

4.7—LAND USE AND PLANNING

This section of the Draft EIR describes the existing land uses, adopted general plan land use classifications and zoning designations on and around the project site, and other applicable management plans and policies pertinent to the project area. This chapter also describes the applicable plans and policies that guide development in the project area, and it evaluates the project's consistency with these plans and policies and other existing land use regulations.

This chapter also identifies any potentially significant land use impacts and, if necessary, appropriate mitigation measures to avoid or reduce such impacts. Pursuant to Section 15358(b) of the California Environmental Quality Act (CEQA) Guidelines, mitigation measures are proposed only to address physical impacts that may result from the project.

4.7.1 Environmental Setting

The project site is mainly comprised of mining and processing facilities associated with CEMEX's operation (see Figure 2-4, "Proposed Site Plan," and Figure 2-5, "Existing Facilities" in Chapter 2, "Project Description"). The northern portion of the site (within Assessor's Parcel Number [APN] 122-020-007) contains the plant site, sites of pre-Surface Mining and Reclamation Act (SMARA) mining disturbance (no mining since 1975), a storm water detention pond, and an open field. CEMEX's current mining operations are being conducted in a quarry pit within APN 122-020-013. This area also contains a haul road to the quarry site and the overburden fill area. Additional uses include processing activities, retention/detention basins, stockpiles, administrative offices, truck scales, and other facilities related to mining and processing. The *Contra Costa County General Plan* designates the site as "Agricultural Lands." Furthermore, the site's current zoning classification is General Agricultural District (A-2) (see Figures 2-6, "General Plan Designations," and 2-7, "Zoning Designations").

Land uses adjacent to the project site include other mining operations (west), open space areas (south and east), recreational facilities (south and southeast), and residential development (north and northeast) (see Figure 2-5). Open space and a separate mining operation, the Lehigh Hanson Aggregates Kaiser Quarry, currently operated by Hanson Aggregates, abuts the proposed project site's western border. To the south and east, the site is bound by open space and Mount Diablo State Park. Mitchell Canyon Road and Mitchell Creek are also located east of the quarry. Residential uses are also located in the city of Concord and unincorporated Contra Costa County to the north and east of the project site. The nearest residential developments are contiguous to the northern and northeastern boundaries of the project area, with the nearest home approximately 30 feet from the northeast corner of APN 122-020-007, the location of the open field. The nearest home to the project site is approximately 65 feet from the entrance driveway.

4.7.2 Regulatory Setting

The site is located in unincorporated Contra Costa county, where the *Contra Costa County General Plan* serves as the applicable general plan document (County General Plan). This document provides overall land use policy direction, and the Contra Costa County Code of Ordinances provides the applicable land use regulations.

Applicable county planning policies and zoning regulations that pertain to the project site are described below, followed by a discussion of the project's consistency or inconsistency with each relevant policy. Potential conflicts with planning policies as contained in the County General Plan and other applicable regulatory and management plans do not inherently result in a significant effect on the environment.

Instead, “effects analyzed under CEQA must be related to a physical change in the environment” (CEQA Guidelines Section 15358.b). CEQA Guidelines Section 15125.d provides that an EIR shall discuss any inconsistencies between a proposed project and the applicable general plan in the setting section of the document rather than as an impact (see Table 4.7-1, “Project Consistency with Local Planning Documents,” at the end of this “Regulatory Setting” section). Appendix G of the CEQA Guidelines indicates that a project would result in a significant impact related to land use and plans if it would “conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.” Therefore, while this section of the EIR provides an analysis of the project’s consistency with applicable plans, policies, and regulations, any impacts that may result from such conflicts are analyzed elsewhere in this Draft EIR.

4.7.2.1 Contra Costa County General Plan

The project site is located in an unincorporated area of Contra Costa County and, as such, the proposed project is subject to the land use regulations and planning policies promulgated in the County General Plan, adopted by the Board of Supervisors on January 18, 2005, reprinted in July 2010, and amended through December 2014. The County General Plan includes the definition and designation of various land use categories, with corresponding allowable uses, intensities, and densities.

Land Use Element

The County General Plan designates the site as “Agricultural Lands.” The purpose of the Agricultural Lands designation is to preserve and protect lands capable of and generally used to produce food, fiber, and plant materials. Uses that are allowed in the Agricultural Lands designation include all land dependent and non-land dependent agricultural production and related activities (Contra Costa County 2014).

This subsection lists the applicable land use goals, policies, and programs of the Land Use Element:

Overall Land Use Goals:

Goal 3-G: To discourage development on vacant rural lands outside of planned urban areas which is not related to agriculture, mineral extraction, wind energy, or other appropriate rural uses; discourage subdivision down to minimum parcel size of rural lands that are within, or accessible only through, geologically unstable areas; and to protect open hillsides and significant ridgelines.

Goal 3-M: Protect and promote the economic viability of agricultural land.

Growth Management, 65/35 Land Preservation Standard, Urban Limit Line:

Policy 3-12: Preservation and buffering of agricultural land should be encouraged as it is critical to maintaining a healthy and competitive agricultural economy and assuring a balance of land uses. Preservation and conservation of open space, wetlands, parks, hillsides and ridgelines should be encouraged as it is crucial to preserve the continued availability of unique habitats for wildlife and plants, protect unique scenery, and provide a wide range of recreational opportunities for county residents.

Public Facilities and Services Element

This subsection lists the applicable land use goals, policies, and programs of the Public Facilities and Services Element of the County General Plan :

Overall Public Facilities and Services:

Policy 7-12: The County shall attempt to cooperate with cities when processing applications for subdivisions or other large projects located within a city's Sphere of Influence.

Water Service:

Policy 7-23: The County shall cooperate with other regulatory agencies to control point and non-point water pollution sources to protect adopted beneficial uses of water.

Policy 7-24: Opportunities shall be identified and developed in cooperation with water service agencies for use of non-potable water, including ground water, reclaimed water, and untreated surface water, for other than domestic use.

Policy 7-25: Land uses and activities that could result in contamination of groundwater supplies shall be identified, monitored and regulated to minimize the risk of such contamination.

Policy 7-27: The reclamation of water shall be encouraged as a supplement to existing water supplies.

Drainage and Flood Control:

Goal 7-O: To protect and enhance the natural resources associated with creeks and the Delta, and their riparian zones, without jeopardizing the public health, safety, and welfare.

Goal 7-P: To protect creeks and riparian zones identified as valuable from damage caused by nearby development activity.

Goal 7-Q: To employ alternative drainage systems improvements which rely on increased retention capacity to lessen or eliminate the need for structural modifications to watercourses, whenever economically possible.

Goal 7-U: To support the concept that existing development pays the cost of building and maintaining drainage improvements required to serve existing developed areas.

Policy 7-38: Watershed management plans shall be developed which encourage the development of detention basins and erosion control structures in watershed areas to reduce peak stormwater flows, as well as to provide wildlife habitat enhancement.

Policy 7-40: Alternative drainage system improvements such as floodplains, leveed floodways, bypass channels and culverts, and detention basins, shall be incorporated into new flood control plans and existing plans as they are revised.

Policy 7-41: Aesthetic, environmental, and recreational benefits shall be taken into full consideration when determining the costs and benefits of alternative drainage system improvements.

Policy 7-42: Design guidelines shall be prepared which address aesthetic and engineering characteristics and criteria for alternative drainage system improvements.

Policy 7-47: Where required, if it is not possible to provide a channel cross section sufficient to carry the 100-year flow, detention basins should be developed.

