



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 2/9/2016
Agenda Placement: 9C
Set Time: 9:05 AM PUBLIC HEARING
Estimated Report Time: 10 minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: David Morrison - Director
Planning, Building and Environmental Services
REPORT BY: Donald Barrella, Planner III - 707-299-1338
SUBJECT: Syar Appeals

RECOMMENDATION

Consideration and possible action regarding the following:

1. Appeals filed by Skyline Park Citizens Association, Inc. and Dorothy Glaros (hereafter Appellant Skyline Park Citizens) to:
 - a. A decision made by the Planning Commission on October 21, 2015, to certify an environmental impact report (EIR) prepared in connection with **Syar Industries, Inc.'s Surface Mining Permit (SMP)** to modify the mining and reclamation plan and associated quarry operations, including aggregate processing, production and sales as currently permitted under UP-128182, UP-27374, and County Agreement 2225 to allow: a) an approximate 106-acre expansion of the current surface 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 and Aggregate-related Materials from approximately 1 million tons per year (tpy) to 1.3 million tpy; and d) add Reclaimed Asphalt Pavement handling equipment to the existing asphalt batch plant and an increase in asphalt production up to approximately 300,000 tpy (inclusive of total annual production). This SMP replaces UP-128182, UP-27374, and County Agreement No. 2225, and brings existing and expanded mining and reclamation areas and associated quarry operations, including aggregate processing, production, and sales under one permit. (Hereafter referred to as the Syar Project.)
 - b. A decision made by the Planning Commission on November 18, 2015, to adopt Resolution No. 2015-03 regarding the Syar Project: (1) Adopting Findings and Rejecting the Proposed Project, the No Project Alternative, and the Reduced Footprint/Conservation Alternative pursuant to the California Environmental Quality Act (CEQA); (2) Finding the Syar Modified Project Plus Area C (the Reduced Production Alternative) consistent with the Napa County General Plan; (3) Adopting the Mitigation Monitoring and Reporting Program; (4) Adopting the Syar Modified Project Plus Area C (Reduced Project Alternative); and (5) Approving Surface Mining Permit No. P08-00337-SMP. (Hereafter referred to as the CEQA Findings.)

2. Appeals filed by Stop Syar Expansion, Steven Booth, Sandra Booth, Julia Winiarski, Kathy Felch, Richard S. Blair, Susanne M. von Gymnich-Rosenberg, and David Lopez (Appellant Stop Syar) to:
 - a. A decision made by the Planning Commission on October 21, 2015, to certify the EIR prepared in connection with the Syar Project.
 - b. A decision made by the Planning Commission on November 18, 2015, to adopt Resolution No. 2015-03 regarding the Syar Project and the CEQA Findings.

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

(APPELLANTS, APPLICANT AND STAFF REQUEST A CONTINUANCE TO MARCH 22, 2016, AT 9:15 A.M.)

EXECUTIVE SUMMARY

This matter involves four appeals of the Planning Commission's decision to: (1) certify the Environmental Impact Report (EIR); and (2) adopt CEQA findings and approve the Syar Project. On October 21, 2015, by a 5:0 vote the Commission took its first action and adopted Resolution No. 2015-02 certifying the EIR for the Syar Project. On November 3, 2015, Appellant Skyline Park Citizens filed a timely Notice of Intent to Appeal the Commission's action certifying the EIR. On November 18, 2015, an Appeal Packet was timely submitted by Appellant Skyline Park Citizens. On November 3, 2015, Appellant Stop Syar filed a timely Notice of Intent to Appeal the Commission's action certifying the EIR. On November 18, 2015, an Appeal Packet was timely submitted by Appellant Stop Syar.

On November 18, 2015, by a 3:2 vote (Commissioners Cottrell and Phillips opposed) the Commission took its second action and adopted Resolution No. 2015-03 making CEQA findings and approving Surface Mining Permit #P08-00337 for the Syar Project. On December 3, 2015, Appellant Skyline Park Citizens filed a timely Notice of Intent to Appeal the Commission's action to adopt Resolution No. 2015-03 adopting CEQA findings and approving the Syar Project. On December 16, 2015, an Appeal Packet was timely submitted by Appellant Skyline Park Citizens. On November 18, 2015, Appellant Stop Syar filed a Notice of Intent to Appeal the Commission's action to adopt Resolution No. 2015-03 making CEQA findings and approving the Syar Project. On December 4, 2015, an Appeal Packet was timely submitted by Appellant Stop Syar.

