

December 1, 2017

Julia Acker, Senior Planner  
Mendocino County Planning & Building Services  
860 N. Bush Street  
Ukiah, CA 95482  
[Via email and hand-delivered]

Job No. 15-218

**RE: USE PERMIT #UR 2016-0002; BLUE RIDGE ROCK QUARRY**

Dear Ms. Acker:

We have had the opportunity to review the staff report and Initial Study/Mitigated Negative Declaration (IS/MND) for the Blue Ridge Rock Quarry use permit renewal and modification. We find the documents to be accurate and well written, and appreciate the time spent by you and Beth Burks in helping us get to the Planning Commission before the end of the year.

We have some concerns regarding the inclusion of the original use permit conditions of approval (COAs) from #U 10-95, most of which no longer apply to this revised project, are redundant in relation to the new COAs, or contain references to documents that are now obsolete.

**CONDITIONS OF APPROVAL FROM #U 10-95**

Please see the attached list of conditions from the original use permit for Blue Ridge Rock Quarry, #U 10-95. The reasons for each requested action are provided in the left margin of the page.

We request the following original conditions from #U 10-95 be **eliminated**. These conditions are identified with a circle and a red strike through the condition number.

A-1, A-3, A-6, A-7, A-8, A-9, B-4, B-5, B-6, B-9, B-13, B-17, B-21, B-22, B-23, B-24 and B-25.

We ask that the following original conditions from #U 10-95 be **amended** in conformance with the current project. These conditions are identified with a circle only around the condition number.

A-2, A-5, B-16, B-18, B-19, B-20 and B-26.

The remaining conditions **continue to apply** to the current project as written:

A-4, B-1, B-2, B-3, B-7, B-8, B-10, B-11, B-12, B-14 and B-15.

**CONDITIONS OF APPROVAL FROM #UR 2016-0002**

We ask that the following COA be eliminated as described below.

***COA 8: All mitigation measures and conditions of approval included under Use Permit #10-95 shall continue to apply.***

We request that this condition be eliminated in lieu of the above changes. For reasons of clarity, we recommend that the original COAs that will remain with the entitlement be appended to the new COAs and re-numbered beginning with COA 31. This would provide the operator and planning staff with a complete list of project conditions in one document to reduce confusion over the life of the permit.

We appreciate your consideration of our request. Our intention is to provide you with this information early enough so that any recommendations from staff would be provided to Planning Commissioners for their review in advance of the December 7<sup>th</sup> meeting. If you wish to discuss this further please don't hesitate to call me at (707) 234-4878.

Very truly yours,



Julie Price, QISP  
Planner/Environmental Specialist

cc: Nash Gonzalez, Interim Director, Planning and Building Services  
Beth Burks, LACO Associates  
Jennifer Gomez, Syar Industries, Inc.  
Mendocino County Planning Commission

Attachment

Upon motion by Commissioner Calvert, seconded by Commissioner Wood and carried by the following roll call vote, IT IS ORDERED that the Planning Commission adopts a Negative Declaration and approves #U 10-95 making the following findings and subject to the following conditions of approval:

**Environmental Findings:** The Planning Commission finds that no significant environmental impacts would result from the proposed project which can not be adequately mitigated through the conditions of approval, therefore, a Negative Declaration is adopted.

**General Plan Consistency Finding:** As discussed under pertinent sections of the staff report, the proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions of approval.

**Project Findings:** The Planning Commission approves #U 10-95, subject to the following Conditions of approval, further finding:

1. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. Access to the project site is via an existing haul road running northwest from Geysers Road (Old State Highway 101) to the project site.
2. That the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county. Through implementation of all of the recommended conditions of approval, no such detrimental impacts are anticipated.
3. That such use preserves the integrity of the zoning district. The proposed use would be consistent with the zoning of the project site and surrounding area.

**CONDITIONS OF APPROVAL FOR #U 10-95:**

- A. Conditions which must be met within 60 days and for the duration of the permit:

The intent of this condition is already included in COA #1, but with updated language; expiration date is incorrect.

1.

This permit shall become effective after all applicable appeal periods have expired or appeal processes exhausted. Failure of the permittee to make use of this permit within one year or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit. This permit shall expire on January 28, 2016. The applicant has sole responsibility for renewing this permit before the expiration date listed above. The County will not provide a notice prior to the expiration date.

Provide correct volumes and term.

2.

That the rock quarry operation not exceed a total of ~~1,000,000~~ <sup>6,000,000</sup> cubic yards of rock, with an annual limit of ~~75,000~~ <sup>200,000</sup> cubic yards of rock per year for ~~20~~ <sup>30</sup> years.

Addressed in COA #3; refers to obsolete documents.

3.