Policy 7-48: Open bypass channels, detention basins and all drainage facility rights of way which are provided at different locations in order to supplement existing natural creeks should be developed as an asset to the development, e.g., as a secondary recreation use.

Policy 7-51: Detention basins shall be designed for multiple uses such as parks and playing fields when not used for holding water, if liability and maintenance issues can be satisfactorily resolved.

Fire Protection:

Policy 7-73: Fire fighting equipment access shall be provided to open space areas in accordance with the Fire Protection Code and to all future development in accordance with Fire Access Standards.

Solid Waste Management:

Goal 7-AG: To reduce the amount of waste disposed of in landfills by:

1. reducing the amount of solid waste generated (waste reduction);
2. reusing and recycling as much of the solid waste as possible;
3. utilizing the energy and nutrient value of the solid waste (waste to energy and composting); and
4. properly disposing of the remaining solid waste (landfill disposal).

Goal 7-AH: To divert as much waste as feasible from landfills through recovery and recycling.

Policy 7-91: Solid waste resource recovery (including recycling, composting, and waste to energy) shall be encouraged so as to extend the life of sanitary landfills, reduce the environmental impact of solid waste disposal, and to make use of valuable resources, provided that specific resource recovery programs are economically and environmentally desirable.

Policy 7-99: Solid waste hauling, with the exception of residential waste collection trucks, on collectors and local streets through residential areas should be avoided.

Hazardous Waste Management:

Goal 7-AM: To eliminate the generation and disposal of hazardous waste materials to the maximum extent feasible, by:

1. reducing the use of hazardous substances and the generation of hazardous waste at their source;
2. recovering and recycling the remaining waste for reuse;
3. treating those wastes not amenable to source reduction or recycling so that the environment and community health are not threatened by their ultimate disposal;
4. incinerating those wastes amenable to this technology; and
5. properly disposing of treated residuals in approved residual repositories.

Conservation Element

This subsection lists the applicable land use goals, policies, and programs of the Conservation Element of the County General Plan :

Overall Conservation:

- Goal 8-A:** To preserve and protect the ecological resources of the County.
- Goal 8-C:** To achieve a balance of uses of the County's natural and developed resources to meet the social and economic needs of the County's residents.
- Policy 8-1:** Resource utilization and development shall be planned within a framework of maintaining a healthy and attractive environment.
- Policy 8-2:** Areas that are highly suited to prime agricultural production shall be protected and preserved for agriculture and standards for protecting the viability of agricultural land shall be established.
- Policy 8-3:** Watersheds, natural waterways, and areas important for the maintenance of natural vegetation and wildlife populations shall be preserved and enhanced.

Vegetation and Wildlife:

- Policy 8-6:** Significant trees, natural vegetation, and wildlife populations generally shall be preserved.
- Policy 8-10:** Any development located or proposed within significant ecological resource areas shall ensure that the resource is protected.
- Policy 8-14:** Development on hillsides shall be limited to maintain valuable natural vegetation, especially forests and open grasslands, and to control erosion. Development on open hillsides and significant ridgelines throughout the County shall be restricted, and hillsides with a grade of 26 percent or greater shall be protected through implementing zoning measures and other appropriate actions.
- Policy 8-21:** The planting of native trees and shrubs shall be encouraged in order to preserve the visual integrity of the landscape, provide habitat conditions suitable for native wildlife, and ensure that a maximum number and variety of well-adapted plants are sustained in urban areas.
- Policy 8-28:** Efforts shall be made to identify and protect the County's mature native oak, bay, and buckeye trees.

Open Space Element

This subsection lists the applicable land use goals, policies, and programs of the Open Space Element of the County General Plan:

- Goal 9-A:** To preserve and protect the ecological, scenic, cultural/historic, and recreational resource lands of the county.
- Policy 9-1:** Permanent open space shall be provided within the county for a variety of open space uses.

Policy 9-2: Historic and scenic features, watersheds, natural waterways, and areas important for the maintenance of natural vegetation and wildlife populations shall be preserved and enhanced.

Policy 9-4: Where feasible and desirable, major open space components shall be combined and linked to form a visual and physical system in the county.

4.7.2.2 Contra Costa County Zoning Ordinance

The project site is subject to the Contra Costa County Code of Ordinances Title 8, Zoning. The site's current zoning classification is A-2 General Agricultural District (A-2) (see Figures 2-6 and 2-7). As the local land use authority, Contra Costa County authorizes surface mining activities on unincorporated lands through the issuance of land use permits and approval of reclamation plans pursuant to County Code of Ordinances Title 8, Zoning, Division 88 Special Land Uses, Chapter 88-11, Surface Mining and Reclamation.

4.7.2.3 Contra Costa County Surface Mining and Reclamation Ordinance

The project site was originally developed by John J. Harrison following the issuance of a quarry permit issued on February 17, 1947. The project site currently operates under LUP numbers 363-67 (operating entitlement), which was approved by Contra Costa County in 1968 and confirmed in 1983, and 2054-81 (reclamation plan entitlement), which was approved by Contra Costa County in 1983, and allow for an expanded quarrying operations beyond the areas covered by the original 1947 permit. These permits regulate the quarry operations mining of construction material aggregates in the northwest quarter of Section 23, Township (T) 1 North (N), Range (R) 1 West (W), Mount Diablo Base and Meridian (MDB&M), stockpiling in the southwest quarter of Section 14 T1N, R1W, and northwest quarter of Section 23, T1N, R1W, MDB&M, blasting and crushing in the quarry pit, and use of Mitchell Canyon Road to Clayton Road as a primary haul road, and they authorize reclamation. Quarrying operations are vested.

As provided by the County's ordinance, surface mining operations are permitted only upon County approval of a surface mining permit (or existence of vested rights), reclamation plan, and financial assurances for reclamation. (See Contra Costa County Zoning Code Section 88-11.602, et seq.). Thus, the proposed project is subject to the County Zoning Code.

4.7.2.4 Contra Costa County Tree Protection and Preservation Ordinance

The Contra Costa County Tree Protection and Preservation Ordinance, Chapter 816-6 of Title 8 Zoning Code, provides for the preservation of certain protected trees in the unincorporated area of this county. In addition, this chapter provides for the protection of trees on private property by controlling tree removal while allowing for reasonable enjoyment of private property rights and property development.

The ordinance defines a protected tree as a tree that is adjacent to or part of a riparian, foothill woodland, or oak savanna area, or part of four or more trees, that measures twenty (20) inches or larger in circumference (6.4 inches in diameter) at breast height (measured 4.5 feet above natural grade). Subject trees include any California buckeye (*Aesculus californica*), California juniper (*Juniperus californica*), coast live oak (*Quercus agrifolia*), blue oak (*Quercus douglasii*), valley oak (*Quercus lobata*), or native blue or red elderberry (*Sambucus nigra subsp. caerulea* or *S. racemosa* var. *racemosa*). Heritage trees are also protected trees by this definition.

This ordinance requires the following three tree preservation standards, except where otherwise provided by the involved development's conditions of approval or approved permit application.

- Prior to the start of any clearing, stockpiling, trenching, grading, compaction, paving or change in ground elevation on a site with trees to be preserved, the applicant shall install fencing at the dripline or other area as determined by an arborist report of all trees adjacent to or in the area to be altered. Prior to grading or issuance of any permits, the fences may be inspected and the location thereof approved by appropriate county staff.
- No grading, compaction, stockpiling, trenching, paving or change in ground elevation shall be permitted within the dripline unless indicated on the grading plans approved by the county and addressed in any required report prepared by an arborist. If grading or construction is approved within the dripline, an arborist may be required to be present during grading operations. The arborist shall have the authority to require protective measures to protect the roots. Upon completion of grading and construction, an involved arborist shall prepare a report outlining further methods required for tree protection if any are required. All arborist expense shall be borne by the developer and applicant unless otherwise provided by the development's conditions of approval.
- No parking or storing vehicles, equipment, machinery or construction materials, construction trailers and no dumping of oils or chemicals shall be permitted within the dripline of any tree to be saved.

4.7.2.5 Contra Costa County Climate Action Plan

In December 2015, Contra Costa County Board of Supervisors approved the final draft of the Contra Costa County Climate Action Plan (CAP), which would apply to all unincorporated areas of Contra Costa County (Contra Costa County 2015). Incorporated cities are responsible for preparing and implementing their own climate action plans. The plan outlines measures to reduce County wide greenhouse gas emissions by more than 15 percent by 2020, through initiatives involving land use, transportation choices, water conservation, waste diversion, energy use, and green infrastructure. The CAP also lays the groundwork for achieving long-term state GHG reduction goals for 2035. The following implementation measures and actions in the CAP apply to the proposed project:

Climate Action Plan:

Healthy Community Measure 4: Adaptation Integration. Consider potential climate change impacts in local planning documents and processes.

Healthy Community Action 4.1: During the development review process, consider possible impacts of climate change on the project or plan area.

Healthy Community Action 7.4: As healthy community strategies are implemented, consider prioritizing projects and programs that conserve and/or construct green spaces.

4.7.2.6 East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan

The project site falls within the boundaries of the *East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan* (ECCC HCP/NCCP). The ECCC HCP/NCCP is intended to provide an effective framework to protect natural resources in eastern Contra Costa County, while improving and streamlining the environmental permitting process for impacts on endangered species. The Plan allows for the County to implement the Plan to control endangered species permitting for activities and projects in the region that they perform or approve while providing comprehensive species, wetlands, and ecosystem conservation and contributing to the recovery of endangered species in northern California. To that end, the Plan describes how to avoid, minimize, and mitigate, to the maximum extent practicable, impacts on

covered species and their habitats and wetlands while allowing for the growth of selected regions of the County and the cities of Pittsburg, Clayton, Oakley, and Brentwood. Although the project site is within the area covered by the ECCC HCP/NCCP, mining is not a covered activity under the ECCC HCP/NCCP (East Contra Costa County Habitat Conservation Plan Association 2006).

4.7.2.7 Project Consistency with Local Planning Documents

See Table 4.7-1, “Project Consistency with Local Planning Documents,” below for an analysis of relevant policies and their consistency with the proposed project.

**TABLE 4.7-1
PROJECT CONSISTENCY WITH LOCAL PLANNING DOCUMENTS**

Goals/Objectives/Policies	Consistency Analysis
CONTRA COSTA COUNTY LAND USE ELEMENT	
General Land Use	
<p>Goal 3-G To discourage development on vacant rural lands outside of planned urban areas which is not related to agriculture, mineral extraction, wind energy, or other appropriate rural uses; discourage subdivision down to minimum parcel size of rural lands that are within, or accessible only through, geologically unstable areas; and to protect open hillsides and significant ridgelines.</p>	<p>Consistent: The proposed project does not include any new development on vacant land. Furthermore, the project is related to mineral extraction.</p>
<p>Goal 3-M: Protect and promote the economic viability of agricultural land.</p>	<p>Consistent: The site is zoned A-2 General Agricultural District (A-2) and its General Plan designation is Agricultural land. Mining is allowed in these areas under the County Code and General Plan. The County General Plan recognizes Clayton Quarry as a significant mineral resource area that is to be protected. In addition, surface mining and reclamation disturbance areas are not currently in prime or other agriculture land production. Last, the proposed project will result in an end use of open space, thereby protecting the economic viability of agricultural land.</p>
Growth Management, 65/35 Land Preservation Standard, Urban Limit Line:	
<p>Policy 3-12: Preservation and buffering of agricultural land should be encouraged as it is critical to maintaining a healthy and competitive agricultural economy and assuring a balance of land uses. Preservation and conservation of open space, wetlands, parks, hillsides and ridgelines should be encouraged as it is crucial to preserve the continued availability of unique habitats for wildlife and plants, protect unique scenery, and provide a wide range of recreational opportunities for county residents.</p>	<p>Consistent: The proposed project will result in an end use of open space, therefore contributing to a balance of land uses and preserving open space.</p>
CONTRA COSTA COUNTY PUBLIC FACILITIES AND SERVICES ELEMENT	
OVERALL PUBLIC FACILITIES AND SERVICES	
<p>Policy 7-12: The County shall attempt to cooperate with cities when processing applications for subdivisions or other large projects located within a city's Sphere of Influence.</p>	<p>Consistent: The proposed project is located within the City of Clayton's Spere of Influence. The City of Clayton's planning staff, City Council, and community have been invited to comment on the proposed project and this Draft EIR.</p>

Goals/Objectives/Policies	Consistency Analysis
WATER SERVICE	
<p>Policy 7-23: The County shall cooperate with other regulatory agencies to control point and non-point water pollution sources to protect adopted beneficial uses of water.</p>	<p>Consistent: The proposed project complies with regulations for controlling point and non-point water pollution sources, as discussed in Section 4.6, “Hydrology and Water Quality,” of this Draft EIR. The Hydrology and Water Quality section also contains mitigation measures, including requirements to obtain necessary permits, which will ensure cooperation with applicable regulatory agencies.</p>
<p>Policy 7-24: Opportunities shall be identified and developed in cooperation with water service agencies for use of non-potable water, including ground water, reclaimed water, and untreated surface water, for other than domestic use.</p>	<p>Consistent: The County will work with the operator and water agencies for use of non-potable water for other than domestic uses provided that the operator remains in compliance with applicable water quality standards.</p>
<p>Policy 7-25: Land uses and activities that could result in contamination of groundwater supplies shall be identified, monitored and regulated to minimize the risk of such contamination.</p>	<p>Consistent: This Draft EIR (Section 4.6, “Hydrology and Water Quality”) considers the proposed project’s impact on groundwater supply and quality. The analysis has determined the impact would be less than significant with mitigation incorporated into the project</p>
DRAINAGE AND FLOOD CONTROL	
<p>Goal 7-O: To protect and enhance the natural resources associated with creeks and the Delta, and their riparian zones, without jeopardizing the public health, safety, and welfare.</p>	<p>Consistent: The proposed reclamation plan would significantly enhance the quarry property as compared to existing conditions, with an end use of open space that would form a quarry lake and provide habitat value for wildlife. The proposed project would remove natural resources associated with one 300-foot ephemeral stream on site. However, Section 4.3, “Biological Resources,” provides mitigation measures to reduce potentially significant impacts to biological resources to a less than significant level. The proposed project is not located near the Delta or any riparian zones.</p>
<p>Goal 7-Q: To employ alternative drainage systems improvements which rely on increased retention capacity to lessen or eliminate the need for structural modifications to watercourses, whenever economically possible.</p>	<p>Consistent: The proposed project provides for the quarry pit to slowly fill with stormwater following reclamation to form a quarry lake with a design pipe outflow structure at the northeast corner of the pit (see Figure 2-8, “Revised Reclamation Plan Detail,” and Figure 2-9, “Drainage Pipe Outlet Structure”) to convey discharges from the future quarry lake to existing stormwater drainage infrastructure located along Mitchell Canyon Road and Diablo Downs Drive. Section 4.6, “Hydrology and Water Quality,” provides analysis of project site peak runoff to Mitchell Canyon Creek. Runoff rates would be lower than existing conditions under the proposed project and would not necessitate a need for structural modifications to watercourses.</p>
<p>Goal 7-U: To support the concept that existing development pays the cost of building and maintaining drainage improvements required to serve existing developed areas.</p>	<p>Consistent: The proposed project does not fall within the definition of existing development for purposes of this policy. However, the applicant has proposed, and mitigation measures have been incorporated into, this project to cover the cost of building and maintaining drainage improvements from the project site.</p>

Goals/Objectives/Policies	Consistency Analysis
<p>Policy 7-38: Watershed management plans shall be developed which encourage the development of detention basins and erosion control structures in watershed areas to reduce peak stormwater flows, as well as to provide wildlife habitat enhancement.</p>	<p>Consistent. The proposed project involves the creation of a quarry lake that will slowly fill with stormwater that would otherwise contribute to stormwater flows and that will enhance wildlife habitat. With implementation of mitigation identified in this Draft EIR (Sections 4.3, “Biological Resources,” and 4.6, “Hydrology and Water quality”), the proposed project would not result in significant impacts to surface water or groundwater resources.</p>
<p>Policy 7-40: Alternative drainage system improvements such as floodplains, leveed floodways, bypass channels and culverts, and detention basins, shall be incorporated into new flood control plans and existing plans as they are revised.</p>	<p>Consistent: The proposed project’s drainage system improvements will be incorporated into new flood control plans and existing plans as they are revised.</p>
<p>Policy 7-41: Aesthetic, environmental, and recreational benefits shall be taken into full consideration when determining the costs and benefits of alternative drainage system improvements.</p>	<p>Consistent: The proposed project’s aesthetic, environmental, and recreational impacts are considered in Chapter 4, “Environmental Analysis,” Chapter 7, “Other CEQA Topics,” and Section 4.1, “Aesthetics and Visual Resources,” of this Draft EIR.</p>
<p>Policy 7-42: Design guidelines shall be prepared which address aesthetic and engineering characteristics and criteria for alternative drainage system improvements.</p>	<p>Consistent: Design guidelines are not applicable to this project. However, the reclamation plan and mine design have been incorporated into this project to address aesthetic (visual screening) and engineering (geotechnical and hydrological evaluations) characteristics.</p>
<p>Policy 7-47: Where required, if it is not possible to provide a channel cross section sufficient to carry the 100-year flow, detention basins should be developed.</p>	<p>Consistent: The Contra Costa County Flood Control and Water Conservation District may treat the final reclaimed quarry excavation as a detention basin; as such, the water management structures have been designed to meet the applicable County and Surface Mining and Reclamation Act requirements.</p>
<p>Policy 7-48: Open bypass channels, detention basins and all drainage facility rights of way which are provided at different locations in order to supplement existing natural creeks should be developed as an asset to the development, e.g., as a secondary recreation use.</p>	<p>Consistent: The proposed project’s end use will be open space, which is considered an asset to the development. In addition, the proposed quarry lake would detain peak flows and reduce peak runoff to the Mitchell Creek drainage areas.</p>
<p>Policy 7-51: Detention basins shall be designed for multiple uses such as parks and playing fields when not used for holding water, if liability and maintenance issues can be satisfactorily resolved.</p>	<p>Consistent: The proposed quarry lake will be used for holding stormwater and open space habitat value, supporting a variety of species, including raptors. Furthermore, the Contra Costa County Flood Control and Water Conservation District may treat the final reclaimed quarry excavation as a detention basin; as such, the water management structures have been designed to meet the Detention Basin Guidelines.</p>
<p>FIRE PROTECTION</p>	
<p>Policy 7-73: Fire fighting equipment access shall be provided to open space areas in accordance with the Fire Protection Code and to all future development in accordance with Fire Access Standards.</p>	<p>Consistent: The proposed project will provide access to fire fighting equipment via the existing access roads (see Figure 2-8, “Revised Reclamation Plan Detail”).</p>
<p>SOLID WASTE MANAGEMENT</p>	
<p>Goal 7-AG: To reduce the amount of waste disposed of in landfills by: 1) reducing the amount of solid waste generated (waste reduction);</p>	<p>Consistent: The Applicant will be required to comply with all conditions imposed by Central Contra Costa Sanitary District pertaining to solid waste and recycling.</p>

Goals/Objectives/Policies	Consistency Analysis
<ol style="list-style-type: none"> 2) reusing and recycling as much of the solid waste as possible; 3) utilizing the energy and nutrient value of the solid waste (waste to energy and composting); and 4) properly disposing of the remaining solid waste (landfill disposal). 	
<p>Goal 7-AH: To divert as much waste as feasible from landfills through recovery and recycling.</p>	<p>Consistent: The Applicant will be required to comply with all conditions imposed by Central Contra Costa Sanitary District pertaining to solid waste and recycling.</p>
<p>Policy 7-91: Solid waste resource recovery (including recycling, composting, and waste to energy) shall be encouraged so as to extend the life of sanitary landfills, reduce the environmental impact of solid waste disposal, and to make use of valuable resources, provided that specific resource recovery programs are economically and environmentally desirable.</p>	<p>Consistent: The Applicant will be required to comply with all conditions imposed by Central Contra Costa Sanitary District pertaining to solid waste and recycling.</p>
<p>Policy 7-99: Solid waste hauling, with the exception of residential waste collection trucks, on collectors and local streets through residential areas should be avoided.</p>	<p>Consistent: The proposed project would not result in solid waste hauling on collector or local streets through residential areas.</p>
HAZARDOUS WASTE MANAGEMENT	
<p>Goal 7-AM: To eliminate the generation and disposal of hazardous waste materials to the maximum extent feasible, by:</p> <ol style="list-style-type: none"> 1) reducing the use of hazardous substances and the generation of hazardous waste at their source; 2) recovering and recycling the remaining waste for reuse; 3) treating those wastes not amenable to source reduction or recycling so that the environment and community health are not threatened by their ultimate disposal; 4) incinerating those wastes amenable to this technology; and 5) properly disposing of treated residuals in approved residual repositories. 	<p>Consistent: The Applicant will be required to comply with all conditions imposed by Central Contra Costa Sanitary District pertaining to hazardous waste materials.</p>
CONTRA COSTA COUNTY CONSERVATION ELEMENT	
OVERALL CONSERVATION	
<p>Goal 8-A: To preserve and protect the ecological resources of the County.</p>	<p>Consistent: This Draft EIR (Section 4.3, “Biological Resources”) evaluates proposed project impacts on ecological and biological resources and includes mitigation measures recommended by a qualified biologist.</p>
<p>Goal 8-C: To achieve a balance of uses of the County’s natural and developed resources to meet the social and economic needs of the County’s residents.</p>	<p>Consistent: The proposed project would involve reclamation after utilization of a natural resource and would result in an end use of open space, which would contribute to the County’s natural resources.</p>
<p>Policy 8-1: Resource utilization and development shall be planned within a framework of maintaining a healthy and attractive environment.</p>	<p>Consistent: The proposed project would result in an end use of open space. The proposed reclamation plan has incorporated visual screening berms and native seed mixes. Furthermore, this Draft EIR (Section 4.1, “Aesthetics and Visual Resources”) evaluates aesthetic impacts of the proposed project, which were determined to be less than</p>

