



County of Sonoma

State of California

Date: October 7, 2019

Item Number: _____

Resolution Number: _____

☐ 4/5 Vote Required

UPE16-0058 Blake Hillegas

(Amending PLP03-0094)

Resolution of the Board of Supervisors of the County of Sonoma, State of California, Certifying the 2019 Supplemental Environmental Impact Report for the Roblar Road Quarry Project, Adopting a Statement of Overriding Considerations, Adopting an Amended Mitigation Monitoring and Reporting Program, And Amending the Use Permit (PLP03-0094) for the Roblar Road Quarry at 7601 and 7175 Roblar Road, Santa Rosa, APN'S 027-080-009 and -010; Supervisorial District No. 2.

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

Section 1.

Application and Proposed Project.

1.0 John E. Barella and Andrea M. Barella Trust ("the Applicant") filed Application UPE16-0058 on July 19, 2016 with the Sonoma County Permit and Resource Management Department ("Permit Sonoma") for an amendment to the land use entitlements necessary to implement the 70 acre Roblar Road Quarry on approximately 198 acres at 7601 and 7175 Roblar Road, Santa Rosa, APN's 027-080-009, and -010 ("the Project Site"); zoned LEA (Land Extensive Agriculture) B6 160 acre density, Z (Second Unit Exclusion), VOH (Valley Oak Habitat), MR (Mineral Resources), and RC 200/50 (Resource Conservation); Supervisorial District No. 2.

As heard and considered by the Board, Application UPE16-0058 (to amend PLP03-0094) included the following components (collectively “the Project Amendment”):

- (a) Condition/Mitigation Measure 44 would be revised to allow for a different signalization design of the intersection of Roblar Road and Stony Point Road than that designed and approved by the County in 2005 to avoid California Tiger Salamander habitat and potential wetlands;
- (b) Condition/Mitigation Measure 49 and Condition 59 would be modified to change the existing requirements for the reconstruction and widening of the approximately 1.6-mile segment of Roblar Road west of the quarry driveway utilized by haul trucks to address challenges with acquiring adequate right-of-way to complete the approved design without the use of condemnation; and
- (c) Condition 101 and Condition/Mitigation Measure 133, which pertain to protection of wetlands and riparian areas, would be modified to allow the realignment and creation of a new Americano Creek channel to widen Roblar Road, requiring encroachment into wetland and riparian areas.

Section 2.

Procedural History.

2.0 The Board of Supervisors approved a Mining Use Permit and Reclamation Plan for the Roblar Road Quarry Modified Project Alternative 2 (Alternative Haul Route/Contracted Sales Only) subject to Conditions of Approval (PLP03-0094), on December 14, 2010 (the “Project”). As part of that approval, which entailed a comprehensive environmental review, the Board certified an Environmental Impact Report (Prior EIR). Citizens Advocating for Roblar Rural Quality filed a challenge to the approval, and the California Court of Appeal rejected all challenges on May 13, 2014 (Case No. A136877).

2.1 On July 19, 2016, the Applicant submitted an application to modify Use Permit Conditions of Approval 44, 49, 59, 101, and 133 (UPE16-0058) (the “Project Amendment”). The procedural reasons for the Project Amendment are set forth in the Final EIR’s response to comments. Pursuant to Public Resources Code section 21166 and CEQA Guidelines sections 15162 and 15163, the County determined based on substantial evidence that a Supplement to the Prior EIR could be prepared to analyze the potential environmental impact of the Project Amendment.

2.2 On August 14, 2018, the Board of Supervisors took original jurisdiction over the proposed Use Permit modifications.

2.3 On September 24, 2018, the County of Sonoma circulated a Draft Supplemental Environmental Impact Report (Draft SEIR) for review and comment by trustee agencies and the public.

2.4 On October 16, 2018, the Board of Supervisors held a public hearing to take public testimony on the Draft SEIR prepared for the modified Conditions of Approval.

2.5 On November 7, 2018, the comment period on the Draft SEIR closed.

2.6 On March 22, 2019, the County of Sonoma published a Final Supplemental Environmental Impact Report (Final SEIR).

2.7 On June 13, 2019, the Board of Supervisors held a public hearing to consider certification of the Final SEIR and whether to approve the Project Amendment. At that hearing the Board took a straw vote, which was unanimous, and directed staff to return to the Board at a future date with revised conditions. On October 8, 2019, the Board of Supervisors formally voted to approve the Project Amendment.

2.8 The Board has had an opportunity to review this resolution and hereby finds that it accurately sets forth the intentions of the Board regarding the 2019 Final SEIR and the Project Amendment.

Section 3.

General Plan, ARM Plan, Zoning, and SMARO Compliance.

3.0 The Project was previously approved under the 1989 Sonoma County General Plan. The findings with respect to compliance with the 1989 Sonoma County General Plan apply equally to General Plan 2020 and the Project Amendment.

3.1 The Project Amendment, as approved herein, is consistent with the General Plan, the Aggregate Resources Management Plan (“the ARM Plan”), the LEA (Land Extensive Agriculture) zoning district, and the Surface Mining and Reclamation Ordinance (“SMARO”), as was previously found in Resolution No. 10-0903. No changes in the Project Amendment require changes in these prior compliance determinations. The Project and Project Amendment comply with SMARO, Section 26A-09-040, as clarified and amended by the Board on September 11, 2018 in Sonoma County Ordinance 6244.

3.2 Under the Open Space and Resource Conservation Element of the General Plan, the County utilizes the ARM Plan to designate priority sites for aggregate production. The Board finds that the Roblar Road Quarry has been contemplated by the ARM Plan, and thus found to be broadly consistent with the General Plan, since 1994. The Board finds that the Project, including the Project Amendment, remains consistent with SMARO.

3.3 The Board further finds that the ARM Plan indicates County planning concern about “limited width and no shoulders west of Orchard Station Road” on Roblar Road. The Board previously found that the Project was consistent with the General Plan’s Circulation Element because the improved 1.6 mile segment of Roblar Road would be built pursuant to County design guidelines. The Use Permit, absent the Proposed Amendment, requires the Applicant to obtain right of way as necessary to improve the 1.6 mile haul route segment of Roblar Road (between the on-site project access road and Access Road 2) to meet current County road design guidelines, including two 12-foot automobile travel lanes, two six-foot wide shoulders to meet Class II bikeway standards, and 2 feet of rock shoulder backing. The Board finds that these requirements comply with General Plan policies, the American Association of State Highway and Transportation Officials (AASHTO) recommendation for a rural roadway carrying over 2,000 vehicles per day. As noted on page 3.4-1 of the Draft EIR, new traffic counts in 2017 confirmed that the current weekend volumes on Roblar Road, west of Canfield Road, were an average of 2,223 vehicles per day. The average weekday traffic without the project is 1,705 vehicles per day, but the County has no basis to conclude that weekday traffic will not surpass 2,000 vehicles per day as a result of the Project.

3.4 The Board finds that the Proposed Amendment, as conditioned and mitigated, will allow a substantial portion of the improved 1.6-mile segment to have an 11-foot travel lane, and the majority of the paved shoulder will be 4 feet. The General Plan’s policy (Policy CT-4e) that AASHTO’s guidelines in “A Policy on Geometric Design of Highways and Street” and Caltrans’ specifications in the California Highway Design Manual (HDM), are to be used flexibly while preserving traffic flow and safety. The Board finds that an 11-foot wide automobile lane is acceptable for the reasons stated by Department of Transportation & Public Works Traffic Engineer Jeff Clark in his Memorandum dated August 28, 2018 (“Clark Memorandum”), based on the opinion of the Bicycle and Pedestrian Advisory Committee, and based on the totality of the conditions of approval imposed.

3.5 With respect to the paved shoulder and Class II bikeway, the Board of Supervisors adopted the revised Bikeways Plan, and related General Plan policies, on August 24, 2010 (Resolution 10-0636). That action was pursuant to Streets and Highways Code section 891.2, served to carry out mitigation measures in the Sonoma County General Plan 2020 EIR, and served to comply with the California Complete Streets Act of 2008 (AB 1358). The County’s overarching goal (Goal CT-3) in the General Plan is to “Establish a viable transportation alternative to the automobile for residents of Sonoma County through a safe and convenient bicycle and pedestrian transportation network, well integrated with transit, that will reduce greenhouse gas emissions, increase outdoor recreational opportunities, and improve public health.”

3.6 The Board finds that, based on County criteria, the Sonoma County Bicycle and Pedestrian Plan (“Bikeways Plan”) designates the entirety of Roblar Road as “Class II High Priority.” The Board further finds that Roblar Road is designated as “Class II High Priority” in the

Countywide Project List in the Sonoma County Transportation Authority's Countywide Bicycle and Pedestrian Master Plan, 2014 Update, which is used to integrate bicycle and pedestrian planning between local agencies.

3.7 Policies CT-3a and CT-3b in the General Plan require that the County use the Bikeways Plan in evaluating road improvement projects, and under General Plan Policies CT-3a and CT-3n, the County uses the Bikeways Plan as the detailed planning document for bike lane planning and standards. Policy 2.15 in the Bikeways Plan "require[s] that bikeway improvements be included as part of all road maintenance or improvement projects along road segments with existing or proposed bikeways to the maximum extent feasible." The Board finds that the required road improvements are compliant with the General Plan because they provide for a Class II bikeway on the section to be improved, and because the mitigations imposed are adequate, given the constraints, to address the Project Amendment's contribution to existing safety issues.

3.8 Under Bikeways Plan Policy 2.08, the width for a County Class II bikeway is normally 5 feet, but under Policy 2.15, the Bikeways Plan acknowledges that bikeway development is subject to considerations of feasibility. Given the constrained right of way, the Board finds that a 5-foot Class II bikeway is currently infeasible on some portions of the relevant 1.6-mile section of Roblar Road.

3.9 The Board finds that having a 4-foot paved shoulder on the majority of the 1.6-mile segment, where greater shoulder width is infeasible, complies with the General Plan and Bikeways Plan for the following reasons: Under General Plan Policy CT-3c, the County utilizes an expert Bicycle and Pedestrian Advisory Committee (BPAC), created by the Board of Supervisors in 1993 with Resolution 93-0136, to advise on the ongoing planning and coordination of the County's bicycle and pedestrian transportation network. This Project Amendment was referred to the BPAC, which concluded that the Applicant's original proposal of an 11-foot travel lane, 3-foot paved shoulder, and 2-foot rock shoulder was unacceptable. The Board finds that, in a Memorandum dated January 24, 2017, the BPAC instead advised that a 4-foot bike lane was acceptable on this particular road 1.6-mile road segment.

3.10 Pursuant to General Plan Policy CT-3k and Bikeways Plan Policy 2.02, the County uses AASHTO's "Guide for the Development of Bicycle Facilities" and the HDM as general design guidelines for bikeways. The Board finds that, as general design guidelines, the design specifications in these documents are not mandatory. The Board finds that flexibility with respect to various AASHTO guidelines is a longstanding policy that the Board has followed in quarry and other projects, including but not limited to the Mark West Quarry project. The Board further finds that to the extent that the DEIR informally uses the word "standards" with respect to AASHTO guidelines, this did not mean that the AASHTO guidelines are mandatory in Sonoma County. The HDM guidance referenced in General Plan Policy CT-3k advises a six-foot Class II lane under the present circumstances (section 301.2), but notes that a 4-foot shoulder

may be beneficial for touring and recreational cyclists (section 1002.1). Under AASHTO's "Guide for the Development of Bicycle Facilities" (4th Edition), a 5-foot minimum width for a class II lane is preferred, but a 4-foot minimum is acceptable in some circumstances where options are limited by constrained right of way. In the near term, the Board finds that a 5-foot Class II bikeway is infeasible on some sections of the relevant 1.6-mile section of Roblar Road, due to the necessity of condemnation and for the reasons further explained in Section 4 below. Having considered the HDM and AASHTO guidance, and subject to the Road Commissioner's future consideration of a final build level design to be prepared by the Applicant, the Board further finds that a minimum 4-foot lane is feasible, and that deviation from the 5-foot guideline is warranted under the circumstances. The Board further finds that avoiding condemnation will in turn avoid impacts to Williamson Act contracted land. The Board further finds that the requirement for contractual restrictions on speed for Project trucks will address risks that arise from excessive truck speed on the constrained roadway, and that compliance with the California Manual on Uniform Traffic Control Devices will also reduce risk, and comply with Policy CT-3k of the General Plan.

3.11 The Board finds that, pursuant to General Plan Policy CT-3x, the Project Amendment implements the recommendations of the BPAC, and will not jeopardize other planned bicycle improvements on Roblar Road or elsewhere. The Board finds that nothing in the Project Amendment conflicts with longstanding plans to improve safety and make other planned bikeway improvements on Roblar Road.

3.12 The Board finds that limiting Project haul traffic to the improved 1.6-mile segment of Roblar Road will minimize impacts of trucks on other users of the road.

3.13 Based on the findings of the Clark Memorandum, the Board finds that the Applicant's build-level design will be required to verify that Project trucks will not track outside of travel lanes on curves, and to ensure that the road improvements meet all applicable engineering requirements. Subject to compliance with the conditions of approval, as amended, the Board delegates authority to the Road Commissioner to approve or disapprove the build-level design based on applicable principles and sound engineering.

3.14 In finding that the Project as modified by the Project Amendment complies with the General Plan, the Board is balancing the important but competing policies and priorities in the General Plan, including but not limited to the need for safe and viable transportation alternatives, the need for road safety for all road users, and the need for high quality and economical aggregate.

Section 4.

CEQA Compliance.

4.0 The Board finds that the Prior EIR remains relevant to the Project, but the Project Amendment as proposed involves substantial changes and new significant impacts that were

avoided when the Project was approved. Accordingly, a Draft and Final SEIR have been prepared.

4.1 The Draft SEIR and the Final SEIR were prepared, noticed, and made available for public and agency review in accordance with all procedural and substantive requirements of CEQA, the State CEQA Guidelines, and local ordinances. The Final SEIR represents a good faith effort to provide full and adequate disclosure of the environmental impacts of the Proposed Project.

4.2 The Final SEIR constitutes an adequate, accurate, objective, and complete EIR for the purpose of approving the Project Amendment.

4.3 Only minor additions or changes are required to make the Prior EIR adequate to apply to the project in the changed situation.

4.4 The Final SEIR contains the information necessary to make the EIR adequate for the project as revised.

4.5 The Board of Supervisors made procedural and substantive findings about the Project in Resolution No. 10-0903, which are incorporated herein by reference.

4.6 The Board of Supervisors has considered the Prior EIR as supplemented by the Final SEIR.

4.7 The Board of Supervisors adopts the findings in the Supplemental EIR, for the reasons stated in the Supplemental EIR, and herein incorporates these findings by reference. In making its determination to certify the Final SEIR and to approve the Project Amendment as conditioned, the Board recognizes that a range of technical and scientific opinion exists with respect to certain environmental issues. The Board has acquired an understanding of the range of this technical and scientific opinion by its review of the Draft SEIR, the comments received on the Draft SEIR and the responses to those comments in the Final SEIR, as well as testimony, letters, and reports regarding the Final SEIR and its own experience and expertise in these environmental issues. The Board has reviewed and considered, as a whole, the evidence and analysis presented in the Draft SEIR, the evidence and analysis presented in the comments on the Draft SEIR, the evidence and analysis presented in the Final SEIR, the information submitted on the Final SEIR, and the reports prepared by the experts who prepared the SEIR, by the County's consultants, and by staff, addressing those comments. The Board has gained a comprehensive and well-rounded understanding of the environmental issues presented by the Project and Project Amendment. In turn, this understanding has enabled the Board to make its decisions after weighing and considering the various viewpoints on these important issues. The Board accordingly certifies that its findings are based on full appraisal of all of the evidence contained in the Final EIR, as well as the evidence and other information in the record addressing the Final EIR.

4.8 With respect to the following impacts that arise in light of the Project Amendment, the Board finds that changes or alterations have been required in, or incorporated into, the Project Amendment through the conditions of approval imposed herein, which will mitigate these impacts to less than significant levels:

Finding: Impact 3.3-1: The proposed relocation of Americano Creek would involve construction and grading activities that could disturb or remove wetland and riparian habitat.

Finding After Mitigation: Mitigation Measures 3.3-1a and 3.3-1b will reduce riparian impacts to a level that is less than significant.

Facts in Support of Finding: The minor edits to Mitigation Measure 3.3-1a and 3.3-1b ensure feasibility and compliance with Chapter 26A, and they will not result in different or more severe impacts. Riparian impacts will remain less than significant.

Finding: Impact 3.4-1: The proposed modifications to the Stony Point Road and Roblar Road intersection could affect near-term cumulative plus project levels of service during the weekday a.m. and p.m. peak-hours, and Saturday peak hour.

Finding After Mitigation: Mitigation Measure 3.4-1 will reduce these impacts to a level that is less than significant.

Facts in Support of Finding: Mitigation Measure 3.4-1 would ensure installation of the traffic signal required to avoid a significance finding, with an acceptable LOS B or better. Mitigation Measure 3.4-1 would also ensure safe turning movements from the private driveway opposite Roblar Road.

Finding: Impact 3.4-2: The proposed modifications to the intersection could introduce potential bicycle safety hazards on Stony Point Road at Roblar Road.

Finding After Mitigation: Mitigation Measure 3.4-2 will reduce these impacts to a level that is less than significant.

Facts in Support of Finding: The shoulder will be required to be widened to increase bicycle safety in the short area impacted at the intersection.

Finding: Impact 3.4-5: The proposed modifications to the Stony Point Road and Roblar Road intersection to not include a southbound right-turn lane could affect long-term level of service conditions during the weekday a.m. and p.m. peak hours, and Saturday peak hour.

Finding After Mitigation: Mitigation Measure 3.4-5 will reduce this cumulative impact to less than cumulatively considerable. Pursuant to CEQA Guidelines section 15162,

Mitigation Measure 3.4-5 will reduce a formerly identified long-term cumulatively significant traffic impact at the intersection to less than significant.

Facts in Support of Finding: New Mitigation Measure 3.4-5 optimizes the signal timing to address projected future turning movement traffic volumes and thereby will reduce the impact to less than significant.

Finding: Impact 3.6-2: The proposed modifications to the Use Permit could cause a substantial adverse change in the significance of an archaeological resource. Impact 3.6-4: The proposed modifications to the Use Permit could disturb human remains, including those interred outside of formal cemeteries.

Finding After Mitigation: Mitigation Measure 3.6-2 (Conditions 145 and 146) will reduce these potential impacts to a level that is less than significant.

Facts in Support of Finding: Available information only suggests potential impacts. Through monitoring and required actions in the event of archaeological findings, the potential impact will be reduced to a level that is less than significant. As detailed in the requirements of Condition 145, "Archaeological monitors and the Supervising Archaeologist shall be empowered to temporarily redirect construction crews and heavy equipment until any potential archaeological material, including human remains, is evaluated. If suspected archaeological material, including human remains, is identified during monitoring, the procedures set forth in Mitigation Measure K.1b of the Final EIR shall be implemented. These measures consist of: halting construction activities at the location of the suspected archaeological material; inspection and significance assessment of the find by a qualified archaeologist (i.e., one meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology [Supervising Archaeologist]); and, if the find is determined to be a potentially significant archaeological resource under CEQA, pursuant to CEQA Guidelines Section 15064.5, development of a management plan for the resource, consistent with CEQA and County requirements and policies."

4.9 With respect to the following impacts, the Board finds that changes or alterations have been required in, or incorporated into, the Project Amendment through the conditions of approval imposed herein which will substantially mitigate these impacts to the extent feasible, but the impacts have the potential to nonetheless be significant, such that an override is required for approval, or if not required, and override is appropriate:

Findings: Impact 3.4-3: The proposed substantial increase in truck traffic on Roblar Road, which does not fully meet current roadway design standards along the 1.6-mile haul route, including class II bikeway standards, could introduce bicycle safety hazards.

Impact 3.4-4: The proposed substantial increase in truck traffic on Roblar Road, which does not fully meet current roadway design standards and/or has limited sight distance, could introduce potential traffic safety hazards.

Findings After Mitigation: Both of these impacts are addressed by Mitigation Measure 3.4-3. While Mitigation Measure 3.4-3 will reduce the risk to a level that is minimally acceptable, the impacts remain significant.

Facts in Support of Finding: The Board adopts Mitigation Measures 3.4-3, for the reasons stated in the Final SEIR to reduce the traffic safety impact. Mitigation Measure 3.4-3, as implemented in conditions 50 and 60, will increase safety relative to the Applicant's proposal by requiring a minimally adequate road and bicycle travel lane width, but it will not eliminate the risk created by the Amended Project and the associated impacts. The additional width will increase safety, however, there is currently no evidence that 12 foot-wide lanes and 5-foot paved shoulders will be constructed on the entirety of the 1.6 mile segment. Accordingly, the impact remains significant.

4.10 Based on the correspondence that has been submitted to the County, as well as the County's own investigation, the Board finds that it is infeasible for the Applicant to construct the required road improvements approved in the existing use permit (PLP03-0094) without at least some condemnation. The Board of Supervisors further finds that such condemnation will result in additional delays, and that the road improvements will not be able to be completed within a reasonable period of time. The currently required improvements are therefore infeasible pursuant to CEQA Guidelines section 15364.

4.11 With respect to the Project Amendment and the proposed mitigation improvements on Roblar Road, the Board similarly finds that, due to condemnation requirements, it is infeasible for the Applicant to construct a 5-foot paved shoulder with rock backing and other associated infrastructure improvements, including but not limited to sideslopes and stormwater features, that fully meets County guidelines in at least some constrained locations within the 1.6 mile segment that will be improved. Pursuant to CEQA Guidelines section 15364, the Board finds that the further delays associated with condemnation will be an unreasonable addition to the existing need for additional permitting from other agencies, and to the delays that have already resulted for this Project, including the delays from non-meritorious litigation. The Board makes this finding taking into account both past and future delays, as well as the County's need for aggregate. The Board also makes this finding for social, legal, and environmental reasons, taking into account Government Code sections 51290 and 51292, the fact that there would be some impacts to Williamson Act contracted land within agricultural preserves in the event of condemnation, the heightened standard for condemnation in the case of agricultural preserves/contracted land, the Board's determination that a heightened condemnation

standard is warranted as a policy matter, the current lack of willing sellers, and the economic and social value of agricultural preserves and Williamson Act contracts.

4.12 In several comments on the Draft SEIR, various measures were suggested by commenters as proposed additional mitigation measures or modifications to the mitigation measures identified by the SEIR. Some of the EIR's mitigation measures were modified in response to such comments. Other comments requested minor, non-substantive modifications in mitigation measures identified in the Draft SEIR, requested mitigation measures for impacts that were less than significant, or requested additional mitigation measures for impacts that the Draft SEIR identified sufficient mitigation measures to reduce the identified impact to a less than significant level; these requests are declined as unnecessary.

With respect to the additional measures suggested by commenters that were not added to the Final SEIR, the Board hereby adopts and incorporates by reference the reasons set forth in the responses to comments contained in the Final SEIR as its grounds for rejecting adoption of these mitigation measures. The Board further finds that other mitigation measures are infeasible for the reasons stated in the Final SEIR.

4.13 The Board finds that other minor changes to the conditions and mitigation measures are minor and technical in nature, and that if they have any impacts on the environment, such impacts will not be significant.

4.14 CEQA Guidelines section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification of the final EIR. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The Guidelines provide examples of significant new information under this standard. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

Various minor changes and edits have been made to the text and tables of the Final SEIR. These changes are generally of a non-substantive nature. The Board finds that these changes are of a minor, non-substantive nature and do not require recirculation of the EIR.

In addition to the changes and corrections described above, the Final SEIR provides additional information in response to comments and questions from agencies and the public. The Board finds that this additional information does not constitute significant new information requiring recirculation, but rather that the additional information clarifies or amplifies an adequate EIR.

Specifically, the Board finds that the additional information, including the changes described above, does not show that:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Based on the foregoing, and having reviewed the information contained in the Final SEIR and in the record of the County's proceedings, including the comments on the Draft SEIR and the responses thereto, and the above-described information, the Board hereby finds that no significant new information has been added to the Final SEIR since public notice was given of the availability of the Draft SEIR that would require recirculation.

Section 5.

Evidence in the Record.

5.0 The findings and determinations set forth in this resolution are based upon the record of these proceedings. References to specific statutes, ordinances, regulations, reports, or documents in a finding or determination are not intended to identify those sources as the exclusive bases for the finding or determination.

Now, Therefore, Be it Further Resolved, that, based on the foregoing findings and determinations and the record of these proceedings, the Board hereby declares and orders as follows:

1. The foregoing findings and determinations are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.

2. The Board certifies that the Final SEIR has been completed in compliance with CEQA, the Final SEIR was presented to the Board and the Board reviewed and considered the information contained in the Final SEIR, in addition to the Prior EIR, prior to approving Proposed Project. The Final SEIR reflects the independent judgment and analysis of the Board.

3. The Board adopts the Statement of Overriding Considerations in Exhibit A.

4. The Board approves the Project Amendment as conditioned. Specifically, Exhibit E (Conditions of Approval) of Resolution 10-0903 (PLD03-0094), is replaced and amended with the Conditions of Approval and Mitigation Monitoring and Reporting Program in Exhibit B and Appendix A of the Final SEIR. County staff are directed to undertake monitoring in accordance with the Mitigation Monitoring Program to ensure that required mitigation measures and project revisions are complied with during project implementation.

5. The Board expressly finds that it does not intend any other changes to Resolution 10-0903 (PLD03-0094). By this action, the Board is making no changes to the Reclamation Plan. By this action, the Board is making no changes to the indemnification requirements in Resolution 10-0903 (PLD03-0094), which remain in full force and effect. The indemnity and release agreement is an essential component of the Board's decision to approve the Project and the Project Amendment. Notwithstanding any other provision of this resolution, in the event any substantive provision of the indemnity and release agreement is determined by a court of competent jurisdiction to be unenforceable, then the Use Permit (PLD03-0094 as amended by UPE16-0058) shall be deemed to be null and void, all mining operations shall cease, provided however that the Applicant shall promptly reclaim the Project site in accordance with the approved Reclamation Plan, unless the Board and the Applicant reach agreement on a revised form of indemnity and release agreement or other condition or instrument that will adequately address any adverse financial impacts that the quarry operations may have on the County as the owner of the adjacent closed landfill.

6. The Board delegates approval authority over the required road improvements to the Road Commissioner, as set forth above.

7. The Clerk of the Board is designated as the custodian of the documents and other materials that constitute the record of the proceedings upon which the Board's decisions herein are based. These documents may be found at the office of the Clerk of the Board of Supervisors, 575 Administration Drive, Room 100A, Santa Rosa, CA 95403.

Supervisors:

Gorin:

Zane:

Gore:

Hopkins:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

**STATEMENT OF
OVERRIDING CONSIDERATIONS**

I. Introduction

1.01 In approving the Project Amendment, the Board makes the following Statement of Overriding Considerations pursuant to Public Resources Code section 21081 and State CEQA Guidelines section 15093. The Board specifically finds and determines that this Statement of Overriding Considerations is based upon and supported by substantial evidence in the record.

1.02 The Board has carefully weighed the benefits of the Project, including the Project Amendment, against adverse impacts identified in the Final SEIR that could not be feasibly mitigated to a level of insignificance.

1.03 As more fully set forth in the SEIR, the Project Amendment involves the following significant and unavoidable impacts:

The proposed substantial increase in truck traffic on Roblar Road, which does not fully meet current roadway design standards, including class II bikeway standards, could introduce potential bicycle safety hazards.

The proposed substantial increase in truck traffic on Roblar Road, which does not fully meet current roadway design standards and/or has limited sight distance, could introduce potential traffic safety hazards.

While the Board has required all feasible mitigation measures, these impacts remain significant or potentially significant for the purposes of adopting this Statement of Overriding Considerations.

1.04 Notwithstanding these significant impacts which may not be avoided, lessened, or mitigated to a level of insignificance, the Board, acting pursuant to Public Resources Code section 21081 and section 15093 of the State CEQA Guidelines, hereby determines that specific economic, legal, social, technological and other benefits of the Project outweigh any of its unavoidable, adverse impacts and that Project Amendment should be approved.

1.05 This Statement of Overriding Considerations applies specifically to those impacts found to be significant and unavoidable as set forth in the Final SEIR and the record of these proceedings.

II. Benefits of the Project

2.01 The Project will provide an important source of local aggregate in furtherance of County planning goals. According to the Sonoma County General Plan 2020, approximately 75 to 112 million tons of construction aggregate are likely to be needed over the next 20 years to meet local needs and a share of the North Bay regional needs.

The State Geologist has classified certain mineral resource areas within Sonoma County as mineral bearing areas of regional significance. As a result, Sonoma County is required, by State law, to adopt mineral management policies that:

- Recognize mineral information provided by the State,
- Assist in the management of land use that affect areas of statewide and regional significance, and
- Emphasizes the conservation and development of identified mineral deposits.

In response to the state's mandate, Sonoma County adopted resource management goals and policies in the General Plan and the Aggregate Resources Management (ARM) Plan.

General Plan Goal OSRC-13 requires the County to "provide for production of aggregates to meet local needs and contribute the County's share of demand in the North Bay production-consumption region." (Goal OSRC-13, in part). An implementing General Plan objective is to "use the ARM Plan to establish priority areas for aggregate production and to establish detailed policies, procedures, and standards for mineral extraction." (OSRC-13.1). General Plan Policy OSRC-13a was adopted to achieve this objective. The policy states:

Policy OSRC-13a: Consider lands designated in the ARM Plan as priority sites for aggregate production and mineral extraction and review requests for additional designations for conformity with the General Plan and the ARM Plan.

Through the adoption of the ARM Plan, the Board declared that it is the policy of the County to prohibit mining in the river terraces and limit in-stream mining to bar skimming. The Board further declared that in order to comply with the County's adopted goal to provide for the production of aggregates to meet local needs and contribute the County's share of demand in the North Bay production-consumption region, aggregates would be produced from hard rock quarries.

The ARM Plan has designated the Roblar Road Quarry site as a priority site and the Department of Conservation has classified the site as Mineral Resource Zone 2b for Portland Cement Concrete (PCC), Asphalt Concrete (AC) and Class II Base-grade aggregate.

Construction grade aggregates (PCC and AC) are rarely found in hard rock quarries within Sonoma County. Drilling logs confirm that the site contains PCC- and AC-grade hard rock.

Sonoma County's residential, business and industrial construction, particularly road construction and re-construction, depends on a good quality, local source of construction grade

aggregates. Roblar Road Quarry will help fulfill the demand. A local source of PCC- and AC-grade aggregate is critical to maintaining stable construction costs.

The proposed quarry would provide a convenient, local source of aggregate for planned roadway and highway improvements. Although it will take some years before the proposed quarry comes online, the quarry will likely provide aggregate for Highway 101 and other improvements. In 2013, Sonoma County Operators reported selling a total of 3,160,742 tons of aggregate. Sonoma County's total aggregate demand was 3,928,271 tons. In 2018, Sonoma County Operators reported selling a total of 4,312,891 tons of aggregate and 411,997 tons were imported from out of the County.

According to an economic assessment of aggregate supply entitled "Construction Aggregate Supply Limitations: Some Estimates of Economic Impact" prepared by the State Division of Transportation Planning's Office of Transportation Economics, September 2008, there are a number of positive economic benefits in permitting rock quarries in proximity to the work needed to be performed. They include:

- A reduction in emissions from trucks with a reduction in truck miles of travel for hauling aggregates.
- A shorter hauling distance, which would reduce aggregate-truck miles of travel and the cost of the materials.
- A reduction of pavement deterioration from fewer truck miles traveled, which would allow rehabilitation resources to be available for other critical maintenance improvements.
- A reduction in project delays due to lack of aggregate supply in the area, which leads to increased project costs.
- A reduction in aggregate-related truck miles of travel would also reduce traffic congestion and traffic accidents on roads.

Because of the prohibition on terrace mining and the limitations on in-stream mining to bar skimming, most of the local supply of aggregate is expected to come from hard rock quarries. However, given the level of production and the quality/type of mined materials, existing local quarries are not expected to be able to meet the demand for Portland Cement Concrete (PCC) grade aggregate and Asphalt Concrete (AC) grade aggregate. Therefore, the proposed quarry's accessible supply of PCC- and AC-grade aggregates is vital to the local economy and implements the ARM Plan and General Plan policies. This is a benefit to the County as a whole. Additional PCC-grade aggregate will reduce residential construction costs, which is critical to addressing the regional housing crisis. The housing crisis pre-dated the 2017 fires, and has been dramatically exacerbated by the fires. Construction costs have gone up sharply due to the post-fire rebuild. These costs are an obstacle to economic recovery. AC-grade aggregate will reduce road construction costs, which is critical to improving Sonoma County's roads. As of 2018, three of the ten active quarries provide PCC-grade aggregate, meeting only 45% of the demand. The remainder came by barge from Canada.

2.02 There will be economic benefits to the County from the Project and Project Amendment, including, but not limited to, job creation, increased property taxes, sales taxes, vehicle license fees, and employee income taxes. In this time of dwindling state and local

government revenues, it is especially important that the County continue to support the creation of jobs and the establishment of independent revenue sources to help fund needed County services.

2.03 The Board adopted a Statement of Overriding Considerations for the ARM Plan indicating that the benefits of the aggregate industry outweigh the adverse unavoidable noise and visual impacts. These findings are contained in Board Resolution No. 94-1569 and are incorporated herein by reference.

III. Conclusion

3.01 The Board finds that the Project Amendment has been carefully reviewed and that the conditions of approval have been imposed to implement the mitigation measures identified in SEIR, and to address numerous other issues. The Board has carefully considered the fiscal, economic, social, environmental, and land use benefits of the Project and Project Amendment. The Board has balanced the fiscal, economic, social, environmental, and land use benefits against its unavoidable and unmitigated adverse environmental impacts and, based upon substantial evidence in the record, has determined that the benefits of the Amended Project outweigh the adverse environmental effects.

3.02 Based on the foregoing and pursuant to Public Resources Code section 21081 and State CEQA Guidelines section 15093, the Board finds that the remaining significant unavoidable impacts of the Project Amendment are acceptable in light of its economic, fiscal, social, environmental and land use benefits. Such benefits outweigh such significant and unavoidable impacts and provide the substantive and legal basis for this Statement of Overriding Considerations.

3.03 The Board finds that mitigation measures have been required to the extent feasible, although the impacts could not be reduced to a less-than-significant level.