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Agenda Date: 8/12/2015

Agenda Placement: 9A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: Charlene Gallina for David Morrison - Director
Planning, Building and Environmental Services

REPORT BY: DONALD BARRELLA, PLANNER III - 707-299-1338

SUBJECT: Syar Napa Quarry EIR Public Hearing

RECOMMENDATION

SYAR NAPA QUARRY EXPANSION PROJECT - SURFACE MINING PERMIT (P08-00337-SMP)

California Environmental Quality Act (CEQA) Status: Consideration and possible certification of the Final Environmental Impact Report (EIR) prepared for the proposed project. A Final Environmental Report (EIR) has been prepared and circulated. Prior to consideration of the associated Surface Mining Permit, the Planning Commission is required to review and consider the Final EIR and to certify that the Final EIR has been prepared in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and local procedures for implementing CEQA, and that the Final EIR reflects the County's independent judgment and analysis. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Request: Approval of request for a Surface Mining Permit (SMP) P08-00337-SMP to modify the mining and reclamation plan and associated aggregate processing, production and sales as currently permitted under UP-128182, UP-27374, and County Agreement No. 2225 to allow: a) an approximate 110-acre expansion of the current surfacing mining and reclamation plan for a 35 year term; b) an increase in mining depth from approximately 300 feet and 150 feet above mean sea level (msl) to no greater than 50 feet above msl; c) an increase in production of aggregate materials from approximately 1 million tons per year to 1.3 million tons per year; and d) add Reclaimed Asphalt Pavement (RAP) handling equipment to the existing asphalt batch plant and an increase in asphalt production up to 300,000 tons per year (inclusive of total annual production). This SMP would replace UP-128182, UP-27374, and County Agreement No. 2225, and bring existing and expanded mining and reclamation areas and associated aggregate processing, production and sales under one permit.

The project site is located on the east side of State Highway 221 (Napa-Vallejo Highway) at its intersection with Basalt Road and 2301 Napa-Vallejo Highway, within the unincorporated portion of Napa County within both the Industrial and Agricultural Watershed zoning districts. Assessor's Parcel Numbers (APNs) 045-360-005, 046-370-012, -013, -015, -022, -025, 046-390-002, -003, and 046-450-071.

Staff Recommendation: Open public hearing, take testimony, deliberate and provide direction to Staff.

Staff Contact: Donald Barrella, 707-299-1338 or donald.barrella@countyofnapa.org

Applicant Contact: Jennifer Gomez, 707-259-5728 or jgomez@syar.com

EXECUTIVE SUMMARY

This report summarizes the response to comments received in four impact categories after the Final EIR was completed in four impact categories; Aesthetics, Noise and vibration, Air Quality and Dust, and Groundwater Hydrology. Attachment B (Master Responses) includes detailed technical responses to these comments which were received from January 5 through May 31, 2015, including oral comments received at the January 7 Commission hearing. This report also includes responses and/or analysis on topics such as biology, land use (General Plan and Zoning), mineral resource reserves and demand, and facility production levels, as well as discussion on CEQA processing and Surface Mining Permit (SMP) Findings.

The Background and Discussion Section of this report (Attachment A) has been broken into the following Subsections for ease of reference: A) Summary of Hearings, B) CEQA Determination including discussion of Alternatives, C) General Plan and Zoning Designations, D) Existing Entitlements History and Background, E) Project Modifications, F) Responses to Comments, G) Surface Mining Permit Findings, H) Draft Conditions of Approval, I) Production Levels, Anticipated Demand, and Potential Reserves, and J) Reclamation Plan.

To accommodate public participation Staff has also: translated Chapter 2 (Summary of Impacts and Mitigation Measures) of the Draft EIR into Spanish and posted to the County Website Syar Project page, added a link on the County Website Syar Project page that includes the Commission staff reports for this item which can be translated into four languages, and will have an interpreter available at this hearing. Furthermore, the Planning Department has at least two bilingual staff members that are available during normal business hours that are available to translation services.

Today's public hearing is being held pursuant to County Code Section 16.12.370 for proposed #P08-00337-SMP. The Commission will hear and consider evidence and testimony from staff and the EIR consultant, the applicant and interested parties. Upon close of the public hearing, staff is recommending that: (1) the Commission consider adoption of the proposed Resolution certifying the Final EIR; and (2) provide direction to staff on whether the Commission desires to take one of the following Proposed Actions:

Proposed Actions:

Option 1 – Certify the EIR and Provide Direction to Staff on Approval of the Project, or One of the Project Alternatives or a Combination thereof.

Action Required: Adopt the proposed Resolution certifying the Final EIR and adopt a motion of intent to approve the project, one of the alternatives or a combination thereof. Staff recommends that the Commission consider adoption of the Reduced Production and Reduced Footprint (Hybrid) Alternative: see Attachment C (Alternatives Analysis July 2015) and Section B (CEQA Determination including discussion of Alternatives) in the Background and Discussion Section of this report for additional details. Staff would bring a resolution with the required CEQA findings and project approval to the Commission for consideration at a future meeting.

