the Tracy Planning Area are such that complete preservation of the environment at the expense of community growth is not feasible. As a result, a balance must be sought that accommodates the needs of the growing population within the Tracy Planning Area, while maintaining the quality of the environment.

**Section XIX  
Determination**

On the basis of the initial evaluation:

- I find that the proposed project COULD NOT have significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION WILL BE PREPARED.
- I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

  
\_\_\_\_\_  
Kenneth Kent, Associate Planner

## Applicable Mitigation Measures

### **VI Light and Glare**

1. Light sources shall be directed down and shall be shielded to minimize glare as viewed from off-site.

### **VII Land Use**

1. In order to ensure the project does not adversely impact residential or other nearby uses, the applicant shall comply with all mitigation measures of this Initial Study/Negative Declaration.

### **XI Transportation/Circulation**

1. Prior to initiation of mining activities on the project site, the applicant shall receive approval of an encroachment permit and traffic control plan for the Tracy Boulevard truck crossing.

### **XII Public Services**

1. Prior to initiation of mining activities on the project site, the applicant shall receive approval of an encroachment permit and traffic control plan for the Tracy Boulevard truck crossing.
2. The applicant shall be responsible for the cost of staff time and/or consultants to monitor compliance with mitigation measures

### **XV Human Health**

1. Security fencing shall be maintained around the site to prevent unauthorized persons from entering the site
2. The project has potential to create air and noise impacts, that would pose health hazards, unless the mitigation contained in this Initial Study/ Negative Declaration are met.

### **XVI Aesthetics**

1. During the life of the mine, an earthen berm with associated landscaping shall be maintained at a minimum height of 12 feet along the Linne Road and Tracy Boulevard frontage of the project site.

### **XVII Public Services**

#### Applicable UMP Mitigation

1. CO. 6.2.2 If evidence of archaeological artifacts are discovered during construction all operations within an area at and adjacent to the discovered site shall halt until a qualified archaeologist determines that extent of significance at the site.

RESOLUTION 17-\_\_\_\_\_

APPROVING A CONDITIONAL USE PERMIT AND RECLAMATION PLAN AMENDMENT TO DEFINE AND EXTEND THE EXPIRATION DATES FOR MINING UNTIL DECEMBER 31, 2036 AND RECLAMATION UNTIL DECEMBER 31, 2039 WITH NO CHANGES TO MINING OR RECLAMATION ACTIVITIES (REQUEST IS ONLY TO EXTEND TIME), AND APPROVAL OF THE RENEWAL OF THE INTERIM MANAGEMENT PLAN (IMP) FOR AN ADDITIONAL FIVE YEAR PERIOD, FOR THE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF W. LINNE ROAD AND S. TRACY BOULEVARD, ASSESSOR'S PARCEL NUMBERS 253-110-06; 253-110-07; 253-110-008; 253-110-09; AND 253-110-014. APPLICANT IS TEICHERT AGGREGATES AND PROPERTY OWNER IS TRIANGLE PROPERTIES, APPLICATION NUMBER CUP16-0010

WHEREAS, The City of Tracy adopted its Surface Mining Ordinance on October 27, 2000, specifically Article 37, Surface Mining and Reclamation, and Article 38, Aggregate Mineral Overlay Zone, of Title 10 (Planning and Zoning) of the Tracy Municipal Code, consistent with the Surface Mining and Reclamation Act of 1975, Article 5, Section 2770 – 2779, Public Resources Code and was subsequently certified by the State Mining and Geology Board (SMGB) on November 9, 2000 (SMGB Resolution 2000-12), and

WHEREAS, Teichert Aggregates and G.C. Wallace of California, Inc., submitted an application for a Conditional Use Permit, Mining Permit, and Reclamation Plan for the Pereira property located at the southwest corner of S. Tracy Boulevard and W. Linne Road on October 2, 2000, and

