



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR LAFRANCHI (NICASIO ROCK QUARRY) MASTER PLAN WAIVER AND USE PERMIT RENEWAL

Item No:	H1	Application No:	UP 08-17
Applicant:	Lunny Grading and Paving	Owners:	Randy and Mary Lafranchi
Property Address:	5400 Nicasio Valley Road, Nicasio	Assessor's Parcel:	121-050-30
Hearing Date:	January 29, 2009	Planners:	Johanna Patri, AICP Veronica Corella- Pearson

RECOMMENDATION: Approve with Conditions
APPEAL PERIOD: 10 working days to the Planning
Commission
LAST DATE FOR ACTION: February 3, 2009

PROJECT DESCRIPTION

The applicant, Lunny Grading and Paving, is requesting a Master Plan Waiver and Use Permit Renewal of the Lafranchi Use Permit (UP 99-05) approved by the Board of Supervisors in 2001, for the continued operation of the Nicasio Rock Quarry. The quarry is situated on a 6.4-acre portion of the 375-acre Lafranchi ranch property in Nicasio. The 2001 Use Permit includes an Operating Plan consisting of a number of standards and requirements that govern the operation of the quarry. The following is a summary of its major components: (1) a maximum of 7,400 cubic yards (approximately 15,000 tons) of material may be extracted per year; (2) the number of truck trips for off-haul use shall not exceed 300 trucks per month (600 truck trips) with a maximum of 25 (50 truck trips) trucks in any working day; (3) allowed hours of operation are from 8:00 a.m. to 5:00 p.m. Monday through Friday; (4) permitted operation of a self-contained, portable, electrically powered rock crusher and screener between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday; (5) use of explosive materials to blast into the face of the quarry is permitted between the hours of 9:00 a.m. and 4:00 p.m., Monday through for Friday for up to three days per year; (6) an approved Reclamation Plan, prepared in compliance with the Surface Mining and Reclamation Act of 1975 (SMARA); (7) the maximum day/hourly average sound level not to exceed 56 dBA at the nearest property line of the nearest receptor with operation of all equipment, including the loaders, crusher, and screener; (8) permitted operating equipment stored on site (e.g. loaders, bulldozers, etc.), including three dump trucks of varying sizes; and (9) storage of a maximum of 1,100 gallons of diesel fuel in two, 550-gallon above ground tanks. The

approved facilities of the quarry included an office building, 100 linear feet of rock storage bins, an on-site sewage disposal system, a 5,000 gallon water storage tank, and a 10-foot by 20-foot settling pond. In 2001, the operator estimated at the rate of extraction of rock that the quarry would have a 25-year operating expectancy, subject to market fluctuations, which could cause the rate of extraction to be less than the proposed rate. Seven years have passed and the remaining operating expectancy of the quarry is approximately 18 years.

The applicant is requesting approval of the following minor modifications to the 2001 Nicasio Rock Quarry Operating Plan:

1. An amended Reclamation Plan, reflecting the current site characteristics in compliance with the Surface Mining and Reclamation Act of 1975 (SMARA) and Marin County Code Department of Public Works requirements;
2. A minimum (instead of approximately) of 4,250 cubic yards of topsoil material to be maintained on site;
3. An increase from three to six dump trucks of varying sizes for the operation of the quarry to be parked on site;
4. Storage of hazardous waste materials (e.g. batteries, waste filters, waste oil, waste anti-freeze, oxygen, acetylene) stored in designated containers located west of the quarry basin, north of the office building and adjacent to the fuel storage instead of inside the office building;
5. Increasing the size of the settling pond from 10 feet by 20 feet to 18 feet by 36 feet; and
6. Installation of four 8 feet by 20 feet storage containers to store equipment limited to the use of the quarry operation (e.g. equipment parts, erosion control materials, etc.) to be located north of the settling pond and south of the quarry basin and outside of the 100-foot Stream Conservation Area.

The applicant also has requested that the Use Permit be renewed for a period of 10 years.

GENERAL INFORMATION

CWP Land Use Designation:	AG-1 (Inland Rural Corridor, Agricultural, 1 dwelling unit per 31 to 60 acres)
Zoning:	ARP-60 (Agriculture, Residential, Planned District, 1 dwelling unit per 60-acre maximum density)
Project Size:	6.4-acre site of a 375-acre parcel
Adjacent Land Uses:	Agriculture/Residential
Vegetation:	Low grasses, shrubs, riparian vegetation - including bay, willow, and buckeye trees - along Halleck Creek
Topography and Slope:	Flat at the basin and approximately 20% upward slope at the quarrying site
Environmental Hazards:	None identified

LOCATION, ACCESS AND ENVIRONMENTAL SETTING

The 35-year old quarrying operation, with the exception of the access roadway from Nicasio Valley Road, is on a 6.4-acre portion of a 375-acre parcel that is part of the 473+/-acre Lafranchi

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Ranch. The use of the Lafranchi Ranch property is governed by the provisions of a Marin Agricultural Land Trust (MALT) Easement, which allows the quarry operation. The property is encumbered with a Williamson Act contract, which also recognizes the operation of the quarry.