Option 2 – Continuance

Action Required: Continue the public hearing to a date certain for continued testimony, discussion and deliberation on the merits of the proposed SMP and provide direction to staff on any further edits or clarifications to the project alternatives, mitigation measures and draft conditions.

Option 3 – Certify the EIR and Deny the Project

Action Required: Certify the EIR so that it can be relied upon in the event Syar desires to revise the project and submit a new application in the future. This would also allow the EIR to be used as an informational document so that the technical studies and cumulative analysis may be referred to on other non-quarry projects in the vicinity. In the event the Commission determines that the project does not, or cannot meet the required findings for grant of a SMP, for environmental reasons or General Plan inconsistency, Commissioners should articulate the basis for their decision. The Commission would take a tentative motion to deny the project and remand the matter to staff for preparation of findings. Staff would bring the findings back for the Commission's consideration at a future meeting.

Option 4 – Deny the Project

Action Required: In the event the Commission determines that the project does not, or cannot meet the required findings for grant of a SMP for environmental reasons or General Plan inconsistency, Commissioners should articulate the basis for their decision. The Commission would take a tentative motion to deny the project and remand the matter to staff for preparation of findings. Staff would bring the findings back for the Commission's consideration at a future meeting.

Documents associated with this application and staff report, including the Draft EIR, the Final EIR, and the 2012 Mining and Reclamation Plan can be accessed at <http://www.countyofnapa.org/Syar/>. Staff reports including attachments and video archive of previous meetings (January 7th, February 18th, and April 1, 2015) can accessed at http://napa.granicus.com/ViewPublisher.php?view_id=21

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

A Final Environmental Impact (Final EIR) has been prepared and circulated. Written responses to comments received during the public review and comment period have been incorporated into the Final EIR which consists of the Draft EIR, public and agency comments, responses to comments, and required clarifications and changes to the text of the Draft EIR. Based on additional comments received on the EIR after the close of the comment and comments presented prior to and during the January 7, 2015 Planning Commission hearing on this application, the Commission directed staff to prepare clarified and expanded responses (or master responses) in key impact areas including aesthetics, air quality, hydrology and noise and vibration. These responses are included in Attachment 2 (Appendix B to the Final EIR: Master Responses to comments received after Publication of the November 2014 Final EIR). The Commission also directed staff to clarify the project alternatives analysis and develop a hybrid project alternative for consideration (see Attachment 4), as well as clarify and refine the proposed mitigation measures (Attachment 3), and draft conditions of approval (Attachment Y).

The Draft EIR was circulated for public review and comment on September 6, 2013. The statutory 45 day review and comment period pursuant to CEQA was extended an additional 45 days at the request of the public, resulting

in a 90 day review and comment period. The formal comment period closed on December 5, 2013. Public hearings on the Draft EIR took place on October 2, 2013 in front of the Planning Commission (a.m.) and the Napa County Main Library (p.m.).

Prior to taking an action on the proposed Surface Mining Permit (SMP) for the Syar Napa Quarry Expansion Project, the Planning Commission is required to review and consider the Final EIR and to certify that the Final EIR has been prepared in compliance with CEQA, the State CEQA Guidelines, and the County's Local Procedures for Implementing CEQA. The Planning Commission will consider approval or denial of the project following certification of the Final EIR.

BACKGROUND AND DISCUSSION

A detailed Background and Discussion on this matter is attached to this report as Attachment A (Background and Discussion, Syar Napa Quarry, August 12, 2015 Commission Meeting). The Background and Discussion section has been broken into the following Subsections for ease of reference: A) Summary of Hearings, B) CEQA Determination including discussion of Alternatives, C) General Plan and Zoning Designations, D) Existing Entitlements including status of reclamation, E) Project Modifications, F) Responses to Comments, G) Surface Mining Permit Findings, H) Draft Conditions of Approval, I) Production Levels, Anticipated Demand, and Potential Reserves, and J) Reclamation Plan.

Project Documents:

Documents associated with this application and staff report, including the Draft EIR, the Final EIR, and the 2012 Mining and Reclamation Plan can be accessed at <http://www.countyofnapa.org/Syar/>

SUPPORTING DOCUMENTS

- A . Background and Discussion Syar Quarry
- B . Master Responses to Comments June 2015
- C . Alternatives Analysis Memo July 2015
- D . Resolution Certifying Environmental Impact Report
- E . General Plan and Zoning Consistency Analysis
- F . Draft Surface Mining Permit Findings
- G . Draft Conditions of Approval July 2015
- H . Correspondence April 1 through August 3
- I . Previous Commission Staff Reports
- J . Graphics

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina