



County of Sonoma
Agenda Item
Summary Report
APPROVED

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

DEC 11 2018

Agenda Item Number: 72

(This Section for use by Clerk of the Board Only.)

	AYE	NO
GORIN	ABSENT	
RABBITT	✓	
ZANE	ABSENT	
GORE	✓	
HOPKINS	✓	

THE WITHIN INSTRUMENT IS A
CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

ATTEST: **DEC 11 2018**

SHERYL BRATTON, Clerk/Secretary
BY *[Signature]*
DEPUTY CLERK/ASST. SECRETARY

To: Board of Supervisors

Board Agenda Date: December 11, 2018

Vote Requirement: Majority

Department or Agency Name(s): Transportation and Public Works; Permit Sonoma (PRMD); County Counsel

Staff Name and Phone Number:

Johannes Hoevertsz, 707-565-3585
Jennifer Barrett, 707-565-2336

Supervisory District(s):

Fifth

Title: Proposed amendment to conditions of approval for the Canyon Rock Quarry related to expenditure of funds for required traffic improvements. 7525 Highway 116 North, Forestville, Permit Sonoma File: PLP97-0046.

Recommended Actions:

Hold a public hearing and adopt a resolution approving amendments to conditions of approval of Resolution No. 08-0089 for the Canyon Rock Quarry, 7525 Highway 116 North, Forestville, to allow certain required fair share contributions for traffic improvements to be combined to construct any of the traffic improvement projects listed in said conditions of approval and/or to construct bicycle/pedestrian improvements benefitting the downtown Forestville area. Permit Sonoma File: PLP97-0046.

Executive Summary:

No changes are requested to the operation of the Canyon Rock Quarry or use permit conditions other than conditions of approval outlining the prospective use of certain funds already paid by the quarry owner to offset impacts on local roads. The conditions arose from mitigation measures identified in the Final EIR for the impacts of the quarry expansion project on local roads and bicycle and pedestrian circulation in the Forestville area and require a fair share percentage payment toward the cost of seven (7) specific roadway or traffic circulation projects. All payments required by the conditions have been made, and the proposed modification relates only to how the money can be applied to the individual projects.

Approximately \$1,929,917 was deposited by the quarry applicant as its fair share contribution pursuant to the conditions of approval. The Department of Transportation and Public Works (DTPW) has held the funds in separate dedicated accounts for each improvement since the funds were deposited. There is insufficient funding in each account to complete any of the seven projects at this writing. At the request of your Board, staff have prepared a proposed amended condition No. 15 to allow some or all of the

funds from the separate accounts to be pooled and used toward construction of one or more of the identified projects and/or to complete a connection between the West County Trail and Highway 116 through land managed by Regional Parks to improve bicycle and pedestrian circulation in downtown Forestville.

Discussion:

BACKGROUND

The owners of the Canyon Rock Quarry submitted Application PLP 07-0046 seeking various entitlements to allow expansion of the quarry. After lengthy study and preparation of an environmental impact report (EIR) under the California Environmental Quality Act (CEQA), the project was approved by your Board on January 9, 2007. A copy copy of Resolution No. 08-0089 is attached as Exhibit A.

Because the EIR found traffic from the quarry expansion would have direct impacts on various roadways and on bicycle and pedestrian circulation in the Forestville area, mitigation measures and conditions of approval required the project to pay a percentage share (fair share) of the costs of seven identified road and circulation improvements in the local Forestville area. These payments were required in addition to the one-time countywide traffic impact fee and annual payment of the Aggregate Road Mitigation fee for wear and tear on haul roads from mining trucks. Each fair share payment was calculated based on estimated costs of the individual road or circulation improvement in 2003-2004 dollars and the percentage that additional quarry traffic was expected to contribute to the need for the improvement, as set out in the conditions of approval. Three of the conditions allowed transfer to other projects on the list, but four conditions did not so provide. The quarry owner's obligation regarding these conditions was met by the one-time deposit of funds. For a list of the funds on deposit see Attachment C.