The quarry site is located on the east side of Nicasio Valley Road, approximately 1/3 mile north of the Nicasio Town Square and within the Nicasio Town Square Study Area boundaries of the Nicasio Valley Community Plan. Access to the quarry site is from a private, 12-foot wide, unimproved ranch road off Nicasio Valley Road. The quarry basin is located approximately 120 feet north of the banks of Halleck Creek, an intermittent, blue-line watercourse as mapped on the USGS San Geronimo Quad, which drains west to the Nicasio Reservoir and approximately 300 to 500 feet north of the creek bed. The project site is vegetated predominantly with low grasses and shrubs and riparian vegetation, including willow trees along Halleck Creek.

The quarry is being mined primarily for greenstone, an igneous origin rock of the Franciscan Formation, which is used as aggregate for road base. Historically and currently, the acreage surrounding the quarry site is used as grazing land for cattle. Because of the small size of the quarry operation and its separation from the boundary of the agricultural parcel, it neither interferes, nor is it incompatible with, the agricultural use of the property. Once the quarry ceases operation, the quarry site will be reclaimed to agriculture land and the agricultural use of the property will be restored.

PERMIT HISTORY

1973 Quarry Permit

The small quarry facility, formerly known as the "Lafranchi Quarry" (State of California Mine Identification No. 91-21-005), has been operating at the subject site for over 30 years. According to Marin County Department of Public Works (DPW) records, prior to 1973 the quarry was operated exclusively by DPW (Quarry Permit No. 73-01). After 1973, the quarry facility operated under the terms of Quarry Permit No. 73-05, approved by the Marin County Planning Commission and issued by DPW. A Reclamation Plan for the quarry operation was originally approved by DPW in 1974 as a condition of approval of Quarry Permit No. 73-05. Quarry Permit No. 73-05 expressly prohibited the use of mechanical screening, crushing, or processing. At that time, the excavated material was of such a size (4 inches in diameter to fines) that it could be used as a base course for roadways without further mechanical treatment or processing. DPW and the California State Department of Conservation, Division of Mines and Geology in 1991 approved an updated Reclamation Plan with financial security benefiting the County. These previous permits did not address, or limit, the amount of material to be extracted on an annual basis, the amount of truck traffic, or prescribe operational standards. They only addressed the limits of the area of the quarry site. The 1973 Quarry Permit did not have an expiration date.

1993 Use Permit

On June 10, 1993, the Deputy Zoning Administrative approved the Lafranchi Negative Declaration of Environmental Impact and approved the Lafranchi Quarry Use Permit (91-057) for: (1) the continuing operation of an open-face quarry; (2) the installation and use of a self-contained crusher; (3) the development of various site improvements including a turn-around/service area and drainage facilities; and (4) an updated Reclamation Plan to meet the requirements of the California State Department of Conservation, Division of Mines and Geology.

While the 1993 Lafranchi Use Permit proposed an extraction rate of an average of 1,000 cubic yards of excavated material per year, which reflected the historic extraction rate, the operational

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performance standards established by the conditions of approval of the 1993 Lafranchi Use Permit eliminated the average annual rate of extraction and based the intensity of use on the amount of off-haul trucking, which allowed an average of 10 truck loads with a maximum carrying capacity of 12 tons of quarried and processed material to be transported off-site per working day. The 1993 Lafranchi Use Permit also approved the use of mechanical screening and crushing.