Pursuant to the County's appeals ordinance (Napa County Code Chapter 2.88) a public hearing on the appeal must be scheduled not less than fifteen days nor more than ninety calendar days from submittal of an appeal. Because the two Commission actions being appealed (i.e., certification of the EIR and the CEQA findings and the Syar Project approval) are interrelated and most of the grounds raised in the appeals overlap each other, the Chair has consolidated the appeals. Consolidation of the appeals will maximize staff resources, avoid duplicative reports, reduce repetition and provide for a more efficient hearing, thereby saving time and costs. Appellant Skyline Park Citizens, Appellant Stop Syar, Applicant and Staff have no objection to consolidation of the appeals. To accommodate all parties' schedules, it is requested that the consolidated appeals be heard on March 22, 2016. In order to satisfy the ninety day scheduling deadline in the appeals ordinance, Staff requests that the Chairman introduce the item, open the public hearing and request a motion for continuance to March 22, 2016 at 9:15 a.m. Staff presentation and public testimony will not occur at the February 9, 2016, hearing.

PROCEDURAL REQUIREMENTS

1. Chair introduces item and opens the public hearing.
2. Motion by a Board Member and seconded by another Board Member to continue the item to the date and time requested: Tuesday March 22nd, 2016 at 9:30 a.m.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Consideration and possible recertification of a Final Environmental Impact Report (EIR) prepared and certified (State Clearinghouse No. 2009062054) on October 21, 2015.

BACKGROUND AND DISCUSSION

Documents associated with this project including but not limited to, the Draft EIR, Final EIR, Mining and Reclamation Plan, and comments and correspondence received can be accessed at <http://www.countyofnapa.org/Syar/>. Planning Commission staff reports including attachments can be accessed at http://napa.granicus.com/ViewPublisher.php?view_id=21

Summary of Planning Commission Hearings:

On January 7, 2015, the Planning Commission conducted a public hearing to consider certification of the EIR and the merits of the proposed quarry expansion and associated SMP. Prior to the hearing, comments were received on the Syar Project as well as the adequacy of the proposed Final EIR. During the hearing, several hours of testimony was presented primarily by interested parties. At the conclusion of the proceedings, the Commission continued the hearing to February 18, 2015 and directed staff to: evaluate and respond to public comments; clarify potential impacts and how they were assessed; clarify the benefits and disadvantages of the project alternatives identified in the EIR; provide a hybrid project alternative for consideration; and clarify and refine proposed mitigation measures and conditions of approval.

On February 18, 2015, the Commission received additional testimony and comments from interested parties on the EIR and Syar Project. At Staff's request, the Commission continued the item to the April 1, 2015 to allow staff and the consultant additional time to evaluate and respond to comments.

On April 1, 2015, the Commission dropped the item from its agenda so that it could be re-noticed for a special meeting to allow Staff adequate time to evaluate the Applicant's project modifications and to develop a hybrid alternative.

On August 12, 2015, the Commission conducted a special public hearing to consider certification of the EIR and the merits of the proposed quarry expansion and associated SMP. Public notice of this meeting was mailed, posted and published on July 11, 2015. Immediately prior to the hearing, extensive comments and technical reports were received on the Syar Project. During the hearing there were several hours of testimony presented primarily by interested parties. At the conclusion of the proceedings, the Commission continued the hearing to September 2, 2015, to allow time for Staff and County consultants to review and evaluate the comments.

On September 2, 2015, the Commission received additional testimony and comments from interested parties on the EIR and the Syar Project. At Staff's request, the Commission continued the item to October 21, 2015, to allow Staff and the consultant time to respond to comments.

On October 21, 2015, the Commission adopted Resolution No. 2015-02 certifying the Project EIR, and adopted a motion of intent to approve the Syar Modified Project (which includes a production limitation of 1.3 million tons per year for a 35 year term) plus a footprint that excluded an approximate 4-acre area located in the southeast corner of the project area, identified as Area C (the Pasini Pond Area) for a total expansion of approximately 106-acres.

On November 18, 2015, the Commission adopted Resolution 2015-03: (1) Adopting findings and rejecting the proposed project, the No Project Alternative, and the Reduced Footprint/Conservation Alternative pursuant to CEQA; (2) Finding that the Syar Modified Project Plus Area C (the Reduced Production Alternative) consistent with the General Plan; (3) Adopted a Mitigation Monitoring and Reporting Program; (4) Adopted the Syar Modified Project Plus Area C (the Reduced Production Alternative); and (5) Approved Surface Mining Permit #P08-00337-SMP for the Syar Project.

Summary of Appeals:

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SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi