



County of Sonoma
State of California

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ON FILE IN THIS OFFICE.

ATTEST: DEC 11 2018

SHERYL BRATTIN, Clerk/Secretary
BY 
DEPUTY CLERK/ASST. SECRETARY

Date: December 11, 2018

Item Number: 72
Resolution Number: 18-0532

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Amending Conditions Of Approval No. 15, 16, 17, 18, 19, 20, 21, And 22 Of Resolution No. 08-0089 Regarding The Canyon Rock Quarry, 7525 Highway 116 North, Forestville, To Allow Certain Fair Share Funds Paid By The Permittee To Be Redistributed Among The Traffic Improvement Projects Listed In Said Conditions Of Approval And/Or To Construct Bicycle/Pedestrian Improvements Benefitting The Downtown Forestville Area.. PRMD File No. PLP-97-0046.

Whereas, on or about January 29, 2008, the Board of Supervisors ("Board") of the County of Sonoma ("County") adopted Resolution No. 08-0089, approving a 20-year surface mining use permit for a 35-acre± expansion of the Canyon Rock Quarry, together with an associated zone change, reclamation plan, and annual production limits pursuant to Application PLP-97-0046 ("the Project"). A true and correct copy of Resolution 08-0089 is attached to this resolution as Exhibit A and incorporated herein; and

Whereas, in 2006, prior to approving the Project, the Board certified a final environmental impact report for the Project (the "EIR") in compliance with all requirements of the California Environmental Quality Act ("CEQA"); and

Whereas, in January 2008, staff presented an Addendum to the Final EIR ("Addendum") relating to the Project and the use permit as part of Resolution No. 08-0089; and

Whereas, Conditions of Approval No. 15, 16, 17, 18, 19, 20, 21, and 22 of Resolution No. 08-0089 describe certain road and traffic circulation improvements in the local Forestville area identified in the EIR as mitigation for certain adverse impacts of the Project, and further describe the nexus between the Project and the need for said improvements and the fair share percentage or proportion of the cost of said improvements attributable to the Project; and

Whereas, in Resolution 08-0089, the Board found that the road improvement projects identified in Conditions of Approval No. 15, 16, 17, 18, 19, 20, 21, and/or 22 might not be constructed if additional funding was not made available and/or Caltrans failed to approve road improvements on Highway 116 and that if the projects were not

constructed, the traffic impacts they were designed to mitigate would remain significant impacts that cannot be fully mitigated; and

Whereas, Exhibit B to Resolution 08-0089 consists of a statement of overriding considerations pursuant to CEQA in which the Board determined that specific economic, legal, social, technological and other benefits of the Project outweigh all unavoidable, adverse impacts of the Project, and that the Project should be approved; and

Whereas, Conditions of Approval No., 18, 20, and 22 expressly allow the funds deposited for a specific improvement to be transferred to other improvements listed in said conditions, but Conditions of Approval No. 15, 16, 17, 19 and 21 do not so provide; and

Whereas, the fair share funds required by Conditions of Approval No. 15, 16, 17, 18, 19, 20, 21, and/or 22 have been paid by the permittee; and

Whereas, the funds on deposit, combined with funds from all other projects required to date to pay a fair share of the improvements identified in Conditions of Approval No. 16, 17, 18, 19, 20, 21, and/or 22, are not sufficient to construct all or most of the projects identified in Conditions of Approval No. 16, 17, 18, 19, 20, 21, and/or 22; and

Whereas, the County Department of Transportation and Public Works (DTPW) together with County Regional Parks has identified a project to construct a connection for bicycle and pedestrian traffic between the West County Trail in the Forestville area and downtown Forestville which would be capable of construction with the fair share funds and which would serve a similar purpose to that of Condition of Approval No. 20, namely improving pedestrian and bicycle circulation in downtown Forestville; and

Whereas, Sonoma County Regional Parks is presently beginning analysis pursuant to CEQA of potential environmental impacts of the bicycle and pedestrian connector trail between Highway 116 in downtown Forestville and the current nearby terminus of the paved West County Trail, which will be completed and circulated for public review prior to any programming and/or expenditure of any deposited funds for the connector trail bicycle and pedestrian circulation improvement project; and

Whereas, allowing redistribution of all of the funds required by Conditions of Approval No. 15, 16, 17, 18, 19, 20, 21, and/or 22 to complete the trail connection and one or more of the listed projects in Conditions of Approval No. 16, 17, 18, 19, 20, 21, and/or 22 will better serve the intentions of the Board in providing traffic improvements and benefits to the local Forestville area.

Now, Therefore, Be It Resolved that Condition Of Approval No. 15 of Resolution No. 08-0089 is hereby amended to read in full as follows:

15. Prior to the expansion or clearing, the operator shall pay a fair share fee of the cost of improvements for direct impacts to off-site roads and intersections listed below (Condition Nos. 16-22). Nothing in this Condition modifies or deletes any requirement stated in Condition No. 26. Notwithstanding any contrary language in Conditions No. 16, 17, 18, 19, 20, 21, and/or 22, the fair share funds deposited for each improvement identified in any Condition No. 16, 17, 18, 19, 20, 21, and/or 22, in the joint discretion of the directors of the Department of Transportation and Public Works and PRMD, may be aggregated and used for planning and construction of:

(i) Any one or more of the road improvement and/or traffic circulation projects identified in Conditions No. 16, 17, 18, 19, 20, 21, and/or 22; and/or

(ii) Completion of other improvements to facilitate improved downtown Forestville bicycle and pedestrian circulation, including but not limited to a bicycle/pedestrian connection between the West County Trail and downtown Forestville.

(iii) No fair share funds shall be expended for planning or construction of a bicycle/pedestrian connection between Highway 116 in downtown Forestville and the existing terminus of the paved West County Trail until and unless an adequate study pursuant to CEQA of potential environmental impacts for the connector trail project has been completed, subjected to public review and comment and approved by the county. Absent an adequate and approved CEQA analysis for said project, all funds referenced herein shall be spent only on projects in the listed improvements in Conditions No. 16, 17, 18, 19, 20, 21, and/or 22 of Resolution 08-0089.

The permit shall not be vested until the traffic fair share contributions are paid in full. The fair-share percentage for the project was calculated based on the projected change in traffic conditions and the method defined by Caltrans' "Guide for the Preparation of Traffic Impact Studies" for determining equitable responsibility for costs. Cost of improvements are estimated in 2003/2004 dollars and shall be adjusted annually based on the Engineering News Record's Building Cost Index for the San Francisco Bay Area until the project's fair-share has been paid in full. *Mitigation Measures 3.6-A.1-3.*

Mitigation Monitoring. PRMD Project Review staff shall verify that payment has been made prior to authorizing expansion of clearing or mining activities.

Be It Further Resolved that any and all provisions of Conditions No. 16, 17, 18, 19, 20, 21, and/or 22 as originally adopted which are in conflict with Condition No. 15 as amended herein shall be of no further force or effect.

Supervisors:

Resolution #18-0532

Date: December 11, 2018

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Gorin: Absent

Rabbitt: Aye

Zane: Absent

Hopkins: Aye

Gore: Aye

Ayes: 3

Noes: 0

Absent: 2

Abstain: 0

So Ordered.

#32

RESOLUTION NO. 08-0089

DATED: January 29, 2008

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, MAKING CERTAIN FINDINGS, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVING AN EXPANSION OF THE CANYON ROCK QUARRY CONSISTING OF A 20-YEAR SURFACE MINING USE PERMIT TO EXPAND QUARRY OPERATIONS ON 35± ACRES TO ALLOW THE QUARRY TO ANNUALLY EXPORT A MAXIMUM OF 562,500 CUBIC YARDS OF AGGREGATE MATERIAL, OF WHICH 500,000 CUBIC YARDS COULD CONSIST OF MATERIAL MINED ON-SITE, AND ANNUALLY IMPORT UP TO 62,500 CUBIC YARDS, INCLUDING RECYCLED MATERIAL (APNS 083-210-006, 083-210-015, 083-210-019, 083-210-020), ON PROPERTY LOCATED AT 7525 HIGHWAY 116 NORTH, FORESTVILLE; ZONED RRD (RESOURCES AND RURAL DEVELOPMENT), B6-160 ACRE DENSITY, SR (SCENIC RESOURCES), BR (BIOTIC RESOURCE), F2 (FLOODPLAIN), MR (MINERAL RESOURCE); SUPERVISORIAL DISTRICT NO. 5 (PLP97-0046)

RESOLVED, that the Board of Supervisors ("the Board") of the County of Sonoma ("the County") hereby finds as follows:

1. Procedural History

1.1 Wendel Trappe ("the Project Applicant") filed Application PLP 97-0046 with the County's Permit and Resource Management Department ("PRMD") to obtain the entitlements necessary to expand the mining area of the Canyon Rock Quarry (hereinafter "the Proposed Project").

1.2 On June 20, 2006, the Board adopted Ordinance No. 5667, which amended the zoning maps of the County by reclassifying 113.77± acres of real property at the Project site to add the MR (Mineral Resource) combining district to the current zoning ("the MR Zone Change").

- b) If hazardous waste is generated or stored, then the operator shall comply with hazardous waste generator laws and AB2185 requirements and obtain a permit or approval from the Certified Unified Program Agency (Sonoma County Department of Emergency Services performs this function in Sonoma County). The operator shall submit a copy of a current permit to the PRMD Health Specialist to verify compliance.
- c) All hazardous waste materials shall be stored, handled and managed in accordance with the approved site plan and hazardous materials plan so as to reduce the potential for any spillage.
- d) No soil or other material containing hazardous or toxic waste shall be imported to the quarry (Note: this condition is not intended to restrict the recycling of concrete or asphalt on site). *Impact IV.D., 1 Impact V.C.1*

Mitigation Monitoring: The Department of Emergency Services will provide verification to PRMD that the requirements have been met.

TRANSPORTATION AND PUBLIC WORKS:

"The conditions below have been satisfied" BY _____ DATE _____

- U 13. The operator shall obtain a State of California Encroachment Permit before making any improvements or constructing any driveway (or intersection) to State Highway 116 and shall construct the improvements (driveway or intersection) in accordance with Caltrans Standards.

Condition Compliance: The operator shall submit proof to PRMD that encroachment permits have been obtained prior to expansion of clearing or mining activities onto adjacent parcels.

- U 14. A Traffic Mitigation Fee shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code, before expansion of clearing or mining activities or within 36 months after the California Court of Appeals issues a decision or order in Appellate case no. A119543 affirming the judgment in the action entitled *Forestville Citizens for Sensible Growth v. County of Sonoma et al.*, Sonoma County Superior Court, case no. SCV 238992, whichever occurs first, based on Table IV.A.6 in the Final EIR of 325 ADT. This fee is for indirect cumulative traffic impacts throughout the County and shall be in addition to fair share contributions required for direct project impacts to roads in the immediate vicinity. This permit shall not be vested until the traffic mitigation fees are paid in full.

- U 15. Prior to the expansion of clearing or mining activities onto adjacent parcels or within 36 months after the California Court of Appeals issues a decision or order in Appellate case no. A119543 affirming the judgment in the action entitled *Forestville Citizens for Sensible Growth v. County of Sonoma et al.*, Sonoma County Superior Court, case no. SCV 238992, whichever occurs first, the operator shall pay a fair share of the cost of improvements for direct impacts to off-site roads and intersections listed below (Conditions No. 16-22). The permit shall not be vested until the traffic fair share contributions are paid in full. The fair-share percentage for the project was calculated based on the projected change in traffic conditions and the method defined by Caltrans' "Guide for the Preparation of Traffic Impact Studies" for determining equitable responsibility for costs. Cost of improvements are estimated in 2003/2004 dollars and shall be adjusted annually based on the Engineering News Record's Building Cost Index for the San Francisco Bay Area until the project's fair-share has been paid in full.

U 16. Highway 116 / Mirabel Road Intersection:

The quarry operator shall pay a fair share of the cost of the improvement/signalization of the Highway 116/Mirabel Road Intersection. The improvements would include the correction of an existing sight distance problem on Highway 116 west of the intersection, construction of a left turn lane on Highway 116 for traffic turning northbound onto Mirabel Road, and a right turn lane onto the Forestville Bypass/Mirabel Road Extension for southbound traffic, installation of traffic signals, and other associated improvements to the intersection. The cost of the improvements is estimated at \$2.8 million in 2003/2004 dollars. The project's fair-share is 14 percent. *Impact IV.A.1b*

Mitigation Monitoring: PRMD Project Review staff shall verify that payment has been made prior to authorizing expansion of clearing or mining activities.

U 17. Mirabel Road Shoulders:

The quarry operator shall pay a fair share of the cost of widening Mirabel Road to provide paved shoulders. The cost of the improvements is estimated at \$2.15 million in 2003/2004 dollars. The project's fair-share is 15.6 percent. *Impact IV.A.2, Impact IV.A.3d*

Mitigation Monitoring: PRMD Project Review staff shall verify that payment has been made prior to authorizing expansion of clearing or mining activities.

U 18. Highway 116/Covey-Forestville Road Intersection:

The quarry operator shall pay a fair share of the cost of installing traffic signals (with pedestrian signals) at the intersection of Highway 116/Covey-Forestville Roads and adding left turn lanes on both Highway 116 approaches and a right turn lane on the westbound Highway 116 approach to the intersection. The cost of the improvements is estimated at \$0.7 million in 2003/2004 dollars. The project's fair-share is 4.7 percent. The cost of these improvements may be transferred to other road improvement projects (i.e., the intersection at Mirabel Extension south), in the vicinity as determined appropriate by DTPW. *Impact IV.A.1a*

Mitigation Monitoring: PRMD Project Review shall verify payment has been made prior to authorizing expansion of clearing or mining activities.

U 19. River Road/Mirabel Road Intersection:

The quarry operator shall pay a fair share of the cost of adding left turn lanes on both River Road approaches and a left turn lane on the northbound Mirabel Road approach to the River Road/Mirabel Road Intersection. The cost of the improvements is estimated at \$1.9 million in 2003/2004 dollars. The project's fair-share is 9.3 percent. *Impact IV.A.1*

Mitigation Monitoring: PRMD Project Review shall verify payment has been made prior to authorizing expansion of clearing or mining activities.

U 20. Downtown Forestville Pedestrian and Bicycle Circulation:

The quarry operator shall pay a fair share of the cost of providing sidewalks/pathways, where needed, along both sides of Highway 116 between Covey Road and Mirabel Road, to allow school children to walk on the sidewalks/pathways. Alternatively, five-foot wide bike lanes along each side of Highway 116 between Covey Road and Mirabel Road could be substituted as determined appropriate by PRMD. If bike lanes were provided along Highway 116 in this area, Highway 116 would need to be widened by six to eight feet on the north side of the highway for about 175 feet west of Covey Road. Some on-street parking spaces would have to be eliminated near First and Second Streets. The costs of these improvements may be

transferred to other road improvement projects (i.e., the Intersection at Mirabel Extension south), in the vicinity as determined appropriate by DTPW. The cost of the improvements is estimated at \$150,000 in 2003/2004 dollars. The project's fair-share is 5.0 percent. *Impact IV.A.3*

Mitigation Monitoring: PRMD Project Review shall verify payment has been made prior to authorizing expansion of clearing or mining activities.

U 21. Construct Forestville Bypass/Mirabel Road Extension:

The quarry operator shall pay a fair share of the cost of constructing a bypass road to the south of the downtown area of Forestville. The cost of the improvements is estimated at \$6.5 million in 2003/2004 dollars. The project's fair-share is 6.1 percent. *Impact IV.A.3*

Mitigation Monitoring: PRMD Project Review shall verify payment has been made prior to authorizing expansion of clearing or mining activities.

U 22. Enhance Visibility of Crosswalks:

The quarry operator shall pay a fair share of the cost of enhancing the visibility of existing crosswalks on Highway 116 at Covey Road and First Street. This could include additional striping, signage and/or lighting as determined appropriate by PRMD. The cost of the improvements is estimated at \$150,000 in 2003/2004 dollars. The project's fair-share is 5.0 percent. The cost of these improvements may be transferred to other road improvement projects in the vicinity as determined appropriate by PRMD. *Impact IV.A.3c*

Mitigation Monitoring: PRMD Project Review shall verify payment has been made prior to authorizing expansion of clearing or mining activities.

U 23. The quarry operator shall participate in the Aggregate Road Mitigation Fund. The operator will pay annually a Road Maintenance Fee per ARM Plan standards (Section 7.3, No. 11 and Section 7.7) to mitigate wear and tear to County maintained roads caused by the operation's truck traffic from the expanded mining area on the primary haul route(s). The fee shall be assessed based on the estimated cost of maintaining County roads caused by the use of County roads by aggregate trucks.

The County shall assess the Road Maintenance Fee each year at the end of mining season for the life of the permit. The operator shall pay the maintenance fee within six months of receiving notice of the fee amount. If the developer does not make payment within six months, the account will be sent to Collections and the operator may be issued a Notice of Violation of the Conditions of Approval of this permit. The permit may be subject to revocation or modification for any permit violation.

Mitigation Monitoring: The Department of Transportation and Public Works will be responsible for: 1) adjusting and publishing the road maintenance fee annually on January 1st of each year. PRMD will: 1) determine the operator's annual road mitigation fee; 2) formally bill and collect from the operator; and 3) initiate collection proceedings and may issue a Notice of Violation if the operator defaults on the payment.

FLOOD AND DRAINAGE:

"The conditions below have been satisfied" BY _____ DATE _____

U/R 24. Prior to clearing or mining in the expansion area, drainage improvements shall be designed by a civil engineer and constructed in accordance with PRMD standards and the Water Agency's Flood Control Design Criteria. Plans shall be submitted for review and approval by the Permit

Current Balances for Quarry Deposits for Forestville

34001005 - FB-Assign-Mirabel Shldr-BR	595,637
34001013 - FB-Assign- Mirabel Shldr - CR	480,010
Mirabel Shoulders \$	1,075,647
34001006 - FB-Assign-FV Ped/Bike Circ-BR	14,839
34001016 - FB-Assign- FV Ped/BikeCirc-CR	10,733
Forestville Pedestrian/Bike Circulation \$	25,572
34001007 - FB-Assign-FV Crosswlk Vis-BR	14,839
34001018 - FB-Assign-FV Crosswlk Vis - CR	10,733
Forestville Crosswalk Visibility \$	25,572
34001008 - FB-Assign-FV Bypass-BR	886,519
34001017 - FB-Assign-FV Bypass - CR	567,456
Forestville Bypass \$	1,453,974
34001009 - FB-Assign-Hwy 116@Mirabel-BR	559,977
34001012 - FB-Assign-Hwy 116@Mirabel CR	561,014
Hwy 116@Mirabel Intersection \$	1,120,990
34001010 - FB-Assign-Hwy 116@Covey-BR	69,249
34001014 - FB-Assign-Hwy 116@Covey-CR	47,086
Hwy 116@Covey Intersection \$	116,334
34001011 - FB-Assign-RvrRd@MirabelSgni-BR	343,432
34001015 - FB-Assign- River @ Mirabel-CR	252,885
River Road @ Mirabel Intersection \$	596,317

TOTAL: \$4,414,406

The larger amount in each category is from Blue Rock Quarry; the smaller amount is from Canyon Rock Quarry.

ATTACHMENT C