2001 Master Plan Waiver, Use Permit, Design Review, and Negative Declaration

In 2001 the Board of Supervisors adopted the Lafranchi Master Plan Waiver, Use Permit and Design Review Negative Declaration and conditionally approved the Lafranchi Master Plan Waiver, Use Permit (UP 99-05), and Design Review (00-64). The 2001 approved Use Permit was for a period of 7 years. The 2001 Use Permit included an Operating Plan consisting of a number of standards and requirements that govern the operation of the quarry. The following is a summary of its major components: (1) a maximum of 7,400 cubic yards (approximately 15,000 tons) of material may be extracted per year; (2) the number of truck trips for off-haul use shall not exceed 300 trucks per month (600 truck trips) with a maximum of 25 (50 truck trips) trucks in any working day; (3) allowed hours of operation are from 8:00 a.m. to 5:00 p.m. Monday through Friday; (4) permitted operation of a self-contained, portable, electrically powered rock crusher and screener between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday; (5) use of explosive materials to blast into the face of the quarry is permitted between the hours of 9:00 a.m. and 4:00 p.m., Monday through for Friday for up to three days per year; (6) an approved Reclamation Plan, prepared in compliance with the Surface Mining and Reclamation Act of 1975 (SMARA); (7) the maximum day/hourly average sound level not to exceed 56 dBA at the nearest property line of the nearest receptor with operation of all equipment, including the loaders, crusher, and screener; (8) permitted operating equipment stored on site (e.g. loaders, bulldozers, etc.), including three dump trucks of varying sizes; and (9) storage of a maximum of 1,100 gallons of diesel fuel in two, 550-gallon above ground tanks. The approved facilities of the quarry included an office building, 100 linear feet of rock storage bins, an on-site sewage disposal system, a 5,000 gallon water storage tank, and a 10-foot by 20-foot settling pond.

PUBLIC NOTICE AND COMMUNITY COMMENTS

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property and all interested parties. On November 24, 2008, the Nicasio Design Review Board (NDRB) provided comments and recommended conditions of approval for the Planning Division staff to consider (*please refer to Attachment 20*). The NDRB's request for a community-based monitoring committee is addressed in Item 10 of the Project Analysis section below.

ENVIRONMENTAL REVIEW

A Negative Declaration of Environmental Impact was adopted by the Board of Supervisors for the 2001 Lafranchi Master Plan Waiver, Use Permit and Design Review conditional approvals.

The Marin County Environmental Coordinator has determined that the 2009 Lafranchi Master Plan Waiver and Use Permit Renewal with minor modifications are in conformance with the 2001 Master Plan Waiver, Use Permit and Design Review Mitigated Negative Declaration of Environmental Impact (Board of Supervisors Resolution No. 2001-15), filed with the Marin County

Clerk on August 2, 2001, for the purpose of compliance with the *State California Environmental Quality Act (CEQA) Guidelines* and the *County's EIR Guidelines*.

Per Section 15150 of the *CEQA Guidelines*, all plans, technical documents and reports relative to the 2001 Master Plan Waiver, Use Permit and Design Review Mitigated Negative Declaration of Environmental Impact adopted by the Marin County Board of Supervisors are incorporated into the 2009 Lafranchi Master Plan Waiver and Use Permit Renewal by reference.

The 2001 Master Plan Waiver, Use Permit and Design Review Mitigated Negative Declaration of Environmental Impact concluded that no significant impacts, which could not be mitigated, would result from the 2001 Lafranchi project. All mitigation measures outlined in the 2001 Master Plan Waiver, Use Permit and Design Review Mitigated Negative Declaration of Environmental Impact are incorporated into conditions of approval for the 2009 Lafranchi Master Plan Waiver and Use Permit Renewal project.

Per Section 15162 of the *CEQA Guidelines*, the Marin County Environmental Coordinator has determined that the situations stipulating when the preparation of a subsequent EIR or Negative Declaration shall be prepared do not apply to the 2009 Lafranchi Master Plan Waiver and Use Permit Renewal project. These situations are summarized as follows:

- (1) There are no subsequent changes proposed in the project which will require important revisions of the previous Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) There are no substantial changes with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Negative Declaration.
- (3) There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Negative Declaration was adopted, including:
 - (a) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (b) Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The Marin County Environmental Coordinator also finds that, because the situations described in Section 15162 of the *CEQA Guidelines* summarized above do not apply, the plans and submittal materials associated with the 2009 Lafranchi Master Plan Waiver and Use Permit Renewal application provide adequate information pursuant to *CEQA* and the *County's EIR Guidelines* to determine that the proposal does not require the preparation of a subsequent Negative Declaration for the reasons summarized below.

- No revisions of, or addendums to, the 2001 Mitigated Negative Declaration of Environmental Impact are required because there are no new physical characteristics

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relative to the project site that did not exist at the time of the adoption of the Mitigated Negative Declaration of Environmental Impact in January 2001;

- No substantial changes have occurred with respect to the circumstances under which the proposed 2009 Lafranchi Master Plan Waiver and Use Permit Renewal project has been reviewed and undertaken, which would require revisions to the adopted 2001 Mitigated Negative Declaration of Environmental Impact;
- Within the context of the County's environmental review, there is no new information of substantial importance relative to the current project that was not known at the time of the adoption of the 2001 Mitigated Negative Declaration of Environmental Impact;
- No substantial changes have occurred with respect to the circumstances under which the requested Use Permit Renewal project is undertaken that were not considered and analyzed in the adopted Mitigated Negative Declaration of Environmental Impact and the 2009 Lafranchi Master Plan Waiver and Use Permit Renewal project does not result in any new significant environmental effects that were not identified or discussed in the 2001 Mitigated Negative Declaration of Environmental Impact;
- The 2009 Lafranchi Master Plan Waiver and Use Permit Renewal project does not result in any significant effects previously examined that would be substantially more severe than analyzed in the 2001 Mitigated Negative Declaration of Environmental Impact;
- The 2009 Lafranchi Master Plan Waiver and Use Permit Renewal project does not result in any mitigation measures found to be unfeasible; and
- All mitigation measures contained in the adopted 2001 Mitigated Negative Declaration of Environmental Impact have been incorporated into the 2009 Lafranchi Master Plan Waiver and Use Permit Renewal conditions of project approval.

Upon approval of the Lafranchi Master Plan Waiver and Use Permit Renewal (UP 08-17), the Community Development Agency will file a Notice of Determination with the State Office of Planning and Research and the Marin County Clerk in compliance with Sections 21108 or 21152 of the State Public Resources Code.

The mitigation measures incorporated into the 2009 Lafranchi Master Plan Waiver and Use Permit Renewal conditions of approval are summarized as follows:

1. In order to vest the Lafranchi Use Permit Renewal (UP 08-17), the operator, in conjunction with a professional acoustical engineer, shall verify at the property line of 200 Rancheria Road, site specific sound levels (dBA), based on actual site conditions and the operation of the current crusher. The sound analysis shall occur continuously during the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday. The operator, in conjunction with a professional acoustical engineer, shall submit the sound level calculations to the Marin County Community Development Agency (CDA) – Planning Division for review and acceptance. If the stationary sound level at the property line of 200 Rancheria Road with the cumulative use of all equipment, including the crusher with screener, exceeds the historic average hourly noise level of 56 dBA, the operator shall cease the use of the crusher with screener. (*Mitigation Measure 10-a-1*). The use of the crusher may continue only after the construction of an engineered sound barrier as required and completion of further acoustical analysis consistent subject to the following specification:

The existing stockpile, consisting of 3/4" rock, shall remain between the crusher and the quarry basin in order to act as a noise and visual barrier for the crusher. The stock pile, measuring approximately 19 feet tall and approximately 20 feet wide at the base, and cone-shaped shall be designed and engineered by an acoustical engineer and geotechnical engineer to be a permanent sound barrier to remain on-site through the

duration of the operation of the quarry. The barrier shall limit the stationary noise level at the property line of 200 Rancheria Road to an hourly average level of 56 dBA.

2. Should the stockpile sound barrier fail to limit the stationary noise level of the quarry operation to a maximum noise level of 56 dBA, including the cumulative use of all equipment as measured at the property line of 200 Rancheria Road, the operator shall submit within 30 days, plans for review and approval by the Planning Division of sound barrier mitigation measures prepared by a professional acoustical engineer. The maximum height of any physical barrier shall be 15 feet. Any physical sound barrier shall utilize natural materials and finishes that blend with the natural environment and are unobtrusive to off-site views. The operator shall apply for, and obtain, all necessary County permits and approvals for the construction and/or installation of any required sound barrier mitigation measures, including Design Review approval. (*Mitigation Measure 13-b-1*)
3. If the operator of the quarry violates the operation plan, including, but not limited to, the hours of operation of the crusher, the operator of the quarry shall be notified in writing by the Community Development Agency- Zoning Enforcement that the operation of the quarry and the use of the crusher shall cease. (*Mitigation Measure 10-a-3*)
4. If archaeological resources are discovered during operation of the quarry, all work at the site shall stop immediately, and the project sponsor shall inform the Marin County Community Development Agency (CDA) Environmental Coordinator of the discovery. A registered archaeologist, chosen by the County and paid for by the project sponsor, shall assess the site and shall submit a written report to the CDA – Planning Division staff advancing appropriate mitigations to protect the resources discovered. No work at the site may recommence without approval of the CDA staff. All future development of the site must be consistent with findings and recommendations of the archaeological report as approved by the CDA staff. (*Mitigation Measure 14-a-1*)
5. In order to maintain the Lafranchi Use Permit Renewal (UP 08-17), the operator of the quarry shall:
 - a. On an annual basis from the date of project approval, submit a Hazardous Material Business and Management Plan to the Marin County Department of Public Works Office of Waste Management for review and approval to determine that an insignificant amount of hazardous materials are stored and used at the project site. (*Mitigation Measure 9-c-1*)
 - b. On an annual basis from the date of project approval, submit a copy of the California State Environmental Protection Agency Identification Number CAL00213723 permitting the storing, hauling, and tracking of hazardous materials in accordance with State regulations. (*Mitigation Measure 9-c-2*).