That the application along with supplemental exhibits and related material be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission. Particularly, the applicant shall develop the site and conduct operations in conformance with measures identified in Storm Water Pollution Prevention and Monitoring Program, Environmental Assessment and Preliminary Reclamation Plan dated June 1995, and the revised Reclamation Plan dated October 1995, prepared by Rau and Associates, Inc., said document being on file with the Department of Planning and Building Services.

4. An Indemnification Agreement which has been signed by the applicant, shall be filed with the Department of Planning and Building Services. The Indemnification Agreement shall be on the form provided by the Department of Planning and Building Services.

Provide correct fee amount.

5. The applicant shall submit a Mining Inspection and Monitoring fee of \$4,000.00 to the Department of Planning and Building Services within thirty (30) days of permit issuance.

Incorrect fee and date; addressed in COA #4

6. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until a fee of \$25.00 is submitted to the Department of Planning and Building Services to cover the cost of filing the Notice of Determination with the County Clerk. Checks must be made payable to the Mendocino County Clerk. The fee must be submitted to the Department of Planning and Building Services by February 2, 1996.

Addressed in COA #4

7. The applicant shall obtain all authorizations required by and comply with all conditions established by the following agencies having jurisdiction over the project:

- a. U.S. Army Corps of Engineers
- b. California Department of Fish and Game
- c. California Regional Water Quality Control Board
- d. Mendocino County Air Quality Management District
- e. California Department of Transportation

Addressed in COA #4

8. a. The applicant shall secure from the Air Quality Management District, an authority to construct permit prior to commencement of the operation.
- b. The applicant shall submit written verification from the Mendocino County Air Quality Management District to the Department of Planning and Building Services verifying that this condition has been satisfied to the satisfaction of the Air Quality Management District.

Not applicable. The sediment basins have already been built.

9. Prior to the construction of the sedimentation basins at both the processing site and extraction site, the applicant shall submit to the Department of Planning and Building Services and the Mendocino County Water Agency designs/plans, including calculations prepared by a licensed engineer for review and approval.

**B. Conditions which must be complied with for the duration of this permit:**

1. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
2. No material shall be placed into or where it may pass into any stream or watercourse in quantities which would be deleterious to fish, wildlife or other beneficial uses.
3. During the non-operating months, quarried rock will be stockpiled at a slope not exceeding 2:1.

May conflict with current Reclamation Plan, which has been approved by DMR.

4. Where feasible, as each phase of the quarry operation is completed, overburden covered with topsoil shall be graded onto the benches and/or landings and shall be seeded.

5. That the final cut banks be either terraced or left at a slope no steeper than one (1) horizontal to one (1) vertical, and that the slope shall be recovered with soils and seeded to encourage revegetation or be constructed per the engineered grading plans and revegetated per the reclamation plan for the project on file with the Department of Planning and Building Services.

Addressed in COA # 4, 9, 10, 11

6. That dust be controlled subject to controls by the Air Quality Management District. The applicant shall undertake measures to reduce dust generated by the operation and insure that the truck haul road to be used is treated with a dust suppressant or watered during haul periods.

7. Noise levels created by the operation as measured at the nearest residence other than that of the mine owner or operator shall not exceed 55 dBA Ldn.



8. All non-turbo charged equipment shall have approved spark arrestors installed and shall carry an "A,B,C" type fire extinguisher.

This is the  
same  
condition as  
COA #7

~~9.~~

This permit is issued without a legal determination having been made upon the legal title, number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the legal title, number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.

10. That the applicant shall grant access to the property during hours of operation to permit Department of Fish and Game personnel, Regional Water Quality Control Board personnel, and County representatives or any consultants hired by the County for inspection, enforcement, or monitoring activities deemed desirable by the County. The applicant shall designate an individual who is to be available at all times for purposes of supplying information deemed necessary by the authorized County representatives in connection with such work during working hours.
11. The applicant shall annually supply to the Director of the Department of Planning and Building Services, within sixty (60) days of the permit/plan anniversary date, an annual accounting of the quantities and types of materials extracted and/or processed from each location (Mendocino County Code Section 22.16.041(I), Ordinance Number 3263, adopted 1979). 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 establishing the volume figures.
12. That there be no signing allowed for the operation other than those directional or warning signs allowed by Mendocino County Code Section 20.184.025(A).

This is the  
same condition  
as COA #6

~~13.~~

This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (1) or more of the following grounds:

- a. That such permit was obtained or extended by fraud.
- b. That one or more of the conditions upon which such permit was granted have been violated.
- c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

14. There shall be no on-site fuel storage in association with this project.
15. a. The applicant shall provide Mendocino County with a cash or surety bond or other acceptable form of financial assurance for the reclamation plan and mitigation measures. The bond shall be available to both the County and the Department of Conservation. Any withdrawals made by the County or Department of Conservation for reclamation shall be redeposited by the applicant within 30 days of notification.

