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Agenda Date: 11/18/2015  
Agenda Placement: 10A  
Continued From: October 21, 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 CEQA Findings and Project Approval

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### **RECOMMENDATION**

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

**California Environmental Quality Act (CEQA) Status:** Final Environmental Impact Report (EIR) for the Syar Napa Quarry Expansion Project (State Clearinghouse No.2009062054) certified on October 21, 2015.

**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 106-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:** That the Commission adopt the proposed Resolution: (1) Adopting findings and rejecting the Proposed Project, No Project Alternative, and the Reduced Footprint/Conservation Alternative pursuant to 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 Production Alternative); and (5) Approving Surface Mining Permit No. P08-00337-SMP.

See Figure 3f in Attachment A (Resolution 2015-02) or Attachment C (Revised Mining and Reclamation Plan Dated November 9, 2015) for an illustration of the Syar Modified Project Plus Area C.

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

**The public hearing is closed. Final action on this item was continued from the October 21, 2015, Planning Commission meeting.**

## **EXECUTIVE SUMMARY**

### **Proposed Action:**

That the Planning Commission:

Adopt the proposed Resolution: (1) Adopting findings and rejecting the Proposed Project, No Project Alternative, and the Reduced Footprint/Conservation Alternative pursuant to CEQA; (2) Finding the Syar Modified Project Plus Area C (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 Production Alternative); and (5) Approving Surface Mining Permit No. P08-00337-SMP subject to modified conditions of approval.

### **Discussion:**

The item before the Commission today is adoption of a proposed Resolution making required CEQA findings, adopting revised conditions of approval and approving Syar Napa Quarry's Surface Mining Permit P08-00337-SMP to allow: a) an approximate 106-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. At the October 21st meeting, the Commission closed the public hearing, certified the Final EIR and adopted a motion of intent to approve a modified project with modified conditions of approval. The proposed Resolution reflects the Commission's intent as expressed on October 21st.

The public hearing is closed however. Public comments is limited to whether or not the proposed Resolution accurately reflects the Commission's intent as expressed on October 21st is allowed. Because the public hearing is closed and the EIR has been certified, comments regarding the adequacy of the EIR or merits of the project are not appropriate.

## **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

## **ENVIRONMENTAL IMPACT**

A Final Environmental Impact (Final EIR) has been certified for the Syar Napa Quarry Expansion Project in compliance with CEQA, the State CEQA Guidelines, and local procedures for implementing CEQA.

## **BACKGROUND AND DISCUSSION**

At the conclusion of the October 21 public hearing the Commission adopted a resolution 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 Passini Pond Area) in the Alternative Analysis Memo (dated July 10, 2015) from the proposed expansion areas for a total expansion of approximately 106-acres. The project the Commission tentatively voted to approve on October 21st is hereafter referred to as the Syar Modified Project Plus Area C. Language has been added to the conditions of approval reflecting these footprint modifications.

See Figure 3f in Attachment A (Resolution 2015-12) or Attachment C (Revised Mining and Reclamation Plan Dated November 9, 2015) for an illustration of the Syar Modified Project Plus Area C.

### **A. Direction to Staff/Motion of Intent October 21, 2015:**

An updated Mining and Reclamation Plan (MRP) dated November 9, 2015, based on Commission direction and proposed mitigation measures and conditions of approval has been developed by Syar and is included as Attachment C. It should be noted that any items not in the updated MRP or that need to be incorporated into the plan as a result of Commission deliberation on the Surface Mining Permit will be addressed by Condition of Approval No. 1C, which requires the Permittee to ultimately prepare an updated MRP to reflect the totality of any Commission action approving the project. The Following Figures in the updated MRP (dated November 9, 2015) have not yet been updated to reflect the Syar Modified Project Plus Area C Project: Figures 3aa through 3e (Current Site Boundary and Work Areas), Figure 13 (Test Planting Plot Location Map), Figures 14b and 14c (Final Grade Sections) and Figure 14d (Final Revegetation Plan). As noted these figures will ultimately be updated pursuant to Condition of Approval No. 1C.

The Commission also directed staff to address the following issues in the modified plan and/or conditions:

#### **Reclamation**

The Commission directed staff to identify areas within the Quarry that could be reclaimed on short, medium and long term schedules. Condition of Approval No. 3B (Reclamation timing) has been modified to include the commencement of reclamation on this type of schedule.

Final reclamation to commence in the short term (i.e., commencing within 12 months of the effective date of the Permit) includes reclamation of areas north and west of the State Blue Pit including surrounding areas within 10 feet of the groundwater potentiometric elevation, and the reclamation of the areas occupied by the Former Grey Rock Plant including areas to the immediate south and west, and the area identified as R-1 in the 2012 Mining and Reclamation Plan as they are both located within no mining exclusion areas.

Reclamation to commence in the mid-term (i.e., commencing generally between years 2 and 30 of the permit term), includes the reclamation of areas that have reached the limits of vertical excavation and have reached the minimum 10 feet of vertical separation from the groundwater potentiometric elevation and have been determined to be complete. Areas identified to be reclaimed in the mid-term would generally be identified through the annual compliance and assurance review procedures identified pursuant to Condition of Approval No. 2L and through annual inspections of the Quarry Facility pursuant to Napa County Code (NCC) Section 16.12.500 and Public Resources Code Section 2774.

Reclamation to commence in the long-term (i.e., occurring within the last 5 years of the permit term) also includes areas identified pursuant to Condition of Approval No. 2L and through annual inspections of the Quarry Facility pursuant to NCC Section 16.12.500 and Public Resources Code 2774, as well as, the processing areas and any other areas the have been disturbed by mining activities whether or not mining is complete in any given area. Scheduling of final reclamation occurring in the long term will be detailed in the Annual Mining Plan prepared by Syar and in the annual inspection reports prepared by the County.

#### Completion of Mining

To ensure that reclamation of mining areas would commence at the earliest opportunity after mining is completed in a given area, a definition has been added to Condition of Approval No. 11 detailing when mining in a given area shall be considered complete. In particular, the definition includes the provision that the determination of completion of Aggregate Mining Operations shall be at the discretion of the Director.

#### Planning Commission Compliance Review

While Condition of Approval No. 1F requires the permit to be reviewed by the Commission every 5 years to determine compliance with the conditions, mitigation measures, and the mining and reclamation plan, the Commission wants the flexibility to have any significant compliance issues brought back to them prior to this 5 year rolling term. Language has been added to Condition of Approval No. 1F in order to ensure that any significant compliance issues are presented to the Commission at the earliest opportunity.

#### Annual Compliance and Assurance Update Report (Condition of Approval No. 2L)

The Commission wants to ensure that the Annual Compliance and Assurance Update Report required pursuant to Condition of Approval No. 2L could be prepared by a third party consultant and/or that an outside consultant may be used to peer review the permittee-submitted report at staff's discretion. Language has been added to Condition of Approval No. 2L the County may hire a consultant at the Permittee's expense to either prepare or peer review this report.

#### Upgrading Quarry Fleet and Equipment

While air quality mitigation measures have identified the activity levels (or production rates) at which cleaner engines (or higher tier motors) are necessary to reduce potential air quality impacts to a less than significant level, the Commission directed staff to include a condition requiring the upgrading of equipment on a schedule rather than related to annual production levels. Language has been added to Condition of Approval No. 2M (Air Quality) requiring that at least 3 pieces of Tier 0 equipment be retired and replaced with higher tier motors within the first five (5) years of the Permit. Thereafter, equipment shall be replaced as necessary to comply with mitigation measures and/or State Requirements.

The State requires that Syar annually replace and retire at least 10% of equipment in its overall fleet that have Tier 0 or Tier 1 motors. The proposed condition language is consistent with State requirements and should not pose an undue burden on Syar in updating its Napa Quarry fleet.

#### Timing of Blasting in Proximity of Skyline Wilderness Park

During public testimony and Commission deliberation it was commented that the potential effects of blasting in close proximity to Skyline Wilderness Park (SWP) earlier in the day (i.e., in the AM hours) could be more noticeable

or detrimental because it was indicated that a majority of the park users use the park in the AM hours. Staff consulted with the president of the Skyline Park Citizens Association and reviewed the proposed conditions of approval to determine the appropriate time to blast in the proximity of SWP. Condition of approval No. 2F (Blasting) as currently worded would limit all blasting operations, regardless of location, to weekdays from 10:00 AM to 3:00 PM. No blasting would be allowed outside these identified hours, on weekends, or on any major federally recognized holidays. Therefore, staff believes that the condition of approval as currently worded would be sufficient to limit detrimental effects of blasting on park users.

#### Fencing

A concern was raised that any fencing installed as part of the project or ongoing operations do not inhibit or be a detriment to wildlife movement. The current language within Condition of Approval No. 2G (Safety and Security) generally limits the fencing to three (3) strand barbed wire fencing and requires the locations of new or relocated fencing to be approved prior to its installation. To ensure that any new fencing is wildlife friendly, fencing Condition of Approval No. 2G has been modified to require the use of three strand wire fencing (the word "barbed" has been deleted from the condition) and language has been added that not only the location but the design of any new fencing be approved by the Planning Division prior to installation.

#### **B. CEQA Findings:**

Prior to approving a project for which an EIR has been prepared, there are two procedural steps that must be satisfied under CEQA: (1) certification of a CEQA resolution; and (2) adoption of CEQA findings. On October 21, 2015, the Commission completed the first step when it adopted Resolution No. 2015-01 certifying that the Final EIR complied with CEQA, the State CEQA Guidelines and the County's local procedures for implementing CEQA. The second step which is before the Commission today is adoption of a resolution making CEQA findings.

#### Mitigation Measures

When an EIR identifies significant environmental impacts that may result from a project, the lead agency must make one or more of the following specific findings: (1) that changes or alterations have been required or incorporated into the project that avoid or substantially lessen the significant environmental impact identified in the EIR; (2) such changes or alterations are within the responsibility and jurisdiction of another public agency that has adopted, or can and should adopt, such changes; or (3) specific economic, social, legal, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR. (CEQA Guidelines Section 15091(a).) Section 6 of the proposed Resolution before the Commission identifies each potentially significant impact resulting from implementation of the Syar Modified Project Plus Area C and the corresponding mitigation measure that would reduce each impact to less than significant.

#### Project Alternatives

If the project will result in significant environmental impacts that will not be avoided or substantially lessened by mitigation measures, the lead agency must consider the environmentally superior alternatives identified in the EIR and find that they are infeasible before approving the project. (CEQA Guidelines Section 15091 (a)(3).) Section 7 of the proposed resolution analyzes the project alternatives. The Reduced Production Alternative is incorporated into the Syar Modified Project Plus Area C.

#### **C. Findings for Approval of Project:**

Section 8 of the proposed Resolution contains the findings and analysis required for approval of Surface Mining Permit No. P08-00337-SMP.

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

For comments received from August 12, 2015 through November 10, 2015, including comments submitted during

the October 21, 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)

**E. October 21st Recording Malfunction:**

Because of an incredibly rare software malfunction that was out of the county's control, there is no recording of the Oct. 21 Planning Commission meeting, including the public hearings regarding the Syar project . Since the software malfunctioned and not the equipment, there was no warning, no system error message and no way to discern that the recording was not functioning properly. County officials and the software manufacturer have exhausted all efforts to salvage the recording but were unsuccessful. The software malfunction has been corrected by the vendor and, out of an abundance of caution, the County has now implemented a backup system to ensure there is a duplicate electronic record. While this is extremely unfortunate and frustrating to all, it does not jeopardize or invalidate the actions taken by the Planning Commission on October 21st.

**SUPPORTING DOCUMENTS**

- A . Resolution 2015-02
- B . Proposed Conditions of Approval
- C . Syar Napa Quarry Mining and Reclamation Plan, November 2015
- D . Applicant Correspondence Dated November 9, 2015
- E . Previous Commission Staff Reports

Napa County Planning Commission: Approve

Reviewed By: Charlene Gallina