WHEREAS, The Planning Commission held a public hearing on January 24, 2001 to review and consider the Conditional Use Permit, Mining Permit, and Reclamation Plan, and determined the project to be consistent with the City's Surface Mining and Reclamation Ordinance, contained in Article 37 of the Tracy Municipal Code (Surface Mining and Reclamation), and

WHEREAS, On January 24, 2001, the Planning Commission adopted a Mitigated Negative Declaration for the proposed mining and reclamation project in accordance with Section 15074 of the CEQA Guidelines, finding that there was no substantial evidence that the project would have a significant effect on the environment and that the mitigated negative declaration reflected the lead agency's independent judgement and analysis, with the City of Tracy adopting a program for reporting on or monitoring the changes through the imposition of conditions of approval to mitigate or avoid significant environmental effects, and

WHEREAS, On January 24, 2001, the Planning Commission approved a Conditional Use Permit, Mining Permit, and Reclamation Plan (Application 10-00-CUP), subject to the conditions of approval and mitigation measures and finding that the project was consistent with the requirements and intent of the City of Tracy General Plan, the Industrial Areas Specific Plan and the Tracy Municipal Code [specifically, Article 37, Surface Mining and Reclamation Ordinance, and Section 10.08.4880 (Aggregate Mining Overlay Zone)], and

WHEREAS, The Pereira Mine has been operated since 2001 in conformance with the adopted mitigation measures and conditions of approval, ensuring compliance with the Surface Mining and Reclamation Act (SMARA) and Article 37 of the Tracy Municipal Code {T.M.C.}, and as required under SMARA, that site is inspected each year as required under State Statute

(SMARA) and has been found to be in conformance with the provisions of the approved mining and reclamation plan, and

WHEREAS, In 2010, the mine became idle and on August 23, 2010 the City of Tracy approved an Interim Management Plan (IMP) pursuant to Public Resources Code Section 2770(h), and based on the annual inspections conducted each year, the site has been well maintained and in conformance with the provisions of the approved reclamation plan and SMARA, and on July 22, 2016, Teichert Aggregates submitted a renewal to the Interim Management Plan (IMP) for the first five year extension pursuant to Public Resources Code Section 2770(h)(2)(A); and on August 22, 2016, the California Department of Conservation commented on the IMP renewal, stating that the IMP contained sufficient information to describe the conditions while the mine is idle and met the minimum requirements of SMARA, and

WHEREAS, On October 5, 2016, Teichert Aggregates submitted an application for a Conditional Use Permit and Reclamation Plan Amendment to define and extend the expiration dates for mining until December 31, 2036 and reclamation until December 31, 2039 with no changes to mining or reclamation activities for the existing Pereira Mine located at the southwest corner of W. Linne Road and S. Tracy Boulevard, and on February 27, 2017 the application was deemed complete for processing, and

WHEREAS, The subject property is zoned Heavy Industrial (M-2), where Surface Mining uses are classified in Use Group 5, pursuant to Section 10.08.4250 – 10.08.4420 of Article 34 of the Tracy Municipal Code, and such uses are conditionally permitted, and

WHEREAS, In accordance with Section 10.08.4250 of the Tracy Municipal Code, the Planning Commission is empowered to grant or to deny applications for Conditional Use Permits and to impose reasonable conditions upon the granting of use permits, and

WHEREAS, The proposed Conditional Use Permit, Reclamation Plan Amendment and Interim Management Plan Renewal has been reviewed as a whole and found to be in conformance with the Tracy Municipal Code, and more specifically the Planning Commission finds that the proposal is in conformance with Tracy Municipal Code Section 10.08.4341 (Conditional Use Permits), Section 10.08.4730 (Mining Plan and Reclamation), Section 10.08.4780 (Amendments – Interim Management Plans), and Section 10.08.4880 (Aggregate Mining Overlay Zone), and

WHEREAS, On January 24, 2001, the Planning Commission considered and approved a Conditional Use Permit (10-00-CUP) and Mining Permit, and adopted a Mitigated Negative Declaration for the establishment of a surface mining operation to extract sand and gravel on approximately 85 acres of a 100 acre site. In adopting the prior Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines, the City of Tracy found (1) there was no substantial evidence the project would have a significant effect on the environment and that the Mitigated Negative Declaration reflected the City’s independent judgement and analysis; and (2) the City had adopted a program for reporting on or monitoring the changes through the imposition of conditions of approval to mitigate or avoid significant environmental effects, and

WHEREAS, The project will not result in any changes to mining or reclamation activities or increase production, as the proposal is merely to extend the completion and expiration time frames of the reclamation plan, and the project will not result in any new significant adverse impacts to the physical environment or in any increase in the severity of any previously

identified potentially significant impacts of the project. There are no substantial changes in the project or in the mitigation measures included in the 2001 Mitigated Negative Declaration and the City’s past findings. Therefore, the City makes the finding that an Addendum to the 2001 Mitigated Negative Declaration is the appropriate environmental document for this project pursuant to the California Environmental Quality Act (CEQA) [Public Resources Code, § 21000 et seq., California Code of Regulations, Title 14 § 15000 et seq. (CEQA Guidelines)], and

WHEREAS, The Planning Commission held a public hearing to review and consider the Conditional Use Permit, Reclamation Plan Amendment, and Interim Management Plan (IMP) Renewal application on October 25, 2017;

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission does hereby approve the Conditional Use Permit and Reclamation Plan Amendment to define and extend the expiration date for mining until December 31, 2036 and reclamation until December 31, 2039 with no changes to mining and reclamation activities, and also approves the renewal of the Interim Management Plan (IMP) for an additional five year period, at 11440 W. Linne Road and 28989 S. Tracy Boulevard, based on the following findings and subject to the conditions as stated in Exhibit “1” attached and made part hereof:

- 1. There are circumstances or conditions applicable to the land, structure, or use that make the granting of a use permit necessary for the preservation and enjoyment of a substantial property right because the continued mining operation use will be compatible with the surrounding neighborhood, including the surrounding industrial and municipal airport uses, and would not create significant impacts on the surrounding industrial areas.
2. The proposed location of the conditional use is in accordance with the objectives of the purposes of the Heavy Industrial zone in which the site is located, because the zone allows mining and quarrying uses upon approval of a Conditional Use Permit, and the proposed project has complied with the procedural requirements of obtaining a Conditional Use Permit and will comply with the Conditions of Approval and with all improvement and operational requirements of the Tracy Municipal Code, including the provisions of SMARA.
3. The proposed location of the use, and the conditions under which it would be operated or maintained, will not be detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity because the continued mining and reclamation activities will be compatible with existing similar commercial and industrial uses on adjacent neighboring properties, will be designed to be compatible with the neighborhood, and will not significantly impact nearby industrial, municipal airport and businesses with respect to noise, light and glare, traffic, parking, or other related areas of conflict.
4. The proposed project is in compliance with Chapter 10.08 of the Tracy Municipal Code, because subject to approval by the Planning Commission for a Conditional Use Permit, the proposed project will be required to comply with all applicable provisions including, but not limited to, the Tracy Municipal Code, the California Building Code, the City of Tracy Standard Plans, and SMARA.

- 5. The reclamation plan complies with Tracy Municipal Code Section 10.08.4730 (Permit and Reclamation Plan Requirements) and Article 5, Section 2770 of the Public Resources Code (SMARA) statutes, and adequate financial assurances have been established to ensure reclamation of the site.

\* \* \* \* \*

The foregoing Resolution 2017-\_\_\_\_\_ was adopted by the Planning Commission on the 25<sup>th</sup> day of October 2017, by the following vote:

AYES:	COMMISSION MEMBERS:
NOES:	COMMISSION MEMBERS:
ABSENT:	COMMISSION MEMBERS:
ABSTAIN:	COMMISSION MEMBERS:

\_\_\_\_\_  
CHAIR

ATTEST:

\_\_\_\_\_  
STAFF LIAISON

**City of Tracy**  
**Conditions of Approval**  
**for Teichert Aggregate**  
**Conditional Use Permit, Mining Permit, and Reclamation Plan**  
**for the Pereira Mine**  
**Application Number CUP16-0010**  
**October 25, 2017**

