



Legislation Text

File #: 2019-0622, **Version:** 1

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Blake Hillegas, 565-1392

Vote Requirement: Majority

Supervisorial District(s): Second

Title:

8:00 A.M. -Roblar Road Quarry - Proposed modifications to approved Use Permit Conditions of Approval.

Recommended Actions:

Consider whether to adopt a Resolution Certifying a Final Supplemental Environmental Impact Report Final (SEIR), Adopting a Statement of Overriding Considerations, and approving proposed modifications to the Approved Roblar Road Quarry Use Permit Conditions of Approval (UPE16-0058). (Second District)

Executive Summary:

On December 14, 2010, the Board of Supervisors certified a Final Environmental Impact Report (Final EIR) and 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). Modified Project Alternative 2 would utilize an improved 1.6 mile haul route segment of Roblar Road located west of the quarry to reach Stony Point Road, as opposed to a 5 mile segment located east of the quarry, which was originally contemplated for the Project. Modified Project Alternative 2 allows the mining of up to 570,000 cubic yards of rock annually for 20 years.

After the Board approved Modified Alternative 2 in 2010, Citizens Advocating for Roblar Rural Quality successfully challenged the approval in the Superior Court. However, the Court of Appeal overturned the Superior Court's decision on May 13, 2014 on the basis that the environmental review was adequate.

In July of 2016, the applicant submitted an application to Permit Sonoma to modify five Conditions of Approval/Mitigation Measures regarding required road improvements and the associated relocation of a segment of Americano Creek. The applicant originally believed that he could voluntarily acquire land to widen the 1.6 mile haul route segment of Roblar Road located west of the quarry, but now understands that implementation of the existing Conditions/Mitigation Measures, is likely infeasible without condemnation by the County for acquisition of the necessary right-of-way from neighboring property owners. The applicant also argues that widening Roblar Road, as currently approved, is unnecessary and out of proportion to the project impacts.

On October 16, 2018, the Board of Supervisors held a public hearing on a Draft Supplemental Environmental Impact Report (Draft SEIR) prepared for the proposed changes to the Conditions of Approval. A Final Supplemental Environmental Impact Report (Final SEIR) has been prepared to respond to comments on the

Draft SEIR, including the comments from the Board. Most of the public comments focus on whether the proposed narrower cross section proposed for the 1.6 mile haul route segment of Roblar Road would be adequate for safety. Public comments did not focus on the proposed changes to the Stony Point/Roblar Road intersection.

The current Use Permit (PLP03-0094) requires the applicant to obtain easement/rights 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 standards, including, but not limited to two 12-foot travel lanes, two six-foot wide shoulders to meet Class II bikeway standards, and 2 feet of rock shoulder backing (the “12-6-2” design/total width: 40 feet).

The applicant initially proposed project changes to reduce the Roblar Road cross section to an (“11-3-2” design/total width: 32 feet), but has agreed to a new proposed Mitigation Measure 3.4-3, which requires two 11-foot travel lanes and two 4-foot wide paved shoulders with 1 foot of rock shoulder backing (the “11-4-1” design/total width: 32 feet). Recognizing the challenges identified by the applicant with the 12-6-2 roadway design, as currently conditioned, the Department of Transportation and Public Works has reviewed the request for an 11-4-1 design and confirmed the reduced roadway section, as mitigated, is likely feasible. To ensure that all options have been exhausted prior to authorizing construction of the 11-4-1 design, Staff has proposed consideration of the 11-4-1 design on the condition that the applicant provides substantial evidence of unsuccessful, good-faith negotiation toward acquiring sufficient right-of-way to construct two 12-foot wide travel lanes, two 5-foot wide paved shoulders and 1-foot of rock backing (the “12-5-1” design/total width: 36 feet). This is a slightly reduced design from what is currently conditioned. On January 18, 2017, the Sonoma County Bicycle and Pedestrian Committee reviewed the 11-4-1 design request to narrow the roadway improvements and reduce the bicycle lane to 4 feet. The Committee supported the 11-4-1 design, as mitigated, based on the unique right-of-way constraints and the purported infeasibility of constructing a wider road as approved.

The Final SEIR concludes that the proposal to narrow the travel lane width and shoulder widths on the 1.6 mile haul route segment of Roblar Road under the mitigated 11-4-1 design would result in significant impacts and need a Statement of Overriding Considerations. The primary issue is that the narrower road would result in new risks of accidents between haul trucks and bicyclists due to an increase in quarry truck traffic traveling at high speeds, and a narrower driving surface and bicycle lane. The mitigated travel lane and bike lane widths would not meet the American Association of State Highway and Transportation Officials (AASHTO) general standards for 12-foot wide travel lanes and 5-foot wide bike lanes. Furthermore, the four-foot shoulder would not meet applicable standards in the Sonoma County Bicycle and Pedestrian Plan and would be inconsistent with Sonoma County General Plan road width standards for a Rural Collector Road.

Staff is able to make the necessary findings, and prepare supportive project conditions and mitigations, for the mitigated 11-4-1 design, however due to the significant environmental impacts, direction from the Board is needed.

Based on identified significant impacts, the draft modified Conditions of Approval require the applicant to pursue a Roblar Road cross section design width of 12-5-1 as feasible, instead of the 12-6-2 design as originally approved. Feasibility of this requirement shall be determined by a neighboring property owner’s refusal to accept the applicant’s good faith offer to purchase sufficient right-of-way at fair market value. Only when the applicant cannot obtain sufficient right-of-way to the satisfaction of the Department of Transportation and

Public Works, will Staff authorize the roadway design down to 11-4-1.

Should the Board of Supervisors decide to approve the proposed project modifications, as mitigated, the Board would need to adopt a Statement of Overriding Considerations and make findings of infeasibility, if warranted, with respect to a 5-foot shoulder. In addition, Overriding Considerations would need to include findings indicating how the benefits of the modified project outweigh the potentially significant impacts when considering, environmental, legal, technical, social, and economic factors.

Alternatively, a Statement of Overriding Considerations would not be necessary if the Board amends the project conditions for the mitigated road section to require two 5-foot wide paved bicycle lanes on the road shoulders, an ("11-5-1" design/total width: 34 feet).

Alternatively, the Board of Supervisors could deny the proposal to significantly relax the safety mitigation imposed with the approved project, thereby reaffirming the existing roadway design requirement of 12-foot lanes, 6-foot bicycle lanes, and 2-foot graded shoulders. If the Board prefers this option, Staff recommends minor changes to the existing conditions as described below. Conditions of Approval 119 and 120, requiring a Land Conservation Easement Exchange, are recommended to be deleted because the former Land Conservation Act contract on the 70-acre quarry parcel has completed phase out. Also, the approved Modified Alternative 2 does not affect an Open Space District easement as contemplated with the original project.

Discussion:

On December 14, 2010, the Board of Supervisors certified an Environmental Impact Report and adopted a Statement of Overriding Considerations, approved a Zone Change to add the MR (Mineral Resource) overlay zone to a 70 acre mining site, and approved a Use Permit and Mining and Reclamation Plan for the Roblar Road Quarry Modified Alternative 2 (Alternative Haul Route/Contracted Sales Only) with a production limit of 570,000 cubic yards per year subject to Conditions of Approval (PLP03-0094).

On July 19, 2016, the applicant submitted an application to modify Use Permit Conditions of Approval 44, 49, 59, 101, and 133 (UPE16-0058).

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

On October 16, 2018, the Board of Supervisors held a public hearing to take public testimony on the Draft Supplemental Environmental Impact Report (Draft SEIR) prepared for the modified Conditions of Approval. The applicant's proposed changes to Conditions of Approval include:

- 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;
- Condition/Mitigation Measure 49 and Condition 59 (proposed Conditions 51 and 61) 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

- Condition 101 (proposed Condition 103) 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.

Permit Sonoma and ESA have prepared a Final SEIR to analyze the impacts of the proposed modifications to Conditions of Approval/Mitigation Measures. No other changes in circumstances, the project or conditions, or other impacts have been identified that were not previously evaluated in the certified Final EIR.

Summary of Project Impacts

In general, the analysis that CEQA requires in this context is between the project as previously analyzed and approved, and the project as currently proposed. The Final Supplemental EIR (SEIR) analyzes potential project impacts associated with project changes by issue area. The key findings are summarized below, and all of the findings and mitigation measures are found in Summary Table ES-1, "Summary of Impacts and Mitigation Measures," at page S-5 of the Draft SEIR (Exhibit S).

Modified Signalization at Stony Point Road and Roblar Road

Instead of implementing the County's preliminary design prepared in 2005, the applicant proposes to install a new traffic signal based on a revised design with a smaller footprint. The proposed alternative intersection design would not result in any new unmitigated significant impacts and would reduce potential impacts to roadside drainage and potential wetland and California Tiger Salamander (CTS) habitat. New Mitigation Measure 3.4-1 requires the signal be installed in accordance with the applicant's preliminary design plans and that the design incorporate changes that ensure larger vehicles exiting the existing private driveway on the east side of the intersection have a sufficient turning radius. New Mitigation Measure 3.4-2 requires the paved shoulder width on Stony Point Road be a minimum of 5 feet wide unless roadside ditches would be disturbed; allowing a minor deviation to 4 feet if substantiated. A minor deviation to 4-foot wide paved shoulders was determined not to require an override because it would be for a very short distance. Upon further fieldwork by the applicant, it has been determined that it is feasible to provide 5-foot wide paved shoulders on Stony Point Road. The proposed road improvements to be constructed within the footprint of existing disturbed areas would minimize impacts to existing vegetated drainage ways and potential wetland and CTS habitat.

A new Mitigation Measure 3.4-5 has been identified that would reduce a formerly identified long-term cumulatively significant traffic (Level of Service) impact at the intersection to less than significant. This can be accomplished by future optimization of the signal timing to address projected future turning movement traffic volumes. The Department of Transportation and Public Works reviewed and supports the proposed modifications to the intersection/signal design.

Relocation of Americano Creek to Accommodate Reconstruction of Roblar Road

The realignment of Americano Creek on the quarry property is a new proposal. It would allow Roblar Road to be widened and reconstructed on the applicant's property without necessitating the acquisition of private property on the opposite side of the road. The widening of the roadway to comply with the minimum recommended standard of 12-5-1 can be achieved along the frontage of the subject property with a realignment of the creek. The Final SEIR finds that the proposed realignment of Americano Creek would not result in new or substantially more severe impacts as mitigated, and would result in long-term beneficial impacts by reducing soil erosion, improving hydrologic capacity, and improving wetland and riparian habitat along the creek. The existing mitigation measures would ensure that impacts to riparian and wetland habitats are minimized and compensated in accordance with required resource agency approvals.

A new Mitigation Measure 3.6-2 has been identified to mitigate potential impacts to cultural resources due to grading in an area not previously considered in the original EIR. Tribal notification has been provided in accordance with Assembly Bill 52 and consultation has not been requested.

Roblar Road Travel Lane Width and Shoulder Width

The addition of between 302 to 480 gravel trucks per day to the 1.6 mile segment of Roblar Road between the quarry site access and Access Road 2 would result in increased traffic and bicycle safety risks. Currently this segment of Roblar Road carries 40 trucks per weekday. The quarry would increase the percentage of trucks from 2.3% on a weekday to 15.0% to 22.0%. The Board originally found that the resulting safety impacts would be mitigated to less than significant because the road was required to be reconstructed to meet County roadway design standards. Thus, the existing mitigation measure requires that the improvements to Roblar Road between the quarry access road and Access Road 2 would be constructed to have two 12-foot-wide vehicle travel lanes, two 6-foot-wide paved shoulders, two 2-foot-wide rock shoulders, and associated striping to meet Class II bike lane requirements (the "12-6-2" design).

The SEIR concludes that the applicant's initial proposal-reducing the lane width to 11 feet and reducing the paved shoulder width to 3 feet (the "11-3-2" design), and eliminating the requirement to straighten the existing "S" curves on Roblar Road-would introduce significant traffic and bicycle safety hazards on Roblar Road between the Quarry access road and Access Road 2 (1.6 miles).

The SEIR proposes Mitigation Measure 3.4-3, which would require minimum 11-foot wide travel lanes, 4-foot wide paved shoulders, 1-foot unpaved shoulders and appropriate side slopes with retaining walls and guardrails where appropriate (the "11-4-1" design). Adequate travel lane width in the horizontal curves is required to avoid vehicle off-tracking (trucks tracking outside of the travel lane).

The requirements of the mitigation measure reflect the recommendation of the Bicycle and Pedestrian Advisory Committee. The Department of Transportation and Public Works has also analyzed the 11-4-1 design and determined that the recommendation would be adequately protective of safety. The proposed 11-foot

travel lanes would not meet the American Association of State Highway and Transportation Officials (AASHTO) general standards for 12-foot travel lanes without a design exception, but a design exception pursuant to AASHTO guidance could be approved by the Department of Transportation and Public Works.

The 11-4-1 design would also not meet the specifications of the Sonoma County Bicycle and Pedestrian Plan, which include a 5-foot paved shoulder (Policy 2.08). In addition, due to the substantial increase in volume of large trucks on a high speed road shared by bicyclists, the safety impacts would remain significant and a CEQA override would be required.

While the analysis provided in the SEIR and proposed redesign to an 11-4-1 design continue to require an override, the design is supported by the Bicycle and Pedestrian Committee. This design is also supported by the Department of Transportation and Public Works provided the applicant first pursue a good faith effort to acquire right-of-way to build the 12-5-1 design. Draft Condition #61 requires the applicant demonstrate all reasonable good faith efforts have been unsuccessful in securing additional right-of-way before a design of 11-4-1 would be permitted. The 12-5-1 design would allow the project to meet County and industry standards and would, in effect, avoid the need for an override.

Should the Board of Supervisors elect to require a minimum 12-5-1 standard, and not grant the override, the applicant would be required to exhaust all reasonable efforts to acquire the necessary right-of-way. The Board may authorize land condemnation through the standard Resolution of Necessity process. If it is determined that additional right-of-way is required through condemnation, mitigation measure 3.4-3 and 3.4-4 requires the applicant to pay the County for those costs.

Roblar Road Cross Section Table

Approved Cross Section	12-6-2	40 ft. ROW
Proposed Cross Section	11-3-2	32 ft. ROW
Mitigated Cross Section Needs Override	11-4-1	32 ft. ROW
Mitigate Cross Section No Override	11-5-1	34 ft. ROW
Mitigated Cross Section No Override/meets ASSHTO Guidance	12-5-1	36 ft. ROW

Issue #1: General Plan and Aggregate Resources Management (ARM Plan) Consistency

The General Plan and Zoning designations for the site are Land Extensive Agriculture. The site contains the MR (Mineral Resource) Combining Zoning District.

The Sonoma County ARM Plan identifies this quarry as one of the few new sources of aggregate in the County. Subsurface investigation indicates that high quality aggregate is present on the site. The ARM Plan also establishes the County's goals and objectives for aggregate resources. Relevant objectives from the ARM Plan are:

1. *Facilitate new or expanded quarry operations at designated sites or at other locations with resources, which can meet the needs for aggregate in an environmentally sound manner.*
2. *Encourage the retention of locally produced aggregate for use within Sonoma County.*

General Plan Policies regarding the design of roads and bikeways are detailed in the Circulation and Transit Element of the General Plan and the Sonoma County Bicycle and Pedestrian Plan. General Plan Policy CT-3a requires that the Sonoma County Bicycle and Pedestrian Plan (Bikeways Plan) shall be used as the detailed planning document for existing and proposed bikeways. Policy CT-3b requires that policies of the Bikeways Plan shall be used during review of development projects; Policy CT-3c states that the Sonoma County Bicycle and Pedestrian Advisory Committee (SCBPAC) shall be responsible for advice on the ongoing planning and coordination of the County's bicycle transportation network. Policies CT3k and CT-3l require that, in addition to the general standards found in Caltrans' *Highway Design Manual and Manual on Uniform Traffic Control Devices* (Caltrans 2016) and the American Association of State Highway and Transportation Officials (AASHTO) *Guide for the Development of Bicycle Facilities* (AASHTO 2012), the design standards found in the most-recently adopted Bikeways Plan (Sonoma County, 2010) shall be used for selection, design, construction, and maintenance of Class I, II, and III bikeways.

The 2010 Bikeways Plan calls for Class II bikeways on Roblar Road and Stony Point Road, both of which would be used as quarry haul routes. Policy 2.08 of the 2010 Bikeways Plan establishes that the minimum width of a Class II bike lane is five feet as measured from the edge of the maintained paved surface to the motor vehicle traveled way. In addition, Policy CT-3t requires that bikeway improvements be included as part of all road maintenance or improvement projects along road segments with existing or proposed bikeway to the maximum extent feasible. The analysis of the proposed modifications in intersection and roadway design appropriately relies on the Sonoma County General Plan, the Bikeways Plan, and the AASHTO guidelines. The applicant's submitted proposal for Roblar Road was for a 11-3-2 design, but the applicant has agreed to Mitigation Measures 3.4-2 and 3.4-3, which calls for a 11-4-1 design.

Roblar Road Improvements

The proposed shoulder width of Roblar Road (4-feet as mitigated) would not fully comply with the Sonoma County General Plan and Bikeways Plan calling for a 5-foot minimum shoulder for Class II bike facilities to the maximum extent feasible. The Sonoma County Bicycle and Pedestrian Advisory Committee's support for the

mitigated roadway section is based on the purported infeasibility of constructing a wider road due to lack of available right-of-way and an unwillingness of neighboring property owners to provide additional right-of-way in exchange for fair compensation from the applicant. As noted in Section 3.4 of the SEIR, with Mitigation Measure 3.4-3 calling for two 11-foot wide travel lanes, and two 4-foot wide shoulders with 1 foot of rock shoulder backing, the project impacts are significant due to the safety risks and potential conflicts between bicyclists and a high volume of large trucks traveling at high speeds.

Stony Point Road/Roblar Road Intersection

The applicant's proposed design modifications to the Stony Point Road/Roblar Road intersection would shorten the northbound left turn lane and provide a narrower 4-foot wide paved shoulder, both intended to reduce impacts to CTS habitat and potential wetlands. The Final SEIR identifies potential Levels of Service and bicycle safety impacts regarding the proposed 4-foot wide shoulder. Mitigation Measures 3.4-1, 3.4-2, and 3.4-5 require the intersection to be designed to provide a minimum 5-foot wide paved shoulder on Stony Point Road, improve turning radii at the easterly private driveway, and optimization of signal timing. This aspect of the project amendment would comply with General Plan Levels of Service requirements and bikeway standards, including providing minimum paved shoulder widths of 5 feet within the limits of the existing intersection improvements. The project is required to maintain this shoulder width through the intersection.

Modification to Americano Creek

On the applicant's property, Americano Creek is located adjacent to Roblar Road and a portion of the roadway sloughs into the creek causing erosion. The creek is currently adversely impacted by erosion and periodic trimming of roadside vegetation. The proposed relocation and enhancement of the segment of Americano Creek abutting Roblar Road would allow for the widening of Roblar on the applicant's property and provide a greater setback between the roadway and the creek. This would reduce erosion, and expand and improve wetland and riparian habitat quality and complexity. Therefore, relocation of the creek would comply with General Plan policies encouraging creek enhancement projects, which would minimize erosion, improve riparian and wetland habitat, and increase biological diversity.

Issue #2: Roblar Road Right of Way

The applicant's representative claims (comment C-22) that a major factor in requesting a modified design for reconstruction and widening of Roblar Road is the lack of sufficient public right-of-way to construct the approved 40-foot road and necessary grading and drainage requirements outside of the approved roadway alignment. The comment states that the DSEIR incorrectly notes, "with respect to Roblar Road to the west under the approved alternative, the applicant had asserted that he could obtain sufficient right-of-way to widen the 1.6 mile segment of Roblar Road and that condemnation would not be required." The commenter goes on to note that the 2008 EIR represents that there is a 50-foot right-of-way on Roblar Road between Orchard Station Road and Valley Ford Road and the applicant's engineer indicated it was feasible to improve Roblar Road to County Standards based on the represented 50-foot right of way. The commenter then asserts that the prior feasibility determination is no longer valid because 1) the County's representation of a 50-foot

right-of-way was in error and 2) land ownership along the section of Roblar road to be improved has changed, affecting the applicant's ability to obtain right-of-way in certain areas.

The comment is correct in certain respects, but misleading and incorrect in others. The commenter's assertion that the disposition of land ownership has changed, and the EIR represents a 50 right-of-way along the approved 1.6 mile segment of Roblar Road is correct. This representation was based on preliminary review by the Department of Transportation and Public Works. However, based on further review of the right-of-way issue, the Department of Transportation and Public Works had determined that the right-of-way is not necessarily 50 feet wide, and this was discussed with the Applicant well before the prior approval. In some cases, the right-of-way along the approved Roblar Road Haul Route is less than 50 feet. When, the limitations of the right-of-way were discovered, this issue was brought to the attention of the applicant in the context of the prior approval process.

What is misleading in the commenter's statement is the suggestion that a mistake was carried into the Board of Supervisor's original decision to issue the current use permit. This is incorrect. To the contrary, the Board of Supervisors required the applicant to obtain the required right-of-way in the conditions, and the only new information present is the applicant's statement that doing so has encountered obstacles. In the prior process, and knowing that the right-of-way was more constrained than 50 feet, the applicant indicated that he could obtain right-of-way necessary to reconstruct and widen the 1.6 mile segment of Roblar Road approved under Modified Alternative Two. The rationale for mitigating traffic and bicycle/pedestrian safety Impacts under E.3 and E.4., to a level that was less than significant, was the finding that Mitigation Measures E.3.a and E.4.a were feasible, which required the widening of Roblar Road as discussed above.

The widening of Roblar Road under Modified Alternative Two was recognized to be feasible because the applicant indicated he could secure the necessary right of way. As such, the applicant agreed to Condition of Approval/Mitigation Measure 49, which requires that he obtain additional right-of-way or easements, as necessary, in order to accomplish the required roadway widening consistent with the 12-6-2 design:

49. Prior to the commencement of mining, the applicant shall obtain easements/right-of-way (if necessary) and improve Roblar Road (between the on-site project access road and Access Road 2) to meet current County road design standards, including, but not limited to, two 12-foot wide vehicle travel lanes and two six-foot wide [paved] shoulders with traffic index of 10.5, and associated striping/signage to meet Class II bike facilities.

The Applicant was thus well aware at the time of approval of the project (Modified Alternative 2) that the existing right-of-way was not sufficient to implement the required design.

It is also important to note that the 2008 FEIR disclosed that approximately 60 feet of right-of-way would be needed to accommodate the required 40 foot wide road and associated drainage improvements. Thus, even

though there is not a 50 foot roadway easement on Roblar Road, the applicant was well aware that additional right-of-way would be needed, not only to reconstruct and widen Roblar Road, but to straighten the “S” curves as approved in the current use permit that the Applicant proposes to modify. As with the prior approval, the Applicant’s current proposal will likely require acquisition of additional right of way. The exact amount cannot be determined until, in the event that the proposed amendments are approved, a build level design is completed and approved by the County.