Goals/Objectives/Policies	Consistency Analysis
	significant with mitigation incorporated. The aesthetics evaluation concluded that views of the project site would be improved for all specific visual simulation locations analyzed.
Policy 8-2: Areas that are highly suited to prime agricultural production shall be protected and preserved for agriculture and standards for protecting the viability of agricultural land shall be established.	Consistent: No areas suited for prime agricultural production are located on the project site.
Policy 8-3: Watersheds, natural waterways, and areas important for the maintenance of natural vegetation and wildlife populations shall be preserved and enhanced.	Consistent: This Draft EIR (Section 4.3, “Biological Resources”) evaluates proposed project impacts on biological resources and includes mitigation measures that would reduce impacts to less than significant.
VEGETATION AND WILDLIFE	
Policy 8-6: Significant trees, natural vegetation, and wildlife populations generally shall be preserved.	Consistent: This Draft EIR (Section 4.3, “Biological Resources”) evaluates proposed project impacts on biological resources, including significant trees, vegetation, and wildlife populations, and includes mitigation measures that would reduce impacts to less than significant. Furthermore, Appendix E-2, “Arborist Report” includes a tree survey and analysis of trees that may be impacted by the proposed project.
Policy 8-10: Any development located or proposed within significant ecological resource areas shall ensure that the resource is protected.	Consistent: The proposed project is not located within a significant ecological resource area.
Policy 8-14: Development on hillsides shall be limited to maintain valuable natural vegetation, especially forests and open grasslands, and to control erosion. Development on open hillsides and significant ridgelines throughout the County shall be restricted, and hillsides with a grade of 26 percent or greater shall be protected through implementing zoning measures and other appropriate actions.	Consistent: The proposed project would not develop residential or other buildings on hillsides. Instead, the proposed project would result in the reclamation of an existing mining operation to an end use of open space. The proposed project would be required to comply with County zoning measures and other regulatory requirements that would protect hillsides.
Policy 8-21: The planting of native trees and shrubs shall be encouraged in order to preserve the visual integrity of the landscape, provide habitat conditions suitable for native wildlife, and ensure that a maximum number and variety of well-adapted plants are sustained in urban areas.	Consistent: Plantings included in the proposed project include native trees and shrubs, including a tree screen along the quarry east rim for reducing visual impacts. The proposed reclamation plan has incorporated visual screening berms and native seed mixes. The goal of the revegetation plan is to restore native plant communities such as chaparral where it is safe, practicable, and consistent with the planned end use to do so. Seed mixes feature California native grasses and shrubs that are common in the undisturbed chaparral plant communities surrounding the quarry. The species chosen for inclusion in the seed mixes and are intended to be self-sustaining without dependence on irrigation, or ongoing applications of soil amendments or fertilizers.
Policy 8-28: Efforts shall be made to identify and protect the County's mature native oak, bay, and buckeye trees.	Consistent: This Draft EIR (Section 4.3, “Biological Resources”) evaluates proposed project impacts on biological resources, including significant trees, vegetation, and wildlife populations, and includes mitigation measures that would reduce impacts to less than significant. Furthermore,

Goals/Objectives/Policies	Consistency Analysis
	Appendix E-2," Arborist Report," includes a tree survey and analysis of trees that may be impacted by the proposed project.
CONTRA COSTA COUNTY OPEN SPACE ELEMENT	
OVERALL OPEN SPACE	
Goal 9-A: To preserve and protect the ecological, scenic, cultural/historic, and recreational resource lands of the county.	Consistent: This Draft EIR (Chapter 4, "Environmental Analysis" and Chapter 7, "Other CEQA Topics") evaluates the proposed project's impacts on ecological/biological, scenic, and recreational resources. The project would have no impact to recreational lands or cultural resources, and potentially significant impacts to biological and scenic resources identified in Sections 4.1, "Aesthetics and Visual resources," and 4.3, "Biological Resources" would have less than significant impacts with mitigation incorporated.
Policy 9-1: Permanent open space shall be provided within the county for a variety of open space uses.	Consistent: Implementation of the proposed project would provide permanent open space.
Policy 9-2: Historic and scenic features, watersheds, natural waterways, and areas important for the maintenance of natural vegetation and wildlife populations shall be preserved and enhanced.	Consistent: This Draft EIR (Chapters 4, "Environmental Analysis" and Chapter 7, "Other CEQA Topics," and Sections 4.1, "Aesthetics and Visual Resources," 4.3, "Biological Resources," and 4.6 "Hydrology and Water Quality") evaluates the proposed project's impacts on ecological/biological, hydrologic, scenic, and cultural resources. Impacts on these resources as a result of the proposed project have been determined less than significant, with and without mitigation incorporated.
Policy 9-4: Where feasible and desirable, major open space components shall be combined and linked to form a visual and physical system in the county.	Consistent: The project site would be reclaimed to open space; however, the site would remain private property in perpetuity. The proposed reclaimed conditions would improve the visual connection of the project site to its surrounding open space areas (see Section 4.1, "Aesthetics and Visual Resources"), e.g. Mt. Diablo.
Policy 9-7: Open space shall be utilized for public safety, resource conservation, and appropriate recreation activities for all segments of the community.	Consistent: Implementation of the proposed project would result in an end use of open space that is consistent with resource conservation.
Policy 9-8: Development project environmental review will consider the effect of the project on the county's open space resources, whenever the project proposes to convert substantial amounts of land from an open space designation to an urban development designation.	Consistent: The proposed project would not result in conversion of open space resources to urban development designation.
SCENIC RESOURCES	
Policy 9-11: High-quality engineering of slopes shall be required to avoid soil erosion, downstream flooding, slope failure, loss of vegetative cover, high maintenance costs, property damage, and damage to visual quality. Particularly vulnerable areas should be avoided for urban development. Slopes of 26 percent or more should generally be protected and are generally not desirable for conventional cut-and-fill pad development. Development on open hillsides and significant ridgelines shall be restricted.	Consistent: The proposed project is the reclamation of an existing mining operation. No new development on an open hillside is proposed. Furthermore, the project site is not located on a significant ridgeline (Contra Costa County 2014).