A. General Conditions

1. These Conditions of Approval (hereinafter "Conditions of Approval") shall apply to the real property described as Assessor Parcel Numbers 253-110-06, 07, 08, 09, and 14 (hereinafter "Project"), located on the southwest corner of Linne Road and Tracy Boulevard.
2. The following definitions shall apply to these Conditions of Approval:
  - a) "Applicant" means any person, or other legal entity, defined as a "Developer".
  - b) "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Development and Engineering Services Director, or the City Engineer to perform the duties set forth herein.
  - c) "City Regulations" means all written laws, rules, and policies established by the city, including those set forth in the City of Tracy General Plan (also known as the Urban Management Plan), the Tracy Municipal code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
  - d) "Development and Engineering Services Director" means the Development and Engineering Services Director of the City of Tracy, or any other person designated by the City Manager of the Development and Engineering Services Director to perform the duties set forth herein.
  - e) "Conditions of Approval" shall mean the conditions of approval applicable to the Conditional Use Permit, Mining Plan, and Reclamation Plan for the Pereira property, Application Number 10-00-CUP. The Conditions of Approval shall specifically include all Development and Engineering Services Department conditions set forth herein.
  - f) "Project" means the real property described as the Pereira property as specifically described as Assessor Parcel Numbers 253-110-06, 07, 08, 09, and 14, located at the southwest corner of Linne Road and Tracy Boulevard.
  - g) "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.
3. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, et seq.), the Subdivision Map Act (Government Code sections 66410 et seq.), the California Environmental quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and the



Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").

4. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City Regulations.
5. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the Urban Management Plan (General Plan) Environmental Impact Report, dated July 19, 1993.
6. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.
7. **This Conditional Use Permit and Reclamation Plan Amendment shall expire when all reclamation work has been completed, or by December 31, 2039, whichever occurs first. Upon completion of mining, all equipment used for mining and other materials, equipment and vehicles shall be removed from the site so that reclamation can be completed but no later than December 31, 2036. To remain valid, progress towards completion of the project must be continuous. The Applicant has the sole responsibility for renewing this application before the expiration date. The City will not provide a notice prior to the expiration date.**
8. **Pursuant to Section 2772.7 of the California Public Resources Code, the Operator/Applicant shall have recorded with the County Clerk/Recorder, a "Notice of Reclamation Plan Approval" that shall include:**
  - a. **A statement that "Mining operations conducted on the hereinafter described real property are subject to a reclamation plan approved by the City of Tracy, a copy of which is on file with the City of Tracy, Development Services Department," and**
  - b. **A legal description of the property subject to said reclamation plan.**
9. **Prior to any changes of Operators, the applicant shall notify the Development Services Department 30 days prior to extraction. Any changes in operators shall not exempt the applicant/operators from providing required monitoring information.**
10. **Annually, prior to July 1<sup>st</sup>, the Applicant/Operator shall supply to the Development Services Department an accounting of the quantities and types of materials extracted and/or processed from the site that season. The accounting**

**report shall indicate the dates on which the specified volumes were removed, the method used to calculate the volume figures and the signature of the person responsible for completing the report. Such report shall be submitted even if no material was mined/removed that season.**

11. **The applicant/Operator shall grant access to the property during hours of operation to permit City representatives or any consultants hired by the City for inspection, enforcement, or monitoring activities deemed desirable by the City. The Applicant shall designate an individual who is to be available at all times for purposes of supplying information deemed necessary by the authorized City representatives in connection with such work during working hours.**

B. Conditions Necessary to Comply with Section 10.08.4870 of the Tracy Municipal Code (Development Standards for Surface Mining Operations)