Even with the fair share mitigation amounts, it was not certain in 2007 that some or any of the road and circulation improvements could be built because of uncertainties about future remaining funding and the need for Caltrans approval of the improvements that affected State highways. Therefore, when your Board approved the expansion it also approved a statement of overriding considerations for the project pursuant to the California Environmental Quality Act (CEQA). See Exhibit B to Attachment B, Resolution 08-0089. Your Board found that even if the identified local traffic impacts were not entirely mitigated, specified benefits of the expansion project outweighed any unavoidable adverse impacts. With redirection of some of the fair share fee money, not all of the seven identified local projects will be completed. Nevertheless, at the time your Board approved the quarry expansion, the statement of overriding considerations recognized the possibility that none of the improvements might ever be constructed. The statement of overriding considerations adopted in 2007 remains in effect, and the redirection of the funds does not create any additional adverse impacts not identified in Resolution 08-0089.

The existing conditions of approval are set forth in Exhibit C to Resolution 08-0089. The proposed amended conditions of approval would allow funds designated for separate identified local road and circulation improvements to be transferred to other projects within the original list of improvements and/or to be used to complete a connection between the West County Trail and downtown Forestville, improving bicycle and pedestrian circulation in the local area. Any use of the deposited funds for a bicycle/pedestrian trail connection is contingent on completion, public review and prior approval of a full CEQA

study for that prospective project, now being undertaken by Regional Parks.

Condition of Approval No. 15 currently provides:

15. Prior to the expansion of clearing or mining operations 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 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 (Condition Nos. 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. *Mitigation Measures 3.6-A.1-3.*

As amended by the proposed resolution, Condition of Approval No. 15 would read in full, with proposed changes underlined:

15. Prior to the expansion of clearing or mining operations 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 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 (Condition Nos. 16-22). 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 bicycle and pedestrian circulation in the Forestville area, 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.*

The trail connection, improvements to the intersection of Mirabel Road and Highway 116 and/or construction of Mirabel Road shoulders are tentatively identified as the most likely projects to use the fair share funds, but the final decision will be made upon analysis of updated costs of construction and feasibility, subject to the approval of the Directors of Transportation and Public Works and PRMD. The Mirabel Road/116 intersection and improvement of Mirabel Road shoulders are two of the projects identified in 2008.

The need to improve bicycle and pedestrian circulation in the local area referenced installing sidewalks/pathways where needed along both sides of Highway 116 between Covey Road and Mirabel Road, or five-foot wide bicycle lanes in the same area, as determined appropriate by PRMD. The condition relating to these improvements allowed transfer of the funds to other road improvements listed in the original conditions. Staff has determined that construction of the connection to the West County Trail would serve a similar purpose of improving bicycle and pedestrian circulation in the downtown Forestville area. The estimated cost of constructing the trail connection at this time is approximately \$750,000. Transportation and Public Works would work with Regional Parks to incorporate the mitigation funds into future Capital Improvement Program.

Prior Board Actions:

Adoption of Resolution 08-0089, January 29, 2008.
Direction to pursue redistribution of the fair share funds on deposit in order to more fully fund one or more projects in the Forestville area related to local impacts from expanded quarry traffic, June 12, 2018.

Strategic Plan Alignment Goal 3: Invest in the Future

Contribute to infrastructure improvements that promote mobility, safety, connectivity and convenience.

Fiscal Summary			
Expenditures	FY 18-19 Adopted	FY 19-20 Projected	FY 20-21 Projected
Budgeted Expenses	0	0	0
Additional Appropriation Requested			
Total Expenditures	0	0	0
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	0	0	0
Narrative Explanation of Fiscal Impacts:			
No fiscal impact associated with this change to conditions. Mitigation funds on deposit which have been held in segregated accounts by the Department of Transportation and Public Works will be programmed in future Capital Improvement Plan subject to Board approval.			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
Attachment A: Draft Board of Supervisors Resolution with Exhibit A (Modified Conditions of Approval)			
Attachment B: Resolution 08-0089; see Exhibit C, Conditions of Approval.			
Attachment C: Local Road Improvement Mitigation Funds on deposit for specific road and circulation improvement projects (Blue Rock and Canyon Rock Quarry funds combined).			
Related Items "On File" with the Clerk of the Board:			