Goals/Objectives/Policies	Consistency Analysis
<p>Policy 9-12: In order to conserve the scenic beauty of the county, developers shall generally be required to restore the natural contours and vegetation of the land after grading and other land disturbances. Public and private projects shall be designed to minimize damage to significant trees and other visual landmarks.</p>	<p>Consistent: The proposed project involves reclaiming an existing disturbed site to open space, including placing overburden fill in the Overburden Fill Areas, which involves removing 77 protected trees. The proposed tree removal plan (see sheet 13 of the proposed reclamation plan) has been designed to minimize removal and replace protected trees to the extent feasible, as described in Section 4.3, “Biological Resources.” Mitigation measures are also provided to minimize damage to significant trees.</p>
<p>Policy 9-14: Extreme topographic modification, such as filling in canyons or removing hilltops, shall be avoided. Clustering and planned unit development approaches to development shall be encouraged. All future development plans, whether large- or small-scale, shall be based on identifying safe and suitable sites for buildings, roads, and driveways. Exemptions to this policy are appropriate for mining, landfill, and public projects in open space areas.</p>	<p>Consistent: This policy applies to residential buildings. In addition, the proposed project is the reclamation of a mining operation; therefore, the project is exempt from this policy.</p>
<p>Policy 9-20: Hilltops, ridges, rock outcroppings, mature stands of trees, and other natural features shall be considered for preservation, at the time that any development applications are reviewed.</p>	<p>Consistent: This Draft EIR (Sections 4.1, “Aesthetics and Visual Resources,” and 4.3, “Biological Resources”) analyzes visual and biological impacts resulting from the proposed project. Impacts have been determined to be less than significant with mitigation incorporated.</p>
CONTRA COSTA COUNTY SAFETY ELEMENT	
SEISMIC HAZARD	
<p>Goal 10-A: To protect human life and reduce the potential for serious injuries from earthquakes; and to reduce the risks of property losses from seismic disturbances which could have severe economic and social consequences for the County as a whole.</p>	<p>Consistent: This Draft EIR (Section 4.4, “Geology and Soils”) analyzes seismic impacts from the proposed project. Impacts have been determined to be less than significant.</p>
<p>Goal 10-B: To reduce to a practical minimum injuries and health risks resulting from the effects of earthquake ground shaking on structures, facilities and utilities.</p>	<p>Consistent: This Draft EIR (Section 4.4, “Geology and Soils”) analyzes seismic impacts and associated health risks from the proposed project. Impacts have been determined to be less than significant.</p>
<p>Goal 10-C: To protect persons and property from the life-threatening, structurally and financially disastrous effects of ground rupture and fault creep on active faults, and to reduce structural distress caused by soil and rock weakness due to geologic faults.</p>	<p>Consistent: This Draft EIR (Section 4.4, “Geology and Soils”) analyzes seismic impacts and associated health risks from the proposed project. Impacts have been determined to be less than significant.</p>
<p>Goal 10-D: To reduce to a practical minimum the potential for life loss, injury, and economic loss due to liquefaction-induced ground failure, levee failure, large lateral land movements toward bodies of water, and consequent flooding; and to mitigate the lesser consequences of liquefaction.</p>	<p>Consistent: This Draft EIR (Section 4.4, “Geology and Soils” and 4.6) analyzes liquefaction and flooding impacts and associated health risks from the proposed project. Impacts have been determined to be less than significant.</p>
<p>Policy 10-5: Staff review of applications for development permits and other entitlements, and review of applications to other agencies which are referred to the County, shall include appropriate recommendations for seismic strengthening and detailing to meet the latest adopted seismic design criteria.</p>	<p>Consistent: This project does not require a development permit so this policy is not applicable. Nevertheless, this Draft EIR (Section 4.4, “Geology and Soils”) analyzes seismic impacts from the proposed project. Impacts have been determined to be less than significant.</p>

Goals/Objectives/Policies	Consistency Analysis
Policy 10-8: Ground conditions shall be a primary consideration in the selection of land use and in the design of development projects.	Consistent: The proposed project would result in an end land use of open space. Ground conditions were considered in the selection of land use and in the design of the proposed project.
Policy 10-10: Policies regarding liquefaction shall apply to other ground failures which might result from groundshaking but which are not subject to such well-defined field and laboratory analysis.	Consistent: This Draft EIR (Section 4.4, “Geology and Soils” and 4.6, “Hydrology and Water Quality”) analyzes groundshaking impacts and associated health risks from the proposed project. Impacts have been determined to be less than significant.
GROUND FAILURE AND LANDSLIDE HAZARDS	
Goal 10-E: To minimize the risk of loss of life or injury due to landslides, both ordinary and seismically-induced.	Consistent: This Draft EIR (Section 4.4, “Geology and Soils”) analyzes seismic impacts, slope stability, and associated health risks from the proposed project. Impacts have been determined to be less than significant.
Goal 10-F: To reduce economic losses and social disruption from landslides, both ordinary and seismically-induced.	Consistent: This Draft EIR (Section 4.4, “Geology and Soils”) analyzes seismic impacts, slope stability, and associated health risks from the proposed project. Impacts have been determined to be less than significant.
Policy 10-23: Slope stability shall be given careful scrutiny in the design of developments and structures, and in the adoption of conditions of approval and required mitigation measures.	Consistent: This Draft EIR (Section 4.4, “Geology and Soils”) analyzes seismic impacts, slope stability, and associated health risks from the proposed project. Impacts have been determined to be less than significant.
Policy 10-29: Significant very steep hillsides shall be considered unsuitable for types of development which require extensive grading or other land disturbance.	Consistent: The proposed project is the reclamation of an existing mining operation on a hillside. No new development would occur beyond reclaiming the site to open space and a quarry lake.
FLOOD HAZARDS	
Policy 10-55: The potential effects of dam or levee failure are so substantial that geologic and engineering investigation shall be warranted as a prerequisite for authorizing public and private construction of either public facilities or private development in affected areas.	Consistent: The proposed project does not feature dams or levees that could result in failure.
Policy 10-58: Dams and levees should be designed to withstand the forces of anticipated (design) earthquakes at their locations.	Consistent: The proposed project does not feature dams or levees that could result in failure.
HAZARDOUS MATERIALS	
Policy 10-62: Storage of hazardous materials and wastes shall be strictly regulated.	Consistent: The Applicant will be required to comply with all conditions imposed by the Contra Costa Sanitary District pertaining to hazardous waste reduction, recycling, and storage.
Policy 10-64: Industrial facilities shall be constructed and operated in accordance with up-to-date safety and environmental protection standards.	Consistent: To the extent applicable to facilities at the site, the proposed project will be required to comply with the Contra Costa County Building Code, which accounts for up-to-date safety and environmental protection standards.
WATER SUPPLY	
Goal 10-K: To protect the quality, quantity, and productivity of water resources as vital resources for maintaining the public, ecological and economic health of the region.	Consistent: This Draft EIR (Section 4.6, “Hydrology and Water Quality”) analyzes the proposed project’s impact on water resources. These impacts have been determined less than significant with mitigation incorporated.

Goals/Objectives/Policies	Consistency Analysis
<p>Goal 10-L: The safety of valuable underground water supplies for present and future users shall be ensured by preventing contamination.</p>	<p>Consistent: This Draft EIR (Section 4.6, “Hydrology and Water Quality”) analyzes the proposed project’s impact on underground water supply. These impacts have been determined less than significant with mitigation incorporated.</p>
<p>Policy 10-81: New water storage reservoirs shall be encouraged in appropriate locations subject to adequate mitigation of environmental impacts.</p>	<p>Consistent: The proposed project includes the creation of a quarry lake that will slowly fill with stormwater. However, this water is not anticipated to be used for water supply. The quarry lake will be part of an end land use of open space.</p>
CONTRA COSTA COUNTY NOISE ELEMENT	
OVERALL NOISE	
<p>Goal 11-A: To improve the overall environment in the County by reducing annoying and physically harmful levels of noise for existing and future residents and for all land uses.</p>	<p>Consistent: Section 4.8, “Noise,” analyzes potential noise impacts from the proposed project. Impacts to noise were deemed less than significant with mitigation incorporated.</p>
<p>Goal 11-B: To maintain appropriate noise conditions in all areas of the County.</p>	<p>Consistent: Section 4.8, “Noise,” analyzes potential noise impacts from the proposed project. Impacts to noise were deemed less than significant with mitigation incorporated.</p>
<p>Goal 11-C: To ensure that new developments will be constructed so as to limit the effects of exterior noise on the residents.</p>	<p>Consistent: Section 4.8, “Noise,” analyzes potential noise impacts from the proposed project. Impacts to noise were deemed less than significant with mitigation incorporated.</p>
<p>Goal 11-E: To recognize citizen concerns regarding excessive noise levels, and to utilize measures through which the concerns can be identified and mitigated.</p>	<p>Consistent: Contra Costa County citizens are encouraged to participate and comment on the proposed project as part of the CEQA process. Section 4.8, “Noise,” addresses noise concerns and determined that noise impacts would be less than significant with mitigation incorporated.</p>
<p>Policy 11-8: Construction activities shall be concentrated during the hours of the day that are not noise-sensitive for adjacent land uses and should be commissioned to occur during normal work hours of the day to provide relative quiet during the more sensitive evening and early morning periods.</p>	<p>Consistent: Section 4.8, “Noise,” addresses noise concerns and determined that noise impacts would be less than significant with mitigation incorporated. In addition, Mitigation Measure 4.1-4 (Aesthetics) requires reclamation activities to be limited to 7 am to 7 pm Monday through Friday.</p>
<p>Policy 11-11: Noise impacts upon the natural environment, including impacts on wildlife, shall be evaluated and considered in review of development projects.</p>	<p>Consistent: See Consistency analysis for Policy 11-8, above.</p>
COUNTY SURFACE MINING AND RECLAMATION ORDINANCE	
RECLAMATION PLANS	
<p>Policy 88-11.802— Reclamation plan required. No person shall begin, establish, maintain, continue or conduct any surface mining operation without (1) first submitting, and obtaining approval of, a reclamation plan under this article, and (2) fully performing and complying with it.</p>	<p>Consistent: The proposed project is a reclamation plan amendment to an existing reclamation plan. The proposed amendment must be approved before the operator can comply with the proposed plan rather than the existing approved plan.</p>
<p>Policy 88-11.810— Reclamation plan requirements. Every reclamation plan shall address at least the following subjects, in addition to the requirements in Public Resources Code Sections 2772 through 2774 and California Code of Regulations Section 3500 et seq and 3700 et seq.</p>	<p>Consistent: The proposed reclamation plan amendment addresses all of the required subjects in Public Resources Code Sections 2772 through 2774 and California Code of Regulations Section 3500 et seq and 3700 et seq. The State Division of Mine Reclamation reviewed the reclamation plan and had no comment.</p>

Goals/Objectives/Policies	Consistency Analysis
<p>Policy 88-11.812— General requirements. The reclamation plan shall identify the specific properties it applies to; and it shall be based upon the character of the surrounding area and the characteristics of that property, including the type of overburden, soil stability, topography, geology, vegetation, wildlife, climate, stream characteristics, and principal mineral commodities. Reclamation of mined lands shall be carried out in accordance with the requirements of this chapter.</p>	<p>Consistent: The proposed project identifies the properties that it applies to and is based upon the character of the surrounding area and the characteristics of that property.</p>
<p>Policy 88-11.814— Guarantees. The reclamation plan shall state that the operator, applicant, and permittee guarantees and accepts responsibility for all reclamation work for the life of the surface mining operation and for a period of two years after completion of such operation or such greater period as may be determined necessary to assure the permanence of physical reclamation features.</p>	<p>Consistent: The proposed reclamation plan amendment states that the operator, applicant, and the Applicant guarantees and accepts responsibility for all reclamation work for the life of the surface mining operation and for a period of two years after completion of such operation or such greater period as may be determined necessary to assure the permanence of physical reclamation features</p>
<p>Policy 88-11.816— Progressive reclamation. Reclamation of mined areas shall take place as soon as practicable following completion of surface mining operations. When simultaneous or concurrent reclamation is practicable, the reclamation plan shall include a timetable for commencing and completing such reclamation and shall include (a) the beginning and expected ending dates for each phase; (b) all reclamation activities required; (c) criteria for measuring completion of specific reclamation activities; and (d) estimated costs for completion of each phase of reclamation.</p>	<p>Consistent: The proposed reclamation plan amendment outlines the schedule for reclamation at the project site. Reclamation is anticipated to be completed complete by 2068.</p>
<p>Policy 88-11.818— Disposal of overburden and mining waste. (a)Permanent on-site disposal of overburden and mining waste shall be compatible with the probable future uses of the site. The land surface shall be made stable, and adequate drainage shall be provided. Final disposal of such materials shall not be in the form of apparently artificial piles or dumps of overburden or mining waste. To the maximum extent practicable, grading shall be designed to blend with the natural terrain features of the area.(b)Toxic materials shall be removed from the site or shall be protected and isolated to prevent leaching.(c)Overburden and mining waste placed below the existing or potential groundwater level shall not reduce water transmissivity or the area through which water may flow unless approved equivalent transmissivity or area has been provided elsewhere.</p>	<p>Consistent: This Draft EIR (Sections 4.4, “Geology and Soils,” and 4.6 “Hydrology and Water Quality”) analyzes slope stability, drainage, groundwater, and other impacts related to overburden treatment proposed under the project. Impact analyses relating to overburden and mining waste have determined these impacts less than significant or less than significant with mitigation incorporated. Furthermore, the proposed project is designed to blend with natural terrain features.</p>
<p>Policy 88-11.820— Drainage, erosion and sediment control. (a)Any temporary stream or watershed diversion shall be restored in final reclamation to its condition prior to surface mining operations, unless the planning agency determines restoration is unnecessary.(b)Regrading and</p>	<p>Consistent: This Draft EIR (Sections 4.4, “Geology and Soils,” and 4.6 “Hydrology and Water Quality”) analyzes drainage, erosion, and other related impacts that could occur under the proposed project. Impact analyses relating to overburden and mining waste have determined these impacts less than significant or less than significant with mitigation</p>

Goals/Objectives/Policies	Consistency Analysis
<p>revegetation shall be designed and carried out to minimize erosion, to provide for drainage to natural outlets or interior basins designed for water storage, and to eliminate closed depressions and similar catchments that could serve as breeding areas for insects.(c)Silt basins, which have outlet to lower ground and will or may store water during periods of surface runoff, shall be equipped with sediment control and removal facilities, and with protected spillways designed to minimize erosion.(d)Final grading and drainage shall be designed to prevent discharge of sediment loads higher than before mining operations.(e)Upon reclamation, the operator shall preclude or eliminate any condition which will or could lead to the degradation of water quality below applicable standards of the regional water quality control board or any other agency with authority over water quality.</p>	<p>incorporated. Furthermore, the proposed project is designed to minimize erosion, provide drainage to natural outlets, and to prevent discharge of sediment loads. Furthermore, the impact analysis in Section 4.6, "Hydrology and Water Quality," of this Draft EIR describes how the proposed project would not degrade water quality below applicable standards with the incorporation of mitigation measures.</p>
<p>88-11.822— Final slope gradient. Final slope gradients shall assure slope stability, maintenance of required vegetation, public safety, and the control of drainage, as may be determined by engineering analysis of soils and geologic conditions and by taking into account probable future uses of the site. They shall not exceed the critical gradient as determined by an engineering analysis of the slope stability. Additionally, they shall not:</p> <p>(1) Be incompatible with the alternate future uses anticipated for the site; or(2)Be hazardous to persons that may use the site under the alternate future uses anticipated for the site; or(3)Reduce the effectiveness of revegetation and erosion control measures where such are necessary.</p>	<p>Consistent: An engineering analysis of the soils and geologic conditions of the site is included in Appendix F of this Draft EIR. This report concludes that the proposed project slope gradients are suitable and safe for the end use of open space and do not exceed the critical gradient with mitigation incorporated. Furthermore, the proposed project does not include any slope designs (permanent or temporary) that would be incompatible with the intended future use as open space, or that would be hazardous to persons that may use the site after reclamation, or that would reduce the effectiveness of revegetation and erosion control measures.</p>
<p>88-11.824— Emplacement of fill. All fill shall be compacted to avoid excessive settlement and to the degree necessary to accommodate anticipated future uses. If future uses of the site include streets or structures for human occupancy, or if an engineered fill is necessary as a safety measure, fill emplacement shall conform to the requirements of Division 716 of this code. Material used as fill shall be of a quality suitable to prevent contamination and pollution of groundwater.</p>	<p>Consistent: Proposed fill would be compacted and of a quality suitable to prevent contamination and pollution of groundwater, and the future use of the site does not include streets or structures for human occupancy.</p>
<p>88-11.826— Resoiling. Resoiling shall be accomplished in the following manner: coarse, hard material shall be graded and covered with a layer of finer material or weathered waste, and a soil layer then placed on this prepared surface. Where quantities of available soils are inadequate to provide cover, native materials should be upgraded to the extent feasible for this purpose.</p>	<p>Consistent: Knoxville substrate constitutes the best available substrate material for revegetation. Furthermore, topsoil for the overburden fill areas would be salvaged up to a depth of eighteen inches and used as cover for reclamation. A soil scientist would determine whether substrate requires resoiling at the processing plant site once removed. If required, Knoxville-derived overburden materials would be imported from the quarry or fill areas to use as planting medium and spread to a depth of eighteen inches over the plant site. These materials may also be blended with wash fines from on-site silt ponds.</p>

Goals/Objectives/Policies	Consistency Analysis
<p>88-11.828—Revegetation. All lands permanently exposed by mining operations shall be revegetated, except as the director of community development determines this to be technically infeasible or detrimental. Revegetation methods and plant materials utilized shall be appropriate for the site's topographical, soil and climatic conditions, and native species shall be used wherever practicable.</p>	<p>Consistent: No further revegetation is proposed for the diabase benches of the quarry pit, as the existing diabase benches can no longer be safely accessed for purposes of revegetation. The Knoxville benches and slopes of the mining pit would be revegetated with native chaparral. The Knoxville slopes and remaining areas of the project site would be seeded and adhere to performance standards, including cover, density, and species richness set forth in the proposed reclamation plan.</p>
<p>88-11.830—Water. All bodies of water created by the reclamation plan are subject to approval.</p>	<p>Consistent: The proposed quarry lake is subject to approval by the Contra Costa County Planning Commission.</p>
<p>88-11.838—Amendments. Amendments to an approved reclamation plan may be submitted to the planning agency at any time, detailing proposed changes. Substantial deviations from the approved plan shall not be undertaken until such amendment has been filed with and approved by the planning agency. Amendments to an approved plan shall be processed and considered as provided in Section 88-11.808 for reclamation plans.</p>	<p>Consistent: The proposed project is a reclamation plan amendment that has been filed and is currently undergoing the approval process by the planning agency.</p>
CONTRA COSTA COUNTY TREE PROTECTION AND PRESERVATION ORDINANCE	
<p>Policy. Prior to the start of any clearing, stockpiling, trenching, grading, compaction, paving or change in ground elevation on a site with trees to be preserved, the applicant shall install fencing at the dripline or other area as determined by an arborist report of all trees adjacent to or in the area to be altered. Prior to grading or issuance of any permits, the fences may be inspected and the location thereof approved by appropriate county staff.</p>	<p>Consistent. As described in Section 4.3, "Biological Resources," tree protection fencing would be required prior to the start of fill disposal and maintained during the entire fill disposal process, as stipulated by Mitigation Measure 4.3-6c.</p>
<p>Policy. No grading, compaction, stockpiling, trenching, paving or change in ground elevation shall be permitted within the dripline unless indicated on the grading plans approved by the county and addressed in any required report prepared by an arborist. If grading or construction is approved within the dripline, an arborist may be required to be present during grading operations. The arborist shall have the authority to require protective measures to protect the roots. Upon completion of grading and construction, an involved arborist shall prepare a report outlining further methods required for tree protection if any are required. All arborist expense shall be borne by the developer and applicant unless otherwise provided by the development's conditions of approval.</p>	<p>Consistent. As described in Section 4.3, "Biological Resources," no grading, compaction, stockpiling, trenching, paving or change in ground elevation would occur beyond what is proposed (and would ultimately be approved by the County if the project as a whole is approved) in the proposed plans. Furthermore as stipulated by Mitigation Measures 4.3-6a through 6e, grading and construction within the dripline would be avoided unless approved by a qualified arborist.</p>
<p>Policy. No parking or storing vehicles, equipment, machinery or construction materials, construction trailers and no dumping of oils or chemicals shall be permitted within the dripline of any tree to be saved.</p>	<p>Consistent. As described in Section 4.3, "Biological Resources," Mitigation Measure 4.3-6d stipulates that heavy machinery shall not be allowed to operate or park within the drip line of avoided trees unless approved by a qualified arborist.</p>

Goals/Objectives/Policies	Consistency Analysis
CONTRA COSTA COUNTY CLIMATE ACTION PLAN	
Healthy Community Measure 4. Adaptation Integration. Consider potential climate change impacts in local planning documents and processes.	Consistent. Potential climate change impacts are discussed in Section 4.5, “Greenhouse Gas Emissions,” of this Draft EIR.
Healthy Community Action 4.1. During the development review process, consider possible impacts of climate change on the project or plan area.	Consistent. Potential climate change impacts are discussed in Section 4.5, “Greenhouse Gas Emissions,” of this Draft EIR.
Healthy Community Action 7.4. As healthy community strategies are implemented, consider prioritizing projects and programs that conserve and/or construct green spaces.	Consistent. The implementation of the proposed project would result in construction of additional open space.

4.7.3 Significance Thresholds and Analysis Methodology

The project description was compared to the local governing plans having jurisdiction over the physical location of the project site. It was determined which policies within those plans are applicable to the project. In this case, the project is an amendment to an existing operation and not a proposed new development. Therefore, only those policies where changes to the existing project that have the potential to be inconsistent with the local plans are listed in the analysis.

4.7.3.1 Significance Criteria

Based on Appendix G of the CEQA Guidelines, the proposed project would have a significant impact to land use and planning if it would:

- a) physically divide an established community; or
- b) cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

4.7.3.2 Analysis Methodology

The above methodology was used to determine whether the project conflicts with the above significance criteria for land use polices as found in Appendix G of the CEQA Guidelines.

4.7.4 Project Impacts and Mitigation Measures

Impact 4.7-1: Physically Divide an Established Community

The reclamation activities associated with the project as proposed would not result in the physical division of an existing community. The project site is situated at 515 Mitchell Canyon Road, on the east side of Mount Zion, approximately one-half mile south of the City of Clayton in an unincorporated portion of the County. Although a residential development exists adjacent to the plant site across Mitchell Canyon Road, the project site is already an established, operating quarry, and no aspect of the proposed project would result in a division, physically or perceptually, of these adjacent communities.

Level of Significance: No impact.

Mitigation Measure: None required.

Impact 4.7-2: Conflict with Land Use Plans, Policies, and Regulations

The proposed project would not conflict with applicable land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect.

Conflicts between a project and applicable land use policies do not constitute significant physical environmental impacts in and of themselves. A policy inconsistency is considered a significant adverse environmental impact only when it is related to a policy adopted for the purpose of avoiding or mitigating an environmental effect, and if it is anticipated that the inconsistency would result in a significant adverse physical impact based on established significance criteria.

As discussed in detail in Table 4.7-1, the proposed project would not substantially conflict with any land use policies adopted by Contra Costa County for the purpose of avoiding or mitigating environmental effects. As a result, no significant land use impacts related to the project's consistency with land use policies would occur. The changes related to reclamation plans for the existing quarry are consistent with the County's General Plan land use designations and applicable zoning regulations. This impact would be less than significant.

Level of Significance: Less than significant.

Mitigation Measure: None required.

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