



Legislation Text

File #: 2019-1251, **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

Supervisory District(s): Second

Title:

8:30 AM - Roblar Road Quarry - Proposed modifications to approved Use Permit Conditions of Approval

Recommended Action:

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).

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 allows mining up to 570,000 cubic yards of rock annually for 20 years.

On July 19, 2016, the applicant submitted an application to Permit Sonoma to modify five Conditions of Approval/Mitigation Measures regarding required public road improvements and the associated relocation of a segment of Americano Creek.

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) was prepared to respond to comments on the Draft SEIR.

On June 13, 2019, the Board of Supervisors held a public hearing to consider Certifying the 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.

The Board took a straw vote to provide its direction on the revised Conditions of Approval and directed the item return within 90 days with additional conditions requiring speed radar signs on Roblar Road and Valley Ford Road, haul truck speed limits in aggregate sales contracts, a speed study after aggregate hauling begins, a one-year review of permit compliance and traffic safety conditions after hauling begins, and rumble strips in the center of the Roblar Road haul route segment.

The Board also directed that Department of Transportation and Public Works (DTPW) staff oversee

negotiations with property owners along the Roblar Road haul route to confirm whether they are interested in selling land for road right of way.

Conditions of Approval 51, 61, 65, 153, and 154 have been modified to address the Board's direction and address the results of the DTPW right-of way investigation.

DTPW, working with their right-of-way agent Kathy Woods, investigated whether the applicant exhausted all reasonable good faith efforts to acquire right-of-way. After reviewing the applicant's prior efforts and initiating contact with all property owners along the haul route, DTPW confirmed that no property owners are willing to sell or relinquish land to the applicant to widen Roblar Road. The roadway can be widened along the applicant's property.

Discussion:

Item #1: Results of DTPW Right-of-Way investigation

There are eight properties along the Roblar Road haul route currently held under three separate ownerships. The DTPW investigation into whether these property owners were willing to sell land for Roblar Road widening consisted of meetings with the applicant to review prior correspondence between the applicant and the Roblar Road property owners over the past two years. DTPW also personally contacted the three property owners to verify their communications with the applicant and evaluate willingness to sell land to the applicant to widen Roblar Road.

DTPW has confirmed that the owners are not interested in selling land to the applicant. Based on this information, staff concludes that it is infeasible to widen Roblar Road beyond the mitigated 11-4-1 roadway design (i.e. 11-foot travel lanes, 4-foot paved shoulders, and 1-foot unpaved shoulders), except along the applicant's road frontage. Findings of infeasibility and a Statement of Overriding Considerations for the 11-4-1 design are included in the attached Resolution (Exhibit A).

Staff recommends that it is feasible and appropriate to widen Roblar Road to the 12-5-1 design along the project site's road frontage and has included this requirement in modified Mitigation Measure/Condition of Approval 51 and Condition of Approval 61.

Item #2: Proposed Changes to Conditions of Approval

Current Conditions of Approval require the 1.6 mile haul route segment of Roblar Road to be widened to a 12-6-2 design. As no property owners are willing to sell land for right of way acquisition, staff recommends that Mitigation Measure/Condition of Approval 51 and Condition of Approval 61 require Roblar Road be improved to a 12-5-1 design on the project site frontage, and an 11-4-1 design on remainder of the Roblar Road Haul Route.

The following summarizes proposed changes to Conditions of Approval. Conditions of approval modified to address Board direction provided at the June 13, 2019 Public Hearing are noted with an asterisk.

Condition of Approval 44/Mitigation Measure E.1/3.4-1 is 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 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 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 modified with new revised Mitigation Measures 3.4-3 and 3.4-4 to require the 12-5-1 design along the project frontage and the 11-4-1 design along the remainder of the Roblar Road haul route segment.

*Condition of Approval 61 is revised to require Roblar Road to meet a cross section design of 12-5-1 along the project frontage and 11-4-1 along the remainder of the Roblar Road haul route segment instead of the original 12-6-2 design requirement.

*Item 8 of Condition of Approval 61 is added requiring the applicant to install rumble strips in the center of the Roblar Road haul route.

*Condition of Approval 65 is amended to require solar radar speed monitoring sign installation on Roblar Road and Valley Ford Road.

Condition of Approval 84 is modified to include construction noise control restrictions for the proposed creek relocation.

Condition of Approval 103 is amended and added as a mitigation measure to allow encroachment into the Americano Creek Riparian Corridor for the reconstruction of Roblar Road and the associated relocation of Americano Creek.

Former Condition of Approval 119 is modified to delete the requirement to restrict mining until the Williamson Act contract on the 70-acre mining site has been terminated or an easement exchange has been completed. This is a cleanup item because the Williamson Act contract on the 70 acre mining site has completed phase out.

Condition of Approval 120 is deleted because the former Land Conservation Contract applying to the 70-acre mining site has completed phase out and the approved Modified Alternative 2 haul route avoids agricultural land under an open space easement. This clean up amendment should be made regardless of the Board's decision on the proposed modifications.

Condition of Approval 134/Mitigation Measure D.1b/3.3-1 is amended to allow encroachment into wetlands and riparian habitat as shown in the Applicant's plans for relocation of Americano Creek. This Condition has also been amended to clarify that setbacks from designated critical habitat, i.e. critical California Tiger Salamander (CTS) habitat designated in the General Plan, 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. While the project is within critical habitat that was

designated after the prior approval, the project conditions already fully mitigated impacts to CTS.

Condition 146/Mitigation Measures 3.6-2, 3.6-3, 3.6-4, and 3.6-5 are added to address potential impacts to Cultural resources associated with the relocation of Americano Creek.

*Conditions of Approval 153 and 154 are amended to include a required 45 MPH speed limit in all quarry sales and hauling contracts.

*Condition of Approval 154 is also amended to require the applicant to provide an annual report to staff, including a detailed written log demonstrating compliance with quarry permit conditions, including hauling operational requirements one-year after rock hauling begins.

Prior Board Actions:

On June 13, 2019, the Board of Supervisors held a public hearing to consider 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. The Board took a straw vote to provide direction on the modified Conditions of Approval and directed DTPW to oversee negotiations with property owners along the Roblar Road haul route to verify willingness to sell land for right of way acquisition.

FISCAL SUMMARY

Narrative Explanation of Fiscal Impacts:

Not applicable

Narrative Explanation of Staffing Impacts (If Required):

Not applicable

Attachments:

Attachment 1:	Board of Supervisors Resolution with Statement of Overriding Considerations
Attachment 2:	Draft Conditions of Approval
Attachment 3:	Memo from Supervising Right-of-Way agent to DTPW
Attachment 4:	Applicant/Property Owner Correspondence
Attachment 5:	Property Ownership Map
Attachment 6:	Vicinity Map
Attachment 7:	General Plan Land Use Map
Attachment 8:	Zoning Map
Attachment 9:	Arm Plan Map
Attachment 10:	Aerial Map
Attachment 11:	Phase 1 Grading and Drainage
Attachment 12:	Regional Map/Haul Routes
Attachment 13:	Approved Modified Alternative 2 Haul Route
Attachment 14:	Americano Creek Relocation
Attachment 15:	Roblar Road Plans at Creek 1
Attachment 16:	Roblar Road Plans at Creek 2
Attachment 17:	Roblar Road Cross Sections

Attachment 18: Roblar Road Cross Sections
Attachment 19: Roblar/Stony Point - Proposed Intersection Design
Attachment 20: Roblar/Stony Point - Approved Intersection Design
Attachment 21: Roblar/Stony Point - Aerial
Attachment 22: DTPW Memorandum, August 28, 2018
Attachment 23: Roblar Supplemental Memo Updated Conditions of Approval
Attachment 24: Applicant's Memo Conditions of Approval
Attachment 25: Conditions of Approval Draft and Mitigation Monitoring updated Legislative style
Attachment 26: Conditions of Approval Draft and Mitigation Monitoring updated clean version

Related Items "On File" with the Clerk of the Board:

Draft and Final Supplemental EIR's