PLAN CONSISTENCY

The 2009 Lafranchi Use Permit Renewal (08-17) project, as conditionally approved, is consistent with the AG-1 land use designation and policies of the Marin Countywide Plan (CWP) that emphasize preservation of, and compatibility with, the surrounding built and natural environment. In particular, the project is consistent with the CWP's policies relating to protection of the Stream Conservation Area (SCA), which requires development within the Inland Rural Corridor to provide a development setback from the top of bank that is greater of either a) 50 feet landward from the outer edge of woody riparian vegetation associated with the stream or b) 100 feet landward from

the top of bank. No activities associated with the quarry, with the exception of a portion of the existing historic access roadway and water well, are located within the required 100-foot SCA. The road and well improvements are located in disturbed areas and outside of the riparian corridor. No removal of existing native, riparian vegetation would result from the continued quarry operation. Furthermore, the owners of the property entered into a Watershed Protection Agreement for the Nicasio Watershed with the Marin Municipal Water District for the purpose of preserving the water quality of Halleck Creek. The 2009 Lafranchi Use Permit Renewal project, as conditionally approved, is consistent with the policies of the Nicasio Valley Community Plan (NVCP) and the supplemental "Development and Design Guidelines for the Nicasio Valley Planning Area". In particular, the project is consistent with the goal of the *Nicasio Valley Community Plan* to preserve the open space, historical, and rural attributes of the Nicasio Valley. *(Please refer to Findings VII (A-C) contained in the recommended Resolution.)*

ZONING CONSISTENCY AND WAIVER OF THE MASTER PLAN REQUIREMENT

Development and allowed uses of the project site are governed by certain provisions of the ARP-60 zoning district (Marin County Code Sections 22.080.020 and 22.08.030 – Table 2-1 and 22.16.030 - Planned District General Standards and 22.16.040 – Additional ARP District Standards) with a primary purpose of preserving lands for agricultural purposes with development subordinate to the agricultural use of the land. As a mineral resource extraction, the quarry operation and all associated improvements and activities are subject to Master Plan approval and Use Permit approval in accordance with Marin County Code Chapter 22.44 – Master Plans and Precise Development Plans and Chapter 22.48 – Use Permits. In this case, the applicant is seeking waiver of the Master Plan requirement and is requesting a Use Permit Renewal approval. In accordance with Marin County Code Section 22.44.040, which allows for a Master Plan Waiver, subject to compliance with findings Section 22.44.040.B, and compliance with Chapters 22.48 (Use Permits), Planning staff finds that the Master Plan requirements can be waived and that the Use Permit Renewal findings can be made for the conditional use. Staff finds that the project is consistent with the appropriate Countywide Plan policies and the Nicasio Valley Community Plan (NVCP), all requirements of the Master Plan application can be achieved and pertinent issues can be addressed through the Use Permit Renewal process. The project consists of the continued operation and facilities relative to quarrying activities on a 6.4-acre portion of the 375-acre Lafranchi ranch property that do not interfere with the agricultural use of the property. The quarry site would be reclaimed to agriculture land use in accordance with SMARA and County requirements upon the cessation of the quarry operation. The quarry site is located outside of any natural and/or cultural resource area, including Halleck Creek and any archaeological/historic resources. The project can be served by public safety personnel and equipment. The project as conditioned does not create noise, hazardous, or hydrology impacts. The 6.4-acre site contains adequate areas for physical development, circulation, and parking areas. *(Please refer to Findings IX (A-J) contained in the recommended Resolution.)*

PROJECT ANALYSIS

The following is an analysis of the minor modifications to the 2001 Lafranchi Use Permit (UP 99-05) and the 2001 Nicasio Rock Quarry Operating Plan that the applicant is seeking with the Lafranchi Use Permit Renewal (UP 08-17), the request for a 10-year Use Permit Renewal, and the request by the Nicasio Design Review Board for a community-based monitoring committee.

Amended Reclamation Plan

1. *The applicant is requesting to amend the 2001 Reclamation Plan, reflecting the current site characteristics in compliance with the Surface Mining and Reclamation Act of 1975 (SMARA) and Marin County Code Department of Public Works requirements.*

The Surface Mining and Reclamation Act of 1975 (SMARA) was enacted by the State Legislature to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property, and the environment. It is administered by the State Department of Conservation, Division of Mines and Geology. The reclamation process encompasses both mined lands and affected lands surrounding mined lands and can involve backfilling, grading, resoiling, revegetation, soil compaction, stabilization, removal of all equipment, or other measures. The goal of reclamation is to reclaim the mined and disturbed land areas to provide for productive end land uses and/or to restore the natural environment. SMARA's requirements have been incorporated into the County's Surface Mining and Quarry Ordinance (Marin County Code Chapter 23.06).

Section 2772(c) of SMARA states that reclamation plans shall include information identifying the following: (1) operator and owners; (2) the anticipated quantity and type of minerals that are mined; (3) the proposed dates for the initiation and termination of mining operations; (4) the maximum anticipated depth of the mining operation; (5) the size and legal description of the land, including its geology and any natural and built improvements; (6) a plan and time schedule that will provide for the completion of the mining activities; (7) a description of the future uses; (8) a description in which reclamation adequate for the future uses will be accomplished; (9) an assessment of the effect of reclamation on future mining in the area; and (10) a statement of financial responsibility for reclamation by the operator.

In 2001 a Reclamation Plan was prepared in accordance with SMARA and Department of Public Works requirements, referred to as the final grading plan, prepared by CSW/Stuber Stroeh Associates, Inc., Consulting Engineers and Surveyors. Staff has not received a request from the applicant to begin partial reclamation of the quarry, therefore as approved in the 2001 Use Permit, reclamation would begin in approximately 18 years when the quarry operation ceases. Upon reclamation, the 6.4-acre site will be restored to grazing land consistent with the use of the surrounding ranch lands. The quarry would not be reclaimed in phases, but would be reclaimed at the termination of the quarrying operation. The applicant has submitted a revised grading plan, based on current conditions of the quarry site. The 2001 Reclamation Plan will need to be amended following approval of the requested Lafranchi (Nicasio Rock Quarry) Master Plan Waiver and Use Permit Renewal to update the information requirements in compliance with SMARA and Department of Public Works requirements. As a condition of approval, in compliance with SMARA, the Department of Public Works is requiring the applicant to submit a revised Reclamation Plan and cost estimate for reclamation of the site.

Stock Piling of Topsoil Material

2. *The applicant is requesting that a minimum (instead of approximately) of 4,250 cubic yards of topsoil material be permitted to be maintained on site.*

The quarry operation consists of stripping and stockpiling topsoil, dozing and ripping into the face of the quarry, extracting, crushing, screening and stockpiling excavated material, and loading and hauling excavated material off site. The operator has been required to scrape the

topsoil from the lands being quarried and stock pile those soils for future use at the time of reclamation of the site. The 2001 Use Permit prohibited the stockpile from exceeding 25 feet in height. The operator is currently engaged in construction in West Marin, and periodically will import topsoil, as he obtains excess soils from other projects. This was found to be acceptable in the 2001 Use Permit provided that the size of the on-site topsoil stockpile, located west of the quarry site, be an amount adequate to provide a 5-inch cover over the 6.4-acre quarry site at the time of reclamation. Therefore, the applicant has requested that the Operating Plan be amended to reflect a minimum of 4,250 cubic yards of topsoil material shall be maintained on site. Staff finds that this is a minor technical modification and condition of approval will continue to be required which will prohibit the stockpile from exceeding 25 feet in height to minimize any potential visual impacts.

Increase in Number of Trucks on Site

3. *The applicant is requesting an increase from three to six dump trucks of varying sizes for the operation of the quarry be permitted to be parked on site.*

The quarry maintains a number of pieces of equipment associated with the operation of the quarry that was approved in the 2001 Use Permit. The primary piece of equipment is a rock crusher, which includes a screen and conveyor with a trailer-mounted unit located permanently on-site just south of the quarry basin. The operators have obtained two permits from the State Air Resources Board for the operation of the crusher unit. (Registration Nos. 107547 and 107548). In addition to the rock crusher, the following equipment was approved to be located on site: (1) three front-end loaders of varying sizes; (2) two bulldozers for ripping and pushing; (3) two excavators (hydraulic); (4) three dump trucks of varying sizes; (5) one motor grader for on site grading; (6) one service truck with tools used for repair of equipment on site; and (7) assorted small equipment such as attachments, buckets, replacement parts, and erosion and silt control materials. The applicant has requested a modification to the Operating Conditions to allow for six dump trucks of varying sizes to assure an adequate number of available trucks for the quarry operation.

After conducting a site visit, staff observed that there is ample area for parking three additional dump trucks, and finds that parking three additional trucks on site to be a minor modification because it would not change the amount of material that is to be excavated, would not create any visual impacts, and would not increase the number of truck trips, as the Operating Plan will restrict the number of truck trips and traffic flow. In addition, the trucks would be located within the leased area and outside of the 100-foot Stream Conservation Area.

Storage of Hazardous Materials

4. *The applicant has requested that storage of hazardous waste materials (e.g. batteries, waste filters, waste oil, waste anti-freeze, oxygen, acetylene) be permitted to be stored in designated containers located west of the quarry basin, north of the office building and adjacent to the fuel storage instead of inside the office building.*

The project as approved in 2001 allowed hazardous waste materials to be stored in containers inside the office building. The applicant has requested that storage of hazardous waste materials be permitted to be stored in designated containers located outside and north of the office building. All off hauling of hazardous waste materials is to be done by Evergreen Environmental, a State licensed hazardous waste hauler. The operator has been issued Environmental Protection Agency Identification Number CAL00213723 from the State Department of Toxic Substances Control for the tracking of the hazardous materials from

"cradle to grave". The operator is required to submit a hazardous Material Business and Management Plan on an annual basis and maintain a permit for the storage of hazardous waste materials from the Marin County Department of Public Works, Office of Waste Management (Permit No. 60-0559). The Office of Waste Management has reviewed and accepted the requested modifications and the conditions of approval require that the applicant maintain the Marin County Department of Public Works, Office of Waste Management permit. Planning staff finds this request will provide a safe alternative to the storage of hazardous materials.

Staff finds that the applicant's request to move hazardous material storage to an outside location would reduce the potential for injury or illness to employees if a spill or other accident were to occur, and therefore it is safer to move hazardous materials to a location where contamination could be contained and located away from employee activity.

Increase in Size of Settling Pond

- 5. The applicant has request to Increase the size of the settling pond from 10 feet by 20 feet to 18 feet by 36 feet.*

All drainage is directed to the existing settling pond, located approximately 100 feet north of the creek bank for Halleck Creek. The pond removes sediment from storm water discharge by allowing sediment to settle in the pond and directing filtered water into Halleck Creek. During the wet weather season (October 15 to May 15), fiber rolls, sediment logs or wattles are placed as needed south of the road at the quarry site to intercept any runoff and direct it into the settling pond. Straw bales are used on newly quarried slopes and at the base of the topsoil stockpile to prevent topsoil and fines from eroding into the creek as well as along the north creek banks of Halleck Creek. Topsoil stockpiles are compacted and seeded on an on-going basis as necessary to prevent erosion. No grading of slopes, placement of topsoil, or grading of any vegetated areas is to occur from January through March. These measures are for erosion control and storm water and non-storm water pollution prevention and have been monitored by Department of Public Works staff. County staff is recommending approval of this minor expansion as it will allow for additional capacity to treat additional runoff as needed from the quarry operation and ensure compliance with the requirements of the Clean Water Act.

Storage Containers

- 6. The applicant is requesting to store on site four 8-foot by 20-foot storage containers to store equipment limited to the use of the quarry operation (e.g. equipment parts, erosion control materials, etc.) to be located north of the settling pond and south of the quarry basin and outside of the 100-foot Stream Conservation Area.*

While the 2001 Use Permit approval allowed a number of facilities and improvements including a 1,200 square foot office building, above-ground oil/solvent/grease and fuel horizontal storage tanks, and 100 linear feet of storage bins constructed of quarry bunker blocks for excavated materials, it did not include storage for small materials and parts associated with the quarry operation. These items generally have been stored in the open in various locations, although recently, the operator did bring onto the site some storage containers. Staff finds that the proposed storage containers are needed for the operation of the facility. The proposed location is on a level area that would not require any grading. Staff finds this proposed modification to be minor and incidental for the purpose of maintaining the site in an orderly manner with the storage of equipment inside containers. Conditions of

approval require the containers to be located in the leased area and not to exceed a height of 15 feet.

10-Year Use Permit Renewal

7. The applicant is requesting a 10-year Use Permit Renewal

The Department of Public Works (DPW) and Community Development Agency staffs have conducted site visits on an annual basis, to verify that the quarry is complying with the 2001 Operating Plan. With the exception of additional trucks and installation of various storage containers on site from time to time, since 2001, the quarry operation has complied with the 2001 Use Permit operating conditions including the maximum allowed amount of extracted material per year, the number of truck trips allowed for off-hauling rock, allowed hours of operation, permitted operation of the self-contained, portable rock crusher and screener, and use of explosive materials. The operator has implemented an Erosion and Sediment Control Plan, approved by DPW on an annual basis. Compliance with the Reclamation Plan with financial security and fees is monitored by the State Department of Conservation, Division of Mines and Geology, and DPW staff. As part of the Use Permit Renewal process, the applicant is requesting approval of three additional trucks and installation of four storage containers on site to facilitate the quarry operation.

As discussed above, Planning staff finds all modification requests to be minor and in substantial compliance with the requirements of the approved 2001 Use Permit and Operating Plan and would not require preparation of a new or amended Negative Declaration of Environmental Review. In addition, the revised Reclamation Plan is required by SMARA and the enlarged settling pond will improve erosion control and storm water and non-storm water pollution prevention for Halleck Creek and ensure compliance with the requirements of Clean Water Act. Staff finds that subject to conditions of approval, all requested modifications to the 2001 Use Permit can be approved and that all Use Permit findings can be made to allow a 10-year Use Permit Renewal.

Community-Based Review of Quarry Operation

8. The Nicasio Design Review Board has requested the formation of a community-based monitoring committee.

The Community Development Agency (CDA) and Department of Public Works staffs have been monitoring the Nicasio Rock Quarry operation for compliance with the 2001 Use Permit and Operating Plan conditions of approval, standards and requirements on an annual basis. In the seven-year period from 2001 to 2008, the CDA Enforcement Division has not received a complaint regarding any aspect of the quarry operation. The County does not have the authority to authorize a community-based monitoring committee, nor does County staff find it necessary to require that the applicant meet with a community monitoring committee. The Use Permit Renewal conditions of approval require that the County conduct an annual permit compliance review to be paid for by the applicant.

CONCLUSION

Staff finds that the 2009 Lafranchi Use Permit Renewal project with minor modification to the 2001 Nicasio Quarry Operation Plan substantially complies with all required findings for Master Plan Waiver and Use Permit approval. The project requests minor modifications to the operation of the facility, which do not require the preparation of an addendum to the 2001 Mitigated Negative Declaration of Environmental Impact. The project is consistent with the policies of the AG-1 land use designation and the policies of the Marin Countywide Plan, specifically those that apply to the protection of the Stream Conservation Area. The plan is consistent with the goals of the Nicasio Community Plan to preserve the open space, historical and rural attributes of the Nicasio Valley. Further, the project is consistent with the ARP-60 zoning district and Marin County Code Section 22.44.040, which allows for a Master Plan Waiver in compliance with the required findings of Section 22.44.040.B. Subject to the conditions of approval, the operator will be in compliance with all requirements of the Marin County Department of Public Works Office of Waste Management, the State Air Resources Control Board, and the State Department of Conservation - Division of Mines and Geology. The Community Development Agency and the Department of Public Works staff will conduct an annual permit compliance review to ensure the facility is complying with all requirements of the Use Permit Renewal (UP 08-17). If it is found that the quarry is in violation of the requirements of the Use Permit Renewal (UP 08-17), or the approved uses are carried on in such a manner as to adversely affect the health, welfare, or safety of persons residing in the neighborhood, the Use Permit could be revoked or suspended in accordance with Chapter 22.120 of the Marin County Development Code.

RECOMMENDATION

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution conditionally approving the Lafranchi (Nicasio Rock Quarry) Master Plan Waiver and Use Permit Renewal (UP 08-17).

ATTACHMENTS

1. Proposed Resolution recommending conditional approval of the Lafranchi (Nicasio Quarry) Master Plan Waiver and Use Permit Renewal (UP 08-17)
2. Addendum One, Nicasio Quarry Operating Plan (January 2009)
3. Location Map
4. Assessor's Parcel Map
5. Operation and Site Plan
6. Resolution No. 2001-15, approved on February 27, 2001, Denying the Matthews and the Lunny Grading and Paving Appeals, Sustaining the Planning Commission's Decision and Granting a Negative Declaration of Environmental Impact for the Lafranchi Quarry Master Plan Waiver, Use Permit and Design Review
7. Noise Emission Assessment Report prepared by Illingworth and Rodkin, Inc, dated 2/14/08
8. Lab Analysis Report prepared by Environmental Technical Services, dated 10/25/07
9. Lunny Grading and Paving, Inc., Rock Shipping Report for the period of 3/23/07-10/23/07
10. Department of Toxic Substances Control, permit status as of 8/12/08
11. County of Marin, Classified Unified Program Agency Hazardous Waste and Hazardous Materials Management Regulatory Program, Permit No. 60-0559
12. Regional Water Quality Control Board, San Francisco Bay Region, email received 5/29/08
13. Air Resources Board Statewide Portable Equipment Registration No. 107547
14. Air Resources Board Statewide Portable Equipment Registration No. 107548
15. California Integrated Water Quality System Application, submitted 8/18/08
16. State of California State Water Resources Control Board, General Permit to Discharge Storm Water Associated with Industrial Activity, dated 6/25/99
17. Environmental Health Services – Sewage, memo dated 11/14/08
18. Environmental Health Services – Water, memo date 11/19/08
19. Department of Public Works - Land Use and Water Resources, memo dated 11/18/08
20. Marin County Fire Department Hold Request, dated 6/16/08
21. Marin Agricultural Land Trust, letter dated 12/2/08 Nicasio Design Review Board, letter dated 11/24/08
22. Nicasio Design Review Board letter dated 11/24/08