



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

NASH GONZALEZ, INTERIM DIRECTOR
PHONE: 707-234-6650
FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@co.mendocino.ca.us
www.co.mendocino.ca.us/planning

MEMORANDUM

Date: January 17, 2018
To: Planning Commission
From: Planning Staff
Subject: UR_2014-0003 Bald Hills Quarry Modifications to Findings and Conditions

Staff received comments from the applicant on the recommended conditions of approval and as such is recommending several modifications and additions to the recommended conditions and additions to the recommended findings. Deletions are shown as ~~stricken~~ and additions are shown as underlined. The recommended changes are shown in the attached revised resolution for this project.

Modification of Findings:

Staff suggests inclusion of Finding 13 to explicitly state the required Use Permit findings. While the existing findings in the resolution include the required use permit findings, Staff felt that it would be appropriate to include the verbatim text from Mendocino County Code so as to prevent any confusion. Thus, Staff recommends addition of Finding 13 to demonstrate conformity with Mendocino County Code Section 20.196.020, as follows:

Finding 13: Use Permit Findings:

- a. That the establishment, maintenance or operation of a use or building applied for is in conformity to the General Plan.
- b. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
- c. That such use will not, under the circumstances of that particular case, 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; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect.
- d. That such use preserves the integrity of the zoning district.

Modification of Conditions of Approval:

Staff is recommending modification of Condition 1 to ensure consistency with County Code requirements and provide a definitive expiration date for this project. The second recommended change to conditions relates to Condition 8 which requires compliance with all mitigation measures and conditions of approval from the underlying use permit (U #29-93/ CDP #37-94). Staff finds that the cleanest application of the previous conditions is to list them with updated information from the proposed renewal with the recommended conditions under this permit. This will result in modification of Condition 1, Modification of Condition 8 with new language, correction of the numbering on Conditions 21 through 25 to now be Conditions 23 through 27, modification of Condition 27 (after renumbering), and addition of Conditions 28 through 40. The recommended changes are shown in the attached revised resolution for this project as well as outlined below.

Condition 1: ~~This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Board of Supervisors has expired and no appeal has been filed with the Board of Supervisors. The permit shall expire and become null and void at the expiration of two~~

~~years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.~~

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 June 18, 2044. 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.

~~To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.~~

~~**Condition 8:** All mitigation measures and conditions of approval included under Use Permit 29-93 shall continue to apply. That the rock quarry operation not exceed a total of 1,500,000 cubic yards of rock, with an annual average not to exceed 50,000 cubic yards of rock, for thirty (30) years, with a maximum extraction of 100,000 cubic yards of rock in any one year.~~

Condition 24 23: The applicant shall submit the appropriate mining inspection and monitoring fee to the Department of Planning and Building Services within 30 days of approval, and on an annual basis until the mine is fully reclaimed. Fee estimates are calculated yearly and may change over the course of the entitlement.

Condition 22 24: Prior to any change of operators, the applicant shall notify the Department of Planning and Building Services 30 days prior to extraction. The applicant shall provide an accounting of all materials mined by each operator. Any change in operators shall not exempt the applicant/operators from providing required monitoring information.

Condition 23 25: Annually, prior to July 1st, the applicant shall supply to the Department of Planning and Building Services an accounting of the quantities and types of materials extracted and/or processed from each location that season. The accounting report shall indicate the dates on which the specified volumes were removed, the method used to calculate the volume figures and the signature of the person responsible for completing the report. Such report shall be submitted even if no material was removed that season.

Condition 24 26: The applicant shall grant access to the property during hours of operation to permit 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.

Condition 25 27: This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of ~~\$2266.25~~ \$2330.75 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

Condition 28: 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. All of the requirements for revegetation and replacement of snags in the Reclamation Plan as revised in February 2016.

Condition 29: 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.

Condition 30: All major grading operations and/or other project-related activity which may promote erosion and sedimentation to existing and/or adjacent water courses shall be confined to non-winter months or during dry winter periods. Winter quarry operations may continue if the following conditions are met:

- a. Do not haul rock products during periods of measurable precipitation and for at least 24 hours after the end of a period of significant precipitation. Significant precipitation is defined as an amount of precipitation on which more than ¼ inch falls in any 24 hour period and/or the aggregate total during the previous 48 hours exceeds two inches.
- b. The Industrial Activities Stormwater Pollution Prevention Plan prepared by Crawford & Associates, Inc. dated June 2015 and accepted by the Regional Water Quality Control Board shall become the operational plan for the quarry, processing sites and haul roads.
- c. If, at any time, this operation is found to be the source of turbidity into Alder Creek, the operator will be required to terminate winter operations.

Condition 31: No rock or other materials shall be allowed to fall below the elevation of the existing access road.

Condition 32: Wastewater generated from the processing operation shall be stored on-site in a settling pond. Any sediment removed from the pond shall be stored on-site and re-applied and re-seeded during the reclamation of the site or removed from the property.

Condition 33: That dust be 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 acceptable to the Regional Water Quality Control Board. The applicant shall follow those air quality mitigation measures suggested on Page 17 in Section II of the Goddard and Goddard Engineering Report dated June 8, 1994 entitled Noise and Air Quality Environmental Assessment of the Bald Hills Quarry Extraction and Processing Operation Proposed by Bed Rock, Inc., as acceptable to the Air Quality Management District.

Condition 34: Noise levels created by the operation as measured at the other than that of the mine owner shall not exceed 55 dBA Ldn. The applicant shall follow those noise mitigation measures suggested on Pages 17 and 18 of Section I of the Goddard and Goddard Engineering report dated June 8, 1994 entitled Noise and Air Quality Environmental Assessment of the Bald Hills Quarry Extraction and Processing Operation Proposed by Bed Rock, Inc.

Condition 35: All non-turbo charged equipment shall have approved spark arrestors installed and shall carry an "A, B, C" type fire extinguisher.

Condition 36: Signs may be allowed as follows: (a) Directional signing not to exceed two square-feet, and (b) Traffic warning signs acceptable to the California Department of Transportation.

Condition 37: That the hours of operation be limited to between 7:00 a.m. and 6:00 p.m. on weekdays and Saturdays, except as further restricted by Condition 12 of this permit.

Condition 38: That the applicant/operator shall grant access to the Department of Fish and Wildlife, U.S. Fish and Wildlife Service and Regional Water Quality Control Board personnel at all reasonable times, to the project site involved in this permit for inspection, enforcement or monitoring.

Condition 39: In the event flooding occurs within the vicinity of where the existing haul road traverses the flood plain of Alder Creek, all operating shall cease on the existing haul road.

Condition 40: Water wells for the project shall not be located closer to Alder Creek than 500 feet and shall be located no closer than 200 feet from the unnamed tributary north of the processing site.