1. Structure height. The height shall be in accordance with the Airport Overlay Zone.
2. Off-street parking. Off-street parking shall be provided and imposed as required in title 10, Article 26. In addition to the off-street parking requirements sited above, separate parking for all company vehicles and those vehicles left overnight typically moved on and off-site on regular bases shall be provided on site and screened from public rights-of-way. Said off-street parking shall be subject to the landscaping and fencing requirements of this section.
3. Buffers. Buffers shall be provided as shown on Exhibit 1 to the Resolution of Approval for Conditional Use Permit 10-00-CUP ("Mining and Reclamation Exhibit for Pereira 2000, Amended January 2001" sheets, inclusive).
4. When there is a conflict between the AMO Zone and the Underlying Zone, except for as provided in Section 10.08.4880 (d) of Article 38 of the Tracy Municipal Code, the standards of the AMO Zone shall prevail.
5. Noise suppression. All equipment and premises employed in conjunction with any of the uses allowed in the AMO Zone shall be constructed, operated and maintained so as to suppress noise at or below 65 ldn decibels at the property boundary of the lands on which surface mining/quarrying operations occur.
6. Roads and driveways. All roads and driveways shall be kept wetted with water while being used or shall be treated with asphaltic concrete or concrete or other materials acceptable to the City Engineer to prevent the emission of dust.
7. Access roads. All private access roads leading off any paved public street onto property used for any purpose permitted within Section 10.08.4860 of Article 38 shall be paved for not less than the first 100 feet of said access road and its intersection with any public right-of-way road to a minimum width of twenty-four (24') feet with asphaltic concrete or equal, not less than three (3") inches in thickness with adequate compacted base material.

8. Landscaping and fencing shall be installed in conformance with Sheet 7 of "Mining and Reclamation Exhibit for Pereira 2000, Amended January 2001", (Exhibit 1 of this Resolution, approving the Conditional Use Permit)
9. Hours of operation. All uses shall confine operations, including maintenance, on the property to the hours between 7:00 a.m. and 7:00 p.m. of any day.

In the event of local, State or Federally declared emergency affecting the operation of surface mining operations the hours of operations may be waived upon written request by the operator for that period of said emergency by Development and Engineering Services.

Upon written request of the operator, Development and Engineering Services may extend the hours of operations if sufficient cause is found as presented by the operator in said request.

10. Insurance. Before commencing surface mining operation in a quarry, the owner or operator shall show continuing evidence of insurance against liability in tort in the amount of Five Million and no/100ths (\$5,000,000.00) Dollars arising from the surface mining operations, incident thereto, conducted or carried on under or by virtue of any law or ordinance. Such insurance shall be kept in full force and effect during the period of such operations.
11. Ponding. Where practical, as determined by the Public Works Director, all excavation operations shall be conducted in such a manner as to prevent ponding or accumulation of storm or drainage water from below ground water sources.
12. Reclamation. All property partially or totally depleted of its mineral resources as a result of a use permitted by this Article shall be rehabilitated in accordance with a mining reclamation plan which has been approved pursuant to the provisions of City of Tracy Surface Mining Permit/Reclamation Ordinance.
13. Water table. No surface mining operations, inclusive of exploration activities, shall be permitted below the water table without written approval of the Regional Water Quality Control Board.
14. Dust control. Particles of dust entering the air resulting from surface mining operations and/or related activities shall be mitigated to an insignificant level so as to not cause undue hardship or economic loss of value or nuisance or cause health and safety problems on neighboring, nearby nonsurfacing mining operation uses. Mitigations for dust control may consist of, but not limited to, wetting with water uncovered earth where surface mining operations occur, planting of grass, and wind breaks.
15. Vibrations. Earth shaking or other vibrations caused by surface mining operations and/or their related activities, lasting longer than a period of thirty (30) consecutive seconds shall be contained to within the boundaries of the lands on which said activities occur.

Earth shaking or vibrations caused by surface mining operations lasting longer than a period of thirty (30) consecutive seconds shall be mitigated to an imperceptible level on lands outside the boundaries of the lands on which surface mining operations occur.

Vibration mitigation measures shall be reviewed by an independent consultant chosen by the city and paid for by the applicant. Said mitigation measures shall be subject to approval by the City.

C. Conditions Necessary to Comply with "Mitigation Monitoring" Requirements of Section 21081.6 of the Public Resources Code.

1. Geology/Earth

- a) Proposed final 2:1 slopes shall be constructed in accordance with recommendations provided by the project soil engineer, based upon appropriate performance standards, including compaction rates, keying and benching and subsurface drainage as necessary.
- b) Comply with reclamation plan terms as approved by the City and as identified in the comments of the State Office of Mine Reclamation, Department of Conservation, dated October 30, 2000.

2. Air

- a) During construction activities, applicant shall comply with the San Joaquin Valley Unified Air Pollution Control District's Regulation VIII Fugitive Dust/PM (10) Synopsis in order to reduce the amount of PM (10) injected into the ambient air from man-made sources.
- b) The applicant shall fund City staff time to monitor compliance with dust control and operation of equipment.

3. Water

- a) Berm slopes facing public streets and adjacent properties (as well as the tops of said berms) shall be hydroseeded and shall be maintained with a vegetative cover to minimize runoff and erosion.

4. Plant/Animal Life

- a) If during development of the project new evidence is revealed that development may displace or disrupt wildlife or wildlife habitat, the project applicant shall be required to contact the California Department of Game and the Fish and Wildlife Service and follow relevant laws with respect to species found.
- b) Prior to initiation of mining activities on the site, a Burrowing Owl survey shall be conducted by a biologist and submitted to the city and Department of Fish and

Game. If individuals are found on-site, Department of Fish and Game protocol shall be followed.

5. Noise

- a) Operation of the project site must comply with the Tracy Municipal Code noise standard of 65 dB leq or less at the boundary of the project adjacent to residential property. The project shall meet all other applicable standards of the Tracy Noise Ordinance.
- b) A earthen berm, a minimum of 12 feet in height shall be constructed along the frontage of the project along Linne Road and Tracy Boulevard to provide noise buffering. The berm shall remain in place during the life of the subject mine.
- c) The applicant shall fund and City shall conduct a detailed noise analysis upon commencement of operation, which shall also include a minimum monthly monitoring for the first year of operation and then annually thereafter.
- d) Hours of operation shall be from 7:00 a.m. to 7:00 p.m. of the same day.

6. Light and Glare

- a) Light Sources shall be directed down and shall be shielded to minimize glare as viewed from off-site.

7. Land Use

- a) In order to ensure the project does not adversely impact residential or other nearby uses, the applicant shall comply with all mitigation measures of the Initial Study/Negative Declaration.

8. Transportation/Circulation

- a) Prior to initiation of mining activities on the project site, the applicant shall receive approval from the City Engineer of an encroachment permit and traffic control plan for the Tracy Boulevard truck crossing.

9. Public Services

- a) The applicant shall be responsible for the cost of staff time and/or consultants to monitor compliance with mitigation measures.

10. Human Health

- a) Security fencing shall be maintained around the site to prevent unauthorized persons from entering the site.

## 11. Aesthetics

- a) During the life of the mine, an earthen berm with associated landscaping shall be maintained at a minimum height of 12 feet along the Linne Road and Tracy Boulevard frontage of the project site.

### Engineering Division Conditions of Approval

#### A. General Provisions and Definitions

1. These Conditions of Approval (hereinafter "Conditions of Approval") shall apply to the real property described as Assessor's parcel Numbers 253-110-06, 07, 08, 09 and 14 (hereinafter "Project"), generally located on the southwest corner of Linne Road and Tracy Boulevard.

2. The following definitions shall apply to these Conditions of Approval:

"City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Development & Engineering Services Director, or the City Engineer to perform the duties set forth herein.

"City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan (also known as the urban Management Plan), the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City Design documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public facility Master Plans).

"Conditions of Approval" shall mean the conditions of approval applicable to the proposed Teichert Aggregates Pereira Surface Mine.

"Operator" means any person, or other legal entity, who is engaged in surface mining operations, himself, or who contracts with others to conduct operations on his behalf. The term "Operator" shall include all successors in interest.

3. The Operator shall comply with all laws (federal, state, and local) related to The development of real property within the Project, including, but not limited to: the Planning and Zoning Law (Government Code Sections 65000, *et seq.*), the Subdivision Map Act (Government Code Section 66410, *et seq.*), the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.*, "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, Title 14, sections 15000, *et seq.*, "CEQA Guidelines").
4. Pursuant to Government Code Section 66020, including Section 66020(d)(1), the City HEREBY NOTIFIES the Operator that the 90-day approval period (in which the Operator may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Operator fails to file a

protest within this 90-day period, complying with all of the requirements of Government Code Section 66020, the Operator will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

**B. Conditions of Approval Prior to Approval of Permit Applications:**

No application for permit within the Project boundaries will be accepted by the City as complete until the Operator provides all documents required by City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

1. The Operator has completed all requirements set forth in this section.
2. The Operator has obtained the approval of all other public agencies with jurisdiction over the proposed mining and reclamation operations.
3. Execution of all agreements, posting of all improvement security, and providing documentation of insurance, as required by these Conditions of Approval.
4. The improvement plans for all improvements required to serve the Project in accordance with the City Ordinances, the City Design Documents, and these Conditions of Approval. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:
  - a) All existing utilities.
  - b) All supporting calculations, specifications, and reports related to the design of the improvements.
  - c) Reclamation Plan prepared on mylar furnished by the City, Improvement Plan shall be prepared under the supervision of, and stamped and signed by a Registered Civil Engineer.
  - d) The grading plan in accordance with applicable sections of the Tracy Municipal Code.
5. Payment of all applicable processing fees including plan check fees, agreement processing fees, permit and inspection fees required by these Conditions of Approval and City Regulations.
6. Applicant shall provide the City an irrevocable offer of dedication to reflect ultimate sections for Tracy Boulevard and Linne Road in accordance with the Roadway Master Plan. The ultimate right-of-way for Linne Road is 140 feet (including 15 feet wide landscape strip), and 70 feet for Tracy Boulevard. Said offer for dedication for Linne Road shall be used for the expansion of that road and related street purposes. Although the City anticipates that it will not need to expand Linne Road for several years, the Applicant specifically recognizes that the City may accept the dedication of Linne Road at any time after it is offered. Prior to the time the City accepts said



- offer of dedication for Linne Road, the Applicant may place its berm, as required by Planning Condition C.5.b., on the property that is subject to dedication. If however, the City chooses to accept said offer of dedication for Linne Road before Applicant completes mining and reclamation, the Applicant shall at his costs remove said berm and clear the offer for dedication. The City and the applicant shall bear all costs associated with the removal and replacement of any noise attenuation device required for this operation. The minimum slope of the berm facing these street frontages shall be 2:1. Any dedication of right-of-way in excess of the Applicant's responsibility shall be eligible for reimbursements from South ISP improvement costs after completion and acceptance by the City of the ultimate roadway improvements for these streets.
7. Plans shall show how the storm drainage discharge from Tracy Airport will be handled during and after the mining operations.
  8. Due to extremely high volume of truck traffic crossing Tracy Boulevard, additional measures beyond the proposed flagmen for traffic control may be required by the City based on review of detailed traffic control plans, and observation of trucking operations. If a traffic signal is warranted, the Applicant shall design and complete construction of the signal within 120 days from receipt of written notice from the City. In the event the applicants elect to install a conveyor belt crossing across Tracy Boulevard, the design and construction shall be completed within six months of start of excavation.
  9. Applicant shall pay to the City five cents per each ton of mined material sold. This payment is used to construct South ISP traffic improvements. Said payments shall be made to the City on a quarterly basis. Any monies paid pursuant to this condition shall be offset against future South ISP fees which may be due and payable when subject property is developed. An agreement shall be executed between the City and the Applicant reflecting the terms of this condition.
  10. Within 15 days from issuance of the first permit, the Applicant shall submit a technical analysis prepared by a licensed Geologist Consultant from the State of California establishing the potential area of influence on the water table and adjoining wells surrounding the property. The analysis shall provide methods for monitoring and mitigation. During the mining operations, the Applicant will monitor the impacts to the water table in the neighboring properties. The Applicant will enter into private agreements with properties surrounding the site and properties located immediately west of the site acknowledging financial responsibility to mitigate in a manner acceptable to the City Engineer any demonstrated adverse impacts to existing wells on these properties as a result of the Applicants operations to ensure continuous water supply from the existing or new wells on these sites.
- C. Conditions of Approval Prior to Approval of Reclamation Plan. Reclamation Plan will not be approved by the City until Operator provides documentation which demonstrates, to the satisfaction of the City engineer, that:

1. The Operator has completed all requirements set forth in Condition B above and this section.
2. Comments and issues included in the Department of Conservation's letter to the City dated October 30, 2000 have been addressed to their satisfaction.
3. Reclamation plan approved by the City Engineer.
4. Performance bond or other security satisfactory to the City shall be submitted as required by Article 37, Section 10.08.4750 of Tracy Municipal Code. The security shall be in effect until the reclamation work is accepted by the City.
5. The Reclamation Plans shall be revised to incorporate the following:
  - a) The 2:1 slopes must comply with the 1998 California Building Code (CBC). The slopes must incorporate terracing, swales and access to terraces in accordance with Section 3315 of the CBC unless site specific geologic and engineering analysis, acceptable to the City Engineer, demonstrates through a slope stability analysis that 2:1 from the top to floor is stable for the proposed end use.
  - b) The Applicant shall confer with the City as to the acceptability of the proposed concrete channels so as to explore that and other engineering options. Applicant recognizes that the City may or may not ultimately find the proposed concrete channels acceptable. If they are not acceptable, the Applicant shall install and bear all costs associated with a mutually agreed to acceptable drainage solution.
  - c) Cross-sections for Linne Road is 140 feet per the City's adopted Roadway Master Plan. The Operator shall offer for dedication the appropriate right-of-way for this ultimate section.
  - d) The plan shall be revised to provide a maintenance access road to the bottom of the retention basin. The entire perimeter of the basin shall have a six foot high chain link fence.
6. The Operator shall submit design calculations in accordance with the City's Design Standards for the sizing of the retention basin. The calculations must also contain the percolation rate.
7. The Operator shall submit a contingency plan for approval by the City Engineer for revegetation should the initial vegetation plan fail to produce 80 percent coverage of the 2:1 sloped areas.
8. The Operator shall submit a revised construction estimate based on incorporation of the above revisions to the Reclamation Plan for approval by the City Engineer. Once the estimate is approved, the operator shall bond for this amount.
9. ~~The Operator shall deposit a cash surety in the amount of \$25,000 to provide for revegetation and maintenance of the sloped areas.~~ **The Operator shall submit to the City of Tracy, Development Services Department financial assurance(s)**

**payable to the City of Tracy and, in the alternative, the State Department of Conservation, in an amount and format to be reviewed and approved by the Development Services Department and the State Department of Conservation – Division of Mine Reclamation, to assure compliance with the approved Reclamation Plan and conditions thereof for the entire area of the quarry. A valid financial assurance shall be maintained on file until the City of Tracy, Development Services Department determines that all reclamation has been successfully carried out in compliance with the reclamation and final conditions. Financial assurance shall renew automatically and shall not expire without 90-days advance written notice being provided to the City of Tracy. A Continuation Certificate or other proof of extended coverage shall be forwarded to the Development Services Department no less than 30 days prior to the expiration date of the financial assurance. The Development Services Department may adjust the amount of the security on an annual basis to account for additional lands disturbed or reclaimed, inflation, or revised cost estimates. The financial assurance shall reference the name of the mining site, the resolution number of the City approval and the permit number.**

10. All grading shall require a Grading Permit. Erosion control measures shall be implemented in accordance with plans approved by the City Engineer for all grading work not completed before October 15<sup>th</sup>. Improvement Plans shall designate all erosion control methods and materials to be employed.