

September 27, 2019

Blake Hillegas
Planning Manager
Sonoma County Permit Center
2550 Ventura Ave
Santa Rosa, CA 95403

Subject: Roblar Quarry Conditions of Approval

Dear Blake:

Blake, first sincere thanks for arranging to have you and Chris Seppeler meet with me last Friday, Sept 20, 2019, to review the Draft October 8, 2019 Conditions of Approval (COAs) for the Roblar Road Rock Quarry project. My purpose for that meeting was to share with you any and all concerns we have with your October 8, 2019 Attachment 2, Conditions of Approval and Mitigation Monitoring Program for the Roblar Road Quarry (Modified Use Permit PLP03-0094). Our concerns include 1. obvious errors and typos, 2. any COA which, as currently written we believe would unintentionally preclude construction of the modified Quarry project as tentatively approved by the Board, and 3. COAs which, as written, could potentially create ambiguities which could lead to future misinterpretation, particularly by persons unfamiliar with the project and the intent of the conditions. We would obviously prefer to clarify and correct these technical issues before we initiate the Quarry project. While we fully understand the sensitivity at this late date regarding text changes to the proposed COAs, our main goal is simply to assure that the COAs operate as intended and allow the project to go forward in a manner consistent with the Board's straw vote for approval.

At our meeting I believe you and Chris had no issues with the simple errors and/or typos we identified for you, re-listed below in COA List A. I also believe we reached consensus on those COAs (shown below as COA List B) which clearly need to be modified in some way to allow the modified project to move forward as tentatively approved by the Board in June, 2019.

We also discussed those few COAs which were ambiguously written in a way which could allow some room for misinterpretation. As we noted, given your and Chris Seppeler's familiarity with project history, our concerns regarding how a particular COA could be interpreted and handled in the future are minimal so long as you are the ones actually interpreting and judging our efforts to comply with and fully satisfy a given Condition. However, should future staffing changes result in someone other than you or Chris making the call on a particular COA, we believe it would be prudent to record, in writing, our mutual interpretation of what was intended by each COA. Accordingly, below in COA List C I have tried to fairly summarize our discussions for those few COAs which could be open to interpretation. I hope that this information may assist you and any other County staff person charged with overseeing our COA compliance efforts.

Before presenting COA Lists A, B, and C, I note that we also discussed the fact that certain concerns we have are issues which you believe would best be handled directly in discussions between us and the DTPW. Examples of such COA issues include those dealing with: 1. potential County funding opportunities which would partially offset our costs for certain road and/or signal mitigation requirements (i.e., DTPW dollars available towards construction of the Stony Point/Roblar Road signal, the use of traffic mitigation fees towards our mitigation construction costs, and the reimbursement agreement for signal construction); 2. whether or not road reconstruction to 10.5 TI applies to both the travel lanes and the bicycle lanes; and 3. the issue of whether we can actually provide solar powered speed control signage on Valley Ford Road which is a State road. For completeness I have included COA's involving these issues

in COA List C, though as you suggested at our meeting we will pursue these issues directly with the DTPW.

COA List A: Simple errors/tipos in Attachment 2, Conditions of Approval and Mitigation Monitoring Program for the Roblar Road Quarry. I note that COA numbering errors shown below are simply instances where specific COAs which are cross referenced in a particular COA are identified by COA identification numbers which have changed.

- Attachment 2 Dated October 8, 2019, page 2 line 21, the word “be” should be deleted.
- COA 43, line 9, “AF@” should be modified to reflect correct Exhibit number.
- COA 77, second bullet: this should reference con #163, not #161.
- COA 79, second bullet, line 2: “AS@” should be corrected.
- COA 80, the COAs referred to herein should be #140 and #141, not #139 and #140.
- COA 81, the COA referenced herein should be #142, not #141.
- Attachment 2, page 22, first line under subheading **Grading and Storm Water**, delete “@” after the word “satisfied.”
- COA 115, the Conditions referenced should be #101 and #102, not #100 and #101.
- COA 116, last paragraph before Mitigation Monitoring, line 6, delete “@.”
- COA 136, last line of section entitled “Mitigation Monitoring:” “Arm Plan” should be “ARM Plan.”
- COA 144, 3rd paragraph, line 1: correct “Atake@.”
- COA 144, item 11 on page 40: Referenced Condition #155 should be corrected to Condition #113.
- COA 144, item 12: The Condition referenced should be, I believe, Condition #163, not #105.
- COA 144, item 13: The Condition referenced should be, I believe, Condition #113, not # 105.
- COA 144, item 14: The Condition referenced should be, I believe, Condition #113, not #105.
- COA `145: The Condition referenced should be Condition #139, not #138.

COA List B: COAs which we believe must be modified to allow for project implementation to move forward consistent with the modified project as tentatively approved by the Board in June, 2019.

- COA 61, Item No. 2 under “Remainder of 1.6-mile haul route,” should be rewritten to show “Four,” not “Five” foot wide paved shoulders to be consistent with the project description tentatively approved by the Board in June, 2019.
- COA 103, as discussed, this COA currently requires that except for stream crossings and the creek relocation area, including related roadway improvements, “no grading or land disturbance shall occur within 50 feet top of bank of the waterways.” As shown in the BKF graphics I brought and gave to you at last week’s meeting, given ROW constraints this “50 feet from top of bank” requirement cannot be met along much of that section of Roblar Road that the applicant must reconstruct and widen.

COA List C: Key COAs we discussed where we believe it would be helpful to agree now as to what was intended:

COA 45: We discussed the fact that it has already been determined that the dedicated southbound right turn lane that is called for in COA 45, if feasible, has already been found to be infeasible given proximal location of the Washoe House. We agreed, however, that while this text could possibly be deleted, in the interest of minimizing changes to the COAs, and given that this COA only calls for this turn lane if feasible, the text as written is still technically accurate.

COA 51, Line 3: We discussed the fact that we, the applicant, believes it advisable to replace the reference to “Class II” bike facilities with “the required” bike facilities, given concerns expressed by the DTPW as to exactly how the 4-foot bike lanes should be striped. We also expressed our belief that road reconstruction efforts should meet the 10.5 traffic index within the vehicle travel lanes, but not within the bike lanes. However, as noted earlier you recommended that we deal directly with DTPW regarding both of these issues. Finally, we agreed that the final sentence of COA 51, which speaks to the applicant’s ability to obtain on-site fill for use in our road reconstruction efforts in advance of commercial mining, subject to a grading permit, allows for the applicant’s ability to obtain and utilize both rock and soil, as needed. We also agreed, however, that such initial mining efforts will be subject to relevant COAs, as applicable, such as dust control measures, and, should blasting for rock be required, an approved blasting plan.

COA 65: We discussed the fact that we are not sure if we have the ability to install the solar powered radar speed monitoring signs on Valley Ford Road, as called for, given that it is a State road. I indicated that the applicant is willing to do so, however, so long as the County can demonstrate that it has the authority, or can acquire an encroachment permit for these to be installed.

COA 68: We believe that this COA should note that traffic mitigation fees may be applied towards the construction cost of the Stony Point Rd/Roblar Rd signal. We will discuss further with the DTPW.

COA 71: As written COA 71 seems to imply that all public improvements (road reconstruction, the Stony Point Road signal, etc) must be completed BEFORE the applicant can access onsite material (rock and/or soil). However, as we all understand, and as noted in both COAs 51 and 120, John is in fact permitted to mine material from the quarry for use in his required road reconstruction and access road construction efforts BEFORE the quarry is operational for commercial mining. We did also note, however, that such pre-commercial mining efforts would be subject to certain related mitigation requirements, as applicable, such as dust control, the approval of a blasting plan in the event blasting is required, etc.

COA 88: As noted, our only concern here is the specific reference to the need to “implement adopted mitigation measures contained in the Signalization of Stony Point Road at Roblar Road, Mitigated Negative Declaration and Mitigation Monitoring Plan, Sonoma County PRMD, October 2005,” in spite of the

fact that we will now be constructing a modified design of the signal. I believe we mutually understand that your expectation is that such mitigation measures will be implemented only to the degree that they are relevant and applicable to the new signalization design.

COA 103: This COA calls for no grading or land disturbance within 50 feet top of bank of waterways (in this case, Americano Creek and Ranch Tributary). As noted, and illustrated in drawings prepared by BKF that I left with you, as written this requirement would literally preclude the reconstruction and widening of Roblar Road called for in the Board's approved project. You agreed that this issue needs to be corrected since currently the COAs only recognize that this 50-foot setback may not be met in the area of the realignment of Americano Creek. You agreed that this COA needs to be modified to exclude Roblar Road reconstruction from this requirement. The only other issue that I pointed out is that this COA references the specific BKF creek relocation design dated Sept 1, 2017, and the conceptual Winfield planting plan dated August 21, 2017. In fact, now that the Board has tentatively directed the construction of a 36-foot road section along that portion of Roblar Road fronting Barella's quarry property, the creek realignment and planting plans referenced above, when we were assuming a 32-foot roadway, may have to be revised.

COA 120: As noted above in COA 71, this COA allows the applicant to use on site material, subject to a grading permit, for access road and Roblar Road reconstruction prior to the opening of the quarry for commercial sales. Our discussion here noted simply that the reference to onsite "fill" is broad, and includes both soil and rock. Also, we agreed that certain mitigation measures would also likely apply to such mining operations, as applicable, such as dust control measures and, should blasting be required, the preparation and monitoring of an approved blasting plan.

COA 134: Our concern here is the calling for the avoidance of "all jurisdictional wetlands and riparian habitat along the southern boundary and the southwestern corner of the property." Our specific concern here is that jurisdictional wetlands cannot be totally avoided associated with the road reconstruction efforts in this area. However, you pointed out that this COA does preclude this avoidance requirement in the creek relocation area, including "related roadway improvements." Accordingly, we mutually understand that it may be infeasible to "avoid" all jurisdictional wetlands in the Americano Creek relocation area, including those areas impacted by related roadway construction. Of course the applicant will avoid such wetlands to the extent feasible, and mitigate for any wetlands that cannot be avoided in accordance with COA 133.

Thank you again Blake for the opportunity to summarize our concerns.

Sincerely,

Scott R. Briggs, Ph.D.

CC: John Barella
Arthur Coon
Stephen Butler
Geoff Coleman
Ted Winfield
David Wickens
Brian Sobel