The bond amount shall be calculated based on a cost estimate submitted by the applicant and approved by both County staff and the Department of Conservation for the approved reclamation procedures. The bond shall be established and in place within six (6) months of project approval. Each year, following the annual site inspection, the bond amount shall be adjusted to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan.

The security bond is not set up to replace the applicant's responsibility for reclamation or mitigation, but to assure funding for the reclamation plan and mitigation measures. Should the applicant fail to perform or operate within all the requirements of the approved reclamation plan, the County or Department of Conservation will follow the procedures outlined in Sections 2773.1 and 2774.1 of the Surface Mining and Reclamation Act (SMARA), regarding the encashment of the bond and applicable administrative penalties, to bring the applicant into compliance. The requirements for the bond will terminate when the approved reclamation plan and mitigation measures have been completed.

- b. Implementation and Verification. The financial assurance shall name both the County and the Department of Conservation as payees per the requirements of AB 3551. The amount will be based on an estimate of reclamation cost provided by the applicant and subject to review by both County staff and Counsel and the Department of Conservation. The financial assurance will be reviewed on an annual basis for adequacy and shall be released when the approved project, mitigation measures and final reclamation plan activities have been completed.

Does not include nighttime operations.

16. That the hours of operation be limited to between 7:00 a.m. and 6:00 p.m. on weekdays and Saturdays and up to 45 nights per year for haul-out only.

Addressed in COA #12

17. The applicant shall comply with the recommendations of the Mendocino County Archaeological Commission with reference to Section 22.12.090 and 22.12.100 of the Mendocino County Code pertaining to discoveries.

This document is obsolete. The SWPPP will change over the permit term and does not require a date reference.

18. The applicant/operator shall maintain the operation in compliance with the Storm Water Pollution Prevention ~~and Monitoring Program~~, Plan, dated June 1995, prepared by Rau and Associates, Inc.

The Water Agency no longer reviews these reports.

19. The operator shall submit an annual report, to ~~both~~ the Department of Planning and Building Services ~~and the Mendocino County Water Agency~~, the dates the sedimentation ponds were cleaned and the amounts of sediment removed and the methods of sediment disposal. The report shall be submitted no later than December 31 of each year.

Replace with current MRP reference.

20. The applicant shall comply with the provisions/recommendations outlined in the ~~revised Reclamation Plan dated October 1995, prepared by Rau and Associates.~~ Said Reclamation Plan is on file with the Department of Planning and Building Services. Mining and Reclamation Plan dated July 6, 2017, prepared by Crawford & Associates, Inc.

This document is based on the previous project and is obsolete.

21. The applicant shall adhere to the provisions/conditions of the Water Use Monitoring Program for Phase III of the quarry operation, dated November 27, 1995, prepared by Rau and Associates, Inc. Said Monitoring Program is on file with the Department of Planning and Building Services. The monitoring dates shall be between May 1 and October 30 of each year as recommended by the Mendocino County Water Agency.

Tree replanting is addressed in COAs # 23 and #24

22. Any trees removed as a result of the operation shall be replaced with native trees and shrubs at a ratio of 2 to 1 (minimum replacement size - 10 gallons). The final reclamation and vegetation of the site shall be done in conformance with the revised Reclamation Plan, dated October 1995, prepared by Rau and Associates, Inc.

This condition was completed for the previous project and is no longer applicable.

23. The applicant shall file a Notice of Non-renewal with the Clerk of the Board of Supervisors on those portions of the property affected by the Agricultural Preserve. The Notice of Non-renewal can either encompass the entire project prior to commencement of excavation, or be done by phase, prior to commencement of each phase.

Based on the previous Reclamation plan; no longer applicable.

24. During Phase III of the operation, the excavation shall be made from the back side (eastern side) of the quarry towards the face to minimize the exposed excavation to the southwest view.

No longer applicable.  
COA #20 provides mitigation for avian species as recommended in the current Biological Resources Study. The nest observed in 1996 was one mile from the quarry and it was later determined that distance from the quarry was sufficient to prevent disturbance of the eagles.

~~25.~~

Project operations shall be done in such a manner and time that will not interfere with nor alter the behavior of the Golden Eagle.

- a. To monitor the potential for Golden Eagle nesting sites within 1/2 mile of the project area, a survey for these species shall be conducted by a qualified biologist prior to beginning any operation and for every five years thereafter during the operation. Copies of the survey shall be submitted to the Department of Fish and Game and the Mendocino County Planning Department. Any positive findings shall be protected by the 1/4 mile buffer as a minimum, or shall be increased for those activities as required by the California Department of Fish and Game. Any positive findings which require additions or changes to the mitigating conditions of this project shall require that a modification of conditions be approved by the County of Mendocino.

26.

The recommendations from Dr. McBride are not readily available.

A 50 foot buffer shall be established from all existing water courses ~~per the recommendations of Dr. Gordon McBride (report dated January 24, 1995)~~ except where roads exist as of the commencement of operations.