Issue #3: Roadway Geometry and Bicycle and Traffic Safety on Roblar Road (Master Response 1)

Final SEIR Master Response 1 responds to numerous comments expressing concern for the safety of bicyclists, pedestrians, autos, and emergency vehicles and workers, if the applicant’s proposed narrower lane and shoulder width are implemented in lieu of the geometry required in the existing Use Permit.

The applicant has agreed to the roadway geometry specified in Mitigation Measure 3.4-3 in Section 3.4 of the DSEIR (11-4-1 design), for the project modification. These Measures require 11-foot wide travel lanes, 4-foot wide paved shoulders, and 1-foot of rock backing. The applicant asserts that this geometry is equally safe and equivalent to that currently required in Use Permit conditions of approval (the 12-6-2 design),- see Figure 2-6 in Chapter 2, Project Description, of the DSEIR. The Applicant also believes the proposed narrower road, as mitigated is consistent with the General Plan, Bikeways Plan, and AASHTO standards. As such, the applicant contends that the existing mitigation is not proportional to the severity of the impact and that protecting the public from the impacts of the project by requiring the 40-foot wide road section is unconstitutional.

Review of EIR and DSEIR Impacts of Haul Trucks on Bicycle and Traffic Safety on Roblar Road

The Final SEIR concludes in Impacts 3.4-3 and 3.4-4 that the narrower travel lane and shoulder widths proposed by the applicant would result in new significant bicycle and traffic safety hazards from quarry truck traffic on Roblar Road. The proposal to narrow the required road introduces new risks to the public because the quarry truck traffic increase is dramatic, raising the issue of whether and how the use and the road can be made compatible. The quarry would cause an increase in truck traffic on Roblar Road (i.e., an average of about 27 one-way trips per hour [about 302 per day], and a peak of about 43 one-way trips per hour [about 480 per day]), and could increase the risk of accidents due to potential conflicts between quarry traffic and bicyclists, pedestrians, and other vehicles. The new and significant risks arise from the proposed project changes because of the large number of trucks that are proposed to be added to a road that under the proposed design, does not meet County roadway design standards.

The DSEIR finds that, while the proposed narrower road, as mitigated, would be consistent with the roadway geometry of certain exceptions that could be allowed by AASHTO. Likewise, the 11-foot wide travel lanes would not meet the General Plan standards and AASHTO guidelines for 12-foot travel lanes. The 4-foot wide paved shoulders would not meet the safety requirement for minimum 5-foot wide bikeways as specified in the Sonoma County Bicycle and Pedestrian Plan and the AASHTO guidelines for rural roads with high speeds and a high volume of truck traffic. Therefore, the mitigated roadway geometry would result in a new significant impact to bicycle safety, and Mitigation Measure 3.4-3 and 3.4-4 would not reduce the severity of the impact to a less-than-significant level. The Final SEIR concludes that the impact would be significant.

Relationship of Roadway and Shoulder Width to Bicycle Safety (AASHTO Standards)

The currently approved design for Roblar Road meets AASHTO's "A Policy on the Geometry of Highways and Streets" (the "Green Book 2011") criteria for a 40-foot roadway (12-foot wide travel lanes and 6-foot wide paved shoulders with 2 feet of rock shoulder backing) as required in the existing Use Permit Condition/Mitigation Measure 49 and Condition 59. The applicant's proposed design for a 32-foot wide roadway would not conform to this guidance.

As documented in the SEIR, the basis of the width standards established by AASHTO is that there is a general nexus between lane width and traffic safety, with wider lanes generally providing safer conditions, especially for higher speed limits, higher traffic volume and a higher percentage of large vehicles: "[t]he lane width of a roadway influences the comfort of driving, operational characteristics, and, in some situations, the likelihood of crashes" (AASHTO, 2011, p. 4-7). While the Green Book allows exceptions to the standards, this does not mean that the narrower widths allowed by the exceptions are equally safe; just that in certain circumstances they are judged minimally adequate. They may be an acceptable compromise where conditions indicate that they can be used safely.

With regard to paved shoulders intended to accommodate bicycle use, the Final SEIR notes the AASHTO *Guide for Development of Bicycle Facilities* (AASHTO, 2012), clearly equates paved shoulder width with safety:

For any given roadway, the determination of the appropriate shoulder width should be based on the roadway's context and conditions in adjacent lanes. On uncurbed cross sections with no vertical obstructions immediately adjacent to the roadway, paved shoulders should be at least 4 ft. (1.2 m) wide to accommodate bicycle travel. Shoulder width of at least 5 ft. (1.5 m) is recommended from the face of a guardrail, curb, or other roadside barrier to provide additional operating width, as bicyclists generally shy away from a vertical face. It is desirable to increase the width of shoulders where higher bicycle usage is expected. Additional shoulder width is also desirable if motor vehicle speeds exceed 50 mph (80 km/h); if use by heavy trucks, buses, or recreational vehicles is considerable; or if static obstructions exist at the right side of the roadway. (AASHTO, 2012, p. 4-7)

Roblar Road, with a prima facie speed limit of 55 mph, and with the addition of a large number of wide and heavy quarry haul trucks, will meet at least two of the AASHTO criteria for wider shoulders to accommodate bicyclists (i.e., speeds in excess of 50 mph, and use by heavy trucks). The Final SEIR also references a recent study completed by the Texas A&M University Transportation Institute for the Texas Department of Transportation and the Federal Highway Administration (Dixon et al, 2017) which specifically examines the design of shoulders to accommodate bicycle and pedestrians on low-volume, high-speed rural roads.

The conclusions and recommendations in the Technical Report, as well as AASHTO guidance documents, all support the conclusion in the DSEIR that Impact 3.4-3 and 3.4-4 would remain significant with the adjustments to lane and shoulder width required by the mitigation measures: a narrower road is a more dangerous road in the context of a high volume of trucks traveling at high speeds, and the applicant's proposed narrower road would not fully mitigate the impact on bicycle and traffic safety of over 300 quarry trucks trips per day on Roblar Road. Furthermore, the existing requirements in Use Permit

Condition/Mitigation Measure 49 and Condition 59 for 12-foot wide travel lanes and 6-foot wide paved shoulders for a standard bikeway are clearly proportional to the severity of the project's safety impact, as recognized by safety guidance. The existing Use Permit directly tailors the limited improvements required (1.6 miles) to directly address the impacts caused by the project. While it may be possible to override the safety standard in the *Sonoma County Bicycle and Pedestrian Plan* if sufficient evidence of infeasibility is presented by the applicant, the need for an override to approve the current proposal is clear.

Issue #4: Feasibility

The Final SEIR responds to several comments made about the feasibility or infeasibility of the currently approved Use Permit, or alternatively, on the feasibility of widening the 1.6 mile haul route segment's shoulder to 5 feet instead of 4 feet, such that an override would not be required. With regard to the Applicant's statement that achieving the applicable standards is infeasible, and various commenter's contention that either the previously approved project or additional widening to meet the 5-foot standard in the *Sonoma County Bicycle and Pedestrian Plan* is in fact feasible, this is a determination for the Board. Should the County Board of Supervisors decide to approve the proposed modifications, it will need to make findings to support that decision, including, if warranted, findings of infeasibility with respect to the previously adopted measures, and/or a finding that the increase of two feet to achieve two 5-foot shoulders is not feasible. Alternatively, the Board of Supervisors can deny the proposal to relax the current requirements.

"Feasible" under CEQA, means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." Pub. Res. Code section 21061.1; CEQA Guidelines section 15364. No technological or environmental factors make meeting county standards infeasible. The submitted correspondence does indicate that one neighbor has declined to enter into a transaction with the applicant. Condemnation of land by the County is legally feasible in these circumstances, and condemnation and widening cannot be rejected simply because condemnation might be required. In other words, condemnation on its own, will not make the mitigation infeasible. Condemnation does involve expenses that could be relevant to economic feasibility, and it could involve delays that would be relevant to the period of time in which the project can be implemented. With respect to economic infeasibility, under CEQA, additional costs or lost profitability must be sufficiently severe to render it impractical to proceed with the project. The magnitude of the difference between the project and the alternative will determine the feasibility of the mitigation. The applicable legal standard is whether the marginal costs of the alternative as compared to the cost of the proposed project are so great that a reasonably prudent person would not proceed with the mitigated project. The relevant feasibility determination is a matter of policy for the Board of Supervisors.

Feasibility of Other Mitigation Approaches for the Significant Impact

Reduction of Speed

The Final SEIR responds to comments, including from members of the Board of Supervisors, who asked about the feasibility of reducing speed as a mitigation measure. As noted above, there are acknowledged speed

issues on this road segment and the need to increase shoulder width is, in part, related to the introduction of a large number of trucks on a narrow road that allows high speeds. The County has limited authority to modify speed limits and can only do so in response to a speed study. Currently, state law requires the Department of Transportation (Caltrans) to include in the California Manual on Uniform Traffic Control Devices a requirement that local authorities, when setting speed limits, round speed limits to the nearest 5 miles per hour of the 85th percentile speed of traffic as determined by an engineering and traffic survey. Per the direction of the Board of Supervisors, the Department of Transportation and Public Works is in the process of conducting the required study. However, speed limit reductions are not anticipated because of existing rates of speed.

Buffered Lanes

The Final SEIR also responds to comments regarding the potential to include buffers between travel lanes and bike lanes as a potential mitigation measure. The Final SEIR references the National Association of Transportation Officials (NACTO 2019) guidance for buffered bicycle lanes. The guidance specifies that typical applications for buffered bike lanes include: streets with high travel speeds, high travel volumes, and/or high amounts of truck traffic. Master Response 1 includes Table MR-2 (included below) which provides Truck Passing Distance from Bicyclists for Different Road Geometrics, and travel lane and bike lane widths.

Table MR-2 Truck Passing Distance from Bicyclists for Dif

Road Geom	Vehicle Travel Lane Width	Buffer Width	Bicycle Travel Lane Width	Rock Backing Width	Passing Distance/1/	Can Truck Pass Bicyclist @ 3-feet without Crossing Center Line?
32-foot cross	11	n.a.	3	2	1.00	No
32-foot cross	11	n.a.	4	1	1.50	No
32-foot cross with buffer	11	1.5	2.5	1	2.25	No
34-foot cross	11	n.a.	5	1	2.00	No
40-foot cross	12	2	4	2	4.00	Yes

Source: ESA

Note: /1/Passing distances assume 10-foot wide truck (with mirrors) and 2-foot wide bicycle and rider, both. The Three Feet for Safety Act requires that a driver of a motor vehicle passing a bicycle shall not do so at less than three feet, except when unable to do so because of roadway or traffic conditions. In this case, passing vehicles shall slow to a speed that is reasonable and prudent and may pass only when doing so would not endanger the safety of the operator of the bicycle.

As shown above, the approved 40-foot road geometry would meet the passing distance required by the Three Feet for Safety Act with or without a 2 foot buffer provided. Conversely, the table shows the proposed 32-foot wide cross section, as mitigated, does not allow motorists to comply with the Three Feet for Safety Act without slowing behind cyclists, with or without a minimum 1.5 foot wide buffer. The table does show that including a minimum 1.5-foot wide buffer between an 11 foot travel lane and a reduced width bike lane of 2.5 feet achieves a greater passing distance (2.25 feet) than would be achieved with no buffer strip. This chart clearly recognizes that a less than 5-foot paved shoulder will put pressure on project trucks to violate the Act. For this reason and the metrics in Table PH-1 and the issues discussed under issue #2 above, the 4-foot paved shoulder on a high speed road with heavy truck traffic requires an override of a significant impact.

Should the Board decide to approve the project modifications, as mitigated, an infeasibility finding will be required and the Board would also need to make a Statement of Overriding Considerations on the width of the bike lane.

Issue 5: Land Conservation Act Compliance

The project site consists of the 70 acre quarry parcel and a surrounding 128 acre agricultural parcel. While the 128 acre agricultural parcel is under a Type II Land Conservation Contract, the prior contract on the 70 acre mining site completed phase out in January 2015. Therefore, establishing the quarry is consistent with the Land Conservation Act.

The proposed relocation of a segment of Americano Creek would result in the loss of approximately 1 acre of grazing land and expansion of wetland and riparian habitat on the surrounding 128 acre parcel, which is under a Type II Land Conservation Contract. Habitat mitigation and restoration are compatible uses under the County's Uniform Rules and consistent with the Land Conservation Act. Cattle grazing would continue on the balance of the property.

Proposed Changes in Conditions of Approval

The following summarizes proposed changes to Conditions of Approval:

Condition of Approval 44/Mitigation Measure E.1/3.4-1 is proposed to be amended to allow the applicant to construct the Stony Point Road/Roblar Road intersection and signal in conformance with the applicant's preliminary design, including adjustments to improve turning movements from the private driveway on the east side of the intersection.

Condition of Approval 46/Mitigation Measure 3.4-2 is proposed to be added to require the design of the Stony Point Road/Roblar Road intersection to include 5-foot wide shoulders on Stony Point Road within the limits of the existing improvements.

Condition of Approval 47/Mitigation Measure 3.4-5 is proposed to be added requiring the Stony Point Road/Roblar Road traffic signal timing to be optimized to address projected future cumulative traffic volumes.

Condition of Approval 51/Mitigation Measure E.3a, E.4a is proposed to be deleted and replaced with new

Mitigation Measures 3.4-3 and 3.4-4 as noted in Condition 51 below.

Condition of Approval 51: Notwithstanding Condition 61, Condition of Approval 51/Mitigation Measures 3.4-3 and 3.4-4 are proposed to be added, which would allow a narrower cross section for the Roblar Road haul route and require the existing “S” curves be designed to meet ASSHTO standards as follows if a 12-5-1 design required in Condition 61 is proven to be infeasible:

- 11-foot-wide vehicle travel lanes and 11-foot-wide left turn lane;
- 4-foot-wide paved shoulders;
- 1 foot-wide unpaved (rock) shoulders.

Final design of the horizontal curves shall meet A Policy on Geometric Design of Highways and Streets, as determined by the DTPW, to accommodate all project trucks (including but not limited to trucks hauling gravel) through the curves to prevent off-tracking within the pavement in the 1.6 mile segment, while maintaining an acceptable clearance to bicycles and vehicles in the opposing lane. If any component of an adequate design requires additional right of way, and if the applicant is unable to obtain this additional right-of-way from willing sellers, then any condemnation required must be paid for solely by the applicant.

Condition of Approval 61 is proposed to be revised to require Roblar Road to meet a cross section design of 12-5-1 instead of 12-6-2 unless all reasonable good faith efforts at acquiring sufficient right-of-way are exhausted and proven infeasible as determined by the Department of Transportation and Public Works.

Condition of Approval/Mitigation Measure 84 is proposed to be modified to add construction hour restrictions to the creek relocation.

Condition of Approval 103 has amended and added as a Mitigation Measure 3.3-1b and would allow road and creek improvements in accordance with the proposed plans by BKF Engineers, “Americano Creek Relocation” dated September 1, 2017 and the “Conceptual Planting Plan for Realigned Americano Creek” prepared by Ted Winfield, Ph.D., dated August 21, 2017 to encroach into the riparian corridor.

Conditions of Approval 119 and 120 are proposed to be deleted as inapplicable because the former Land Conservation Contract applying to the 70 acre Mining site has completed phase out. The requirement for an off-site easement exchange in Condition 120 should not have been included in the original approval of Modified Alternative 2 because the alternative avoided utilizing land subject to an Open Space easement. Staff proposes that these clean up amendments be made regardless of the Board’s decision with respect to the proposal.

Condition of Approval 133/Mitigation Measure D.1b/3.3-1 is proposed to be amended to allow encroachment into wetlands and riparian habitat as shown in the applicant’s plans for relocation of Americano Creek, including related roadway improvements. This Condition has also been amended to clarify that setbacks from designated critical habitat, i.e. critical CTS habitat, do not apply to sites that were reviewed pursuant to the California Environmental Quality Act and approved prior to the designation of the relevant critical habitat in

the General Plan.

Condition of Approval 145/Mitigation Measures 3.6-2, 3.6-3, 3.6-4, and 3.6-5 are proposed to be added to address potential impact to cultural resources associated with the relocation of Americano Creek.

Issue 6: Statement of Overriding Considerations

In order to approve a project with significant unavoidable impacts, the Board must adopt a Statement of Overriding Considerations that sets forth the "specific economic, legal, social, technological or other benefits of the proposed project" (CEQA Guidelines 15093(a)) that outweigh the unavoidable impacts. A Statement of Overriding Considerations must be supported by substantial evidence. The Draft Resolution includes findings to support a Statement of Overriding Considerations should the Board support the proposed modifications.

In summary, and consistent with the Board's 2010 findings, the Project would:

1. Implement General Plan policies encouraging a local source of aggregate to meet a local share of the regional needs;
2. Implement the Aggregate Resources Management Plan (ARM), which was adopted in accordance with state law and designates the site as a priority for aggregate resources;
3. Implement policies of the ARM Plan to prohibit mining in the river terraces and limit in-stream mining to bar skimming, recognizing that aggregates would need to be produced from hard rock quarries;
4. Help maintain stable construction costs by providing a high quality local source of aggregate to support residential, commercial and roadway construction, including projects funded by Measure M;
5. Reduce emissions and truck miles traveled by providing a local source of aggregate.
6. Reduce pavement deterioration from fewer truck miles traveled throughout the County;
7. Result in economic benefits such as job creation, increased property taxes, sales taxes, vehicle license fees, and employee income taxes;
8. Avoid schools and residential areas on Roblar Road east of the project site and on Pepper Road, east of Mecham Road; and
9. Construct needed roadway improvements, including installation of a signal at Stony Point Road/Roblar Road and pay fair share fees toward improvements at other intersections.

Conclusion:

Because of existing right-of-way constraints on portions of Roblar Road, and the difficulty of acquiring additional right of way, the applicant has proposed to reduce the roadway section from 12-6-2 (40-feet) to the mitigated road section 11-4-1 (32 feet). In order to approve the 11-4-1 design, a finding of infeasibility and a Statement of Overriding Considerations is required. Staff recommends the applicant be required to build to a 12-5-1 (36-feet) roadway design on the subject property because adequate right-of-way can be dedicated and the slightly reduced design from the 12-6-2 requirement complies with AASHTO guidelines for a high-speed rural road with large trucks. Staff also recommends Condition 51 that requires the applicant, with oversight by the Department of Transportation and Public Works, to exhaust all good faith, reasonable efforts at securing sufficient right-of-way beyond the project frontage that will allow construction of the 12-5-1 design on the

remainder of the haul route segment before allowing construction to the 11-4-1 design. The 12-5-1 design would not require an override and may be feasible for off-site road segments if the Board were to pursue condemnation.

The Board's direction is required on the acceptability of the 11-4-1 design and the issuance of an override subject to feasibility findings.

In summary, Staff has prepared a draft resolution that conditions the project to seek all feasible options to secure right-of-way to construct the 1.6-mile haul route to a 12-5-1 design, which would not require an override. The draft resolution as conditioned allows the 11-4-1 design only if the applicant is unsuccessful in acquiring sufficient right-of-way to build the 12-5-1 design (i.e. without condemnation), and with Staff oversight of acquisition process with neighboring property owners to verify that all reasonable, good-faith efforts are exhausted. In the event that sufficient right-of-way for the 12-5-1 cannot be secured, the draft resolution includes draft findings of infeasibility to allow the Override of identified environmental impacts that cannot be mitigated. The applicant believes that condemnation will not be required to achieve the 11-4-1 design. If condemnation is required to achieve the 11-4-1 design once fully engineered plans are developed, that condemnation would occur at the applicant's expense.

Prior Board Actions:

On December 14, 2010, the Board of Supervisors certified the Environmental Impact Report and adopted a Statement of Overriding Considerations, approved a Zone Change to add the MR (Mineral Resource) overlay zone to a 70 acre mining site, and approved a Use Permit and Mining and Reclamation Plan for the Roblar Road Quarry Modified Alternative 2 (Alternative Haul Route/Contracted Sales Only) with a production limit of 570,000 cubic yards per year subject to Conditions of Approval.

On July 19, 2016, the applicant submitted an application to modify Use Permit Conditions of Approval 44, 49, 59, 101, and 133 (UPE16-0058).

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

On October 16, 2018, the Board of Supervisors held a public hearing to take public testimony on the Draft Supplemental Environmental Impact Report (Draft SEIR) prepared for the modified Conditions of Approval.

FISCAL SUMMARY

Expenditures	FY 18-19 Adopted	FY19-20 Projected	FY 20-21 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			

General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	N/A	N/A	N/A

Narrative Explanation of Fiscal Impacts:

Certification of the Final SEIR and approval of the project modifications would result in a local source of aggregate in accordance with the Counties Aggregate Resource Management Plan. This would have no direct impact on the County Budget. If the proposed modifications to Conditions of Approval are not approved, the applicant could pursue implementation of the current Use Permit and Conditions of Approval.

If the applicant is not able to secure sufficient road right-of-way and condemnation by the County is necessary for either the widening of Roblar Road as currently approved, or as required for the proposed modified project (if approved), the applicant will be responsible for the full costs of condemnation. The potential use of condemnation by the County would require a separate public hearing for consideration by the Board.

Staffing Impacts:			
Position Title (Payroll)	Monthly Salary Range (A - I Step)	Additions (number)	Deletions (number)

Narrative Explanation of Staffing Impacts (If Required):

Project modifications, if approved, would not result in expenditures for new staff.

Attachments:

Board of Supervisors Resolution

EXHIBIT A: Statement of Overriding Consideration

EXHIBIT B: Draft Conditions of Approval

EXHIBIT C: Vicinity Map

EXHIBIT D: General Plan Land Use Map

EXHIBIT E: Zoning Map

EXHIBIT F: Aerial Map

EXHIBIT G: Arm Plan Map

EXHIBIT H: Regional Map/Haul Routes

EXHIBIT I: Phase 1 Grading and Drainage

EXHIBIT J: Approved Modified Alternative 2 Haul Route

EXHIBIT K: Existing, Approved, and Proposed Cross Sections on Roblar Road

EXHIBIT L: Americano Creek Relocation

EXHIBIT M: Roblar Road Widening at Americano Creek Section 13-14

EXHIBIT N: Roblar Road Widening at Americano Creek Section 11-12

EXHIBIT O: Proposed Intersection Design - Roblar Road/Stony Point Road

EXHIBIT P: Approved preliminary Design - Roblar Road/Stony Point Road

EXHIBIT Q: Aerial of Intersection

EXHIBIT R: Department of Transportation and Public Works Memorandum, August 28, 2018

EXHIBIT S: Summary of Impacts and Mitigation Measures (Draft SEIR)

Related Items “On File” with the Clerk of the Board:

Final Supplemental EIR