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Agenda Date: 10/21/2015  
Agenda Placement: 9C  
Continued From: September 2, 2015

## Napa County Planning Commission Board Agenda Letter

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**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

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### **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](mailto:donald.barrella@countyofnapa.org)

**Applicant Contact:** Jennifer Gomez, 707-259-5728 or [jgomez@syar.com](mailto:jgomez@syar.com)

**CONTINUED FROM THE SEPTEMBER 2, 2015 PLANNING COMMISSION MEETING**

**(THIS ITEM TO BE DISCUSSED AT 1:30 PM)**

**EXECUTIVE SUMMARY**

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, the applicant and interested parties: the County's EIR consultants will be available for questions.

This report responds to comments received from Stop Syar Expansion (SSE) on August 11th (including a submittal from Dale La Forest & Associated on behalf of SSE received on September 1, 2015). These responses cover the following four impact categories after the Final EIR was completed: Air Quality and Greenhouse Gas Emissions, Hydrology and Water Quality, Noise and Vibration, and Transportation. Attachment B (Appendix C to the Final EIR, Syar Napa Quarry Response to August 2015 Comments, October 2015) includes responses to the SSE comments. This report also includes responses or discussion on topics such as: the use of recycled water, the term of the permit, the ability of the County Health and Human Services Department to conduct long term health monitoring in the vicinity of the Quarry, financial assurances for reclamation, a comparison of the air quality and health risk mitigation measures and conditions applied to Syar's Lake Herman Quarry located in Solano County as compared to those proposed for this project, the reclamation plan, as well as discussion of CEQA processing.

The Background and Discussion Section of this report (Attachment A) has been broken into the following Subsections for ease of reference: A) CEQA Determination including discussion of Alternatives, B) Air Quality and Health Risk, C) Lake Herman Quarry, D) Financial Assurance Cost Estimate (FACE) and Review Process, E) Enforcement, F) Recycled Water, G) Permit Terms, H) Annual Compliance and Assurance Update Report (Proposed Condition #2L), I) General Plan and Zoning Designations, J) Responses to Comments, K) Surface Mining Permit Findings, L) Draft Conditions of Approval, M) Reclamation Plan, and N) Project Documents.

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 one of the following Proposed Actions:

**Proposed Actions:**

**Option 1 – Certify the EIR and Provide Direction to Staff on Approval of the Project as Mitigated, 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 A under Project Alternatives of the Background and Discussion attachment (Attachment A) 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 – 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 3 – 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.

### Option 4 – 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.

Documents associated with this application and staff report, public comments received to date (February 2015 through September 17, 2015) 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, April 1st, August 12th, and September 2nd, 2015) can be accessed at [http://napa.granicus.com/ViewPublisher.php?view\\_id=21](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. As a result of additional comments received before, during and after the January 7th hearing on the adequacy of the EIR, Staff presented expanded and clarified responses to these comments at the August 12th hearing within *Appendix B to the Final EIR: Master Responses to comments received after Publication of the November 2014 Final EIR* in the following impact areas: Aesthetics, Air Quality, Hydrology, and Noise and Vibration.

Responses to substantive comments received from Stop Syar Expansion (SSE) on August 11th (including a

submittal from Dale La Forest & Associated on behalf of SSE received on September 1, 2015) related to Air Quality and Greenhouse Gas Emissions, Hydrology and Water Quality, Noise and Vibration, and Transportation are included in Attachment B (Appendix C to the Final EIR, Syar Napa Quarry Response to August 2015 Comments, GHD October 2015) of this report.

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.). While the comment period on the EIR has been closed since that time the County has continued to accept comments into the record and has attempted to continue to respond to substantive comments received after the close of the comment period.

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, October 21, 2015 Commission Meeting). The Background and Discussion section has been broken into the following Subsections for ease of reference: A) CEQA Determination including discussion of Alternatives, B) Air Quality and Health Risk, C) Lake Herman Quarry, D) Financial Assurance Cost Estimate (FACE) and Review Process, E) Enforcement, F) Recycled Water, G) Permit Terms, H) Annual Compliance and Assurance Update Report (Proposed Condition #2L) , I) General Plan and Zoning Designations, J) Responses to Comments, K) Surface Mining Permit Findings, L) Draft Conditions of Approval, M) Reclamation Plan, and N) Project Documents.

### **Comments Received and Project Documents:**

For comments received from August 12, 2015 through September 17, 2015, including comments submitted during the September 2, 2015 Commission hearing, as well as, other pertinent documents associated with this matter including the Draft EIR, the Final EIR, and the 2012 Mining and Reclamation Plan, please go to the County Planning, Building and Environmental Services Department Current Projects Webpage for this project - <http://www.countyofnapa.org/Syar/>

For copies of previous Staff Reports associated with this item (January 7th, February 18th, April 1st, August 12th, and September 2nd, 2015) and video archives of these meetings, please go the Napa County Planning Commission Agenda and Minutes Webpage - [http://napa.granicus.com/ViewPublisher.php?view\\_id=21](http://napa.granicus.com/ViewPublisher.php?view_id=21)

### **Summary of Commission Hearings:**

On January 7, 2015, the 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 project, as well as, the adequacy of the proposed Final EIR. 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 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 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. The Commission also directed staff, at the request of interested parties, to explore the option of conducting a special meeting on the proposed project to allow a more convenient opportunity for the public to attend and participate in the hearing process.

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, at 4:00 PM 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 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, at 1:30 PM the Commission received additional testimony and comments from interested parties on the EIR and project. At staff's request, the Commission continued the item to the October 21, 2015 Commission hearing (at 1:30 PM), to allow staff and the consultant time to adequately respond to comments.

#### **SUPPORTING DOCUMENTS**

- A . Background and Discussion Syar Quarry 10-21-15 PC report
- B . Appendix C to the Final EIR\_Responses to August 2015 Cmts\_Syar
- C . Alternatives Analysis Memo July 2015
- D . Resolution Certifying Environmental Impact Report October 2015
- E . General Plan and Zoning Consistency Analysis
- F . Draft Surface Mining Permit Findings October 2015
- G . Draft Conditions of Approval October 2015
- H . Lake Herman Quarry Approval Conditions
- I . Previous Commission Staff Reports
- J . Graphics

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina