

ATTACHMENT C

MEMORANDUM FROM YOLO COUNTY PLANNING DIVISION
(NOVEMBER 18, 2022)



County of Yolo

DEPARTMENT OF COMMUNITY SERVICES

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MEMORANDUM

TO: Elisa Sabatini, Manager of Natural Resources

FROM: Jeff Anderson, Senior Planner

DATE: November 18, 2022

RE: Review of Teichert-Shifler Agricultural Mitigation for Phase B (ZF2018-0078)

Summary

The Department of Community Services, Planning Division, has completed its review of Teichert Materials' (Teichert) proposed agricultural mitigation for Phase B mining activities on the portion of the Shifler site consisting of approximately 202.3 acres south of the Moore Canal (APNs 025-430-002 & 025-120-032). Staff prepared soil resource reports using the Natural Resources Conservation Service Web Soil Survey platform to aid in this review. These Soil Reports identify land capability classification (i.e., irrigated capability class) and the Revised Storie Index (rating system based on soil properties) for both the mining site and proposed mitigation site.

Teichert proposes to permanently conserve approximately 80 acres of a 100-acre agricultural property (APN: 025-340-027) as mitigation for the permanent loss of agricultural land due to Phase B mining activities. The Department of Community Services reviewed Teichert's Phase B agricultural conservation proposal and determined to be equivalent to or better in quality and capability than the impacted mining site. This memo serves as a recommendation for acceptance of the proposal and the substantiation in support of finding equivalency by the Board of Supervisors, as required by the Teichert-Shifler project (ZF2018-0078) Condition of Approval No. 35 and Mitigation Measure 4.2-1.

The proposed agricultural mitigation site qualifies for a reduced mitigation ratio because it is in a 'Priority Conservation Area,' defined by the County's Agricultural Conservation and Mitigation Program as a parcel that lies partially or entirely within one-quarter mile of the sphere of influence of a city or the Esparto Urban Growth Boundary [County Code Section 8-2.404(d)(2)(i)(A)]. The proposed mitigation site, being located adjacent to the City of Woodland and therefore within a Priority Conservation Area, qualifies for a 1:1 mitigation ratio. The property has no encumbrances or deed restrictions, is not under public ownership, and is not subject to physical conditions that practicably prevent converting the property to non-agricultural uses. The property has two homes and is subject to a Williamson Act contract (No. 78-091); however, this does not preclude the property from serving as agricultural mitigation land.

Background

On January 11, 2022, the Yolo County Board of Supervisors certified an Environmental Impact Report (SCH# 2019089053) and approved a Mining Permit and Reclamation Plan (ZF2018-0078) for Teichert to mine aggregate resources on 264.1 acres of agricultural land within the regulatory boundaries of the Cache Creek Area Plan. To offset the loss of agricultural resources, Teichert is required to establish a permanent agricultural conservation easement in accordance with the project's approvals and mitigation requirements prior to the commencement of mining activity (Condition of Approval No. 35 and Mitigation Measure 4.2-1).

Teichert's approved mining plan for the Shifler site identifies two distinct phases, beginning with Phase A, which will disturb approximately 61.8 acres of mapped Prime and Unique Farmland, and continuing with Phase B, which will disturb approximately 202.3 acres of mapped Prime Farmland and Farmland of Statewide Importance. On April 12, 2022, the Board of Supervisors accepted the mitigation proposal and the substantiation in support of finding equivalency for the impacted farmland for Phase A.

Most of the Phase B mining site will disturb Prime Farmland containing Yolo silt loam (Ya) (approximately 194.45± acres), which is Class I soil rated as 'Excellent' (Grade 1) with a Storie Index of 85. The remainder of the Phase B mining site will disturb 1.5± acres of Prime Farmland containing Brentwood silty clay loam (BrA), which is Class I soil rated as 'Excellent' (Grade 1) with a Storie Index of 90, and 0.5± acre of Farmland of Statewide Importance containing Sehorn-Balcom complex (SmD), which is Class IV rated as 'Poor' (Grade 4) with a Storie Index of 34 (Sehorn) and 60 (Balcom).

Prior to commencement of Phase B mining activities, Teichert proposes to permanently conserve approximately 80 acres of a 100-acre agricultural property (APN: 025-340-027) that is immediately adjacent to the City of Woodland city limits (west of County Road 98 and north of County Road 20). The easement site consists of approximately 51± acres of Yolo silt loam (Ya) soils and 49± acres of Brentwood silty clay loam (BrA) soils, which as described above, are both Class I soil rated as 'Excellent' (Grade 1). The property is currently leased to a tenant and is farmed in peppers (a variety of row crops have been grown on the property in the past). The property contains two homes and several outbuildings, all of which will be excluded from available mitigation land. The property has a well and pump system which will ensure an adequate water supply to continue irrigation of the site at a level sufficient to support ongoing agricultural uses.

Teichert's obligation to satisfy agricultural mitigation for the conversion of farmland is predicated on the County's Agricultural Conservation and Mitigation Program (Section 8-2.404 in Chapter 2 of Title 8, Yolo County Code) and provisions in the County's Surface Mining Reclamation Ordinance (Section 10-5.525 in Chapter 5 of Title 10, Yolo County Code). Thus, this review takes into consideration the project's approvals and required mitigation in the context of the County Code.

Analysis

The County's Surface Mining Reclamation Ordinance requires that mining operators offset the conversion of prime farmlands, unique farmlands, and farmland of statewide significance through the acquisition of agricultural conservation easements (County Code Sec. 10-5.525). The ratio of easements is based on the County's Agricultural Conservation and Mitigation Program, which generally requires mitigation at a 3:1 ratio for prime farmland and 2:1 for non-prime farmlands (County Code Sec. 8-2.404(c)). Those ratios can be reduced to 1:1 if the easement is placed in a Priority Conservation Area within a ¼ mile of a city's sphere of influence or the Esparto Urban Growth Boundary (which can be expanded to 1 mile for projects primarily converting non-prime

farmland). Because the parcel on which Teichert proposes to place the easement is immediately adjacent to the City of Woodland, the project qualifies for the 1:1 ratio.

Yolo County Code Section 8-2.404(e) prescribes the criteria for which lands are eligible to qualify as agricultural mitigation, including but not limited to site adequacy to sustain viable agricultural use, soil class equivalency, water supply, and location. The following summarizes Planning staff's review in terms of meeting eligibility requirements and satisfying Teichert's agricultural mitigation obligations.

(1) Agricultural conservation easements resulting from this program shall be acquired from willing sellers only – The property owner is voluntarily selling the easement to Teichert.

(2) The property is of adequate size, configuration and location to be viable for continued agricultural use – The 100-acre parcel is irrigated and actively farmed in row crops with access off County Road 20 and County Road 98, and the property owner has indicated a commitment to retain the property for agricultural use in perpetuity. The property is surrounded by other agricultural farming parcels of comparable size and cropping patterns. The site is designated by the Countywide General Plan as Agriculture and zoned for agricultural uses; there are no future proposals to change the land use designation and the property sits just outside the City of Woodland's city limits and sphere of influence.

(3) The equivalent class of soil, based on the revised Storie index or NRCS soil survey maps, for the agricultural mitigation land shall be comparable to, or better than, the land which is converted – The proposed agricultural conservation easement will permanently conserve 80± acres of Prime Farmland consisting of Class I soils (Ya and BrA) with Grade 1 soil ratings. Conversely, the Phase B mining site (Shifler property), previously actively managed agricultural land, will disturb approximately 194.45± acres of Prime Farmland on Class I soils (Ya) with a Grade 1 soil rating, 1.5± acres of Prime Farmland on Class I soils (BrA) with a Grade 1 soil rating, and 0.5± acre of Farmland of Statewide Importance on Class IV soils (SmD) with a Grade 4 soil rating. The proposed mitigation site is equivalent to or exceeds the County's requirements for qualifying agricultural mitigation in terms of mapped farmland, soil classification, and soil rating (Revised Storie Index).

(4) The land shall have an adequate water supply to maintain the purposes of the easement, i.e., to irrigate farmland if the converted farmland is irrigated or capable of irrigation. The water supply shall be sufficient to support ongoing agricultural uses – The easement property is served by an agricultural well and pump, which provides sufficient water supply to provide irrigation for the foreseeable future. The converted farmland was similarly served by groundwater as well as by the Moore Canal.

(5) The mitigation land shall be located within the County of Yolo in a location identified for mitigation in accordance with this section – The proposed agricultural mitigation site is in a 'Priority Conservation Area' defined by the County's Agricultural Conservation and Mitigation Program as a parcel that lies entirely within one-quarter mile of the sphere of influence of a city [County Code Section 8-2.404(d)(2)(i)(A)]. The proposed mitigation site, being located within a Priority Conservation Area, qualifies for a 1:1 mitigation ratio.

(6) The mitigation land may not overlap with existing habitat conservation easement areas; the intent is to not allow "stacking" of easements, except for habitat conservation easements protecting riparian corridors, raptor nesting habitat, wildlife-friendly hedgerows, or other restored or enhanced habitat areas so long as such areas do not exceed five percent (5%) of the total area

of any particular agricultural conservation easement – The property does not contain other easements that would be stacked with the agricultural conservation easement.

In addition to the above factors, there are no legal impediments for the property to be used for a conservation easement. The property has no encumbrances or deed restrictions, is not under public ownership, and is not subject to physical conditions that practicably prevent converting the property to non-agricultural uses. The property has two homes and is subject to a Williamson Act contract (78-091); however, this does not preclude the property from serving as agricultural mitigation land.

Conclusion

The Department of Community Services has reviewed Teichert's Phase B agricultural conservation proposal and determined that the property is equivalent to or better in quality and capability than the impacted mining site. This memo serves as a recommendation for acceptance of the proposal and the substantiation in support of finding equivalency by the Board of Supervisors, as required by the Teichert-Shifler project (ZF2018-0078) Condition of Approval No. 35 and Mitigation Measure 4.2-1.