

MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE SAN RAFAEL ROCK QUARRY
SURFACE MINING AND QUARRYING PERMIT #Q-72-03, AMENDMENT #1**

And

**AMENDED RECLAMATION PLAN
(CA Mine #91-21-0008)**

**1000 POINT SAN PEDRO ROAD, SAN RAFAEL
ASSESSOR'S PARCELS 184-010-52 ET AL.**

SECTION 1: CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

- I. WHEREAS a Combined Environmental Impact Report (hereinafter, "EIR") was prepared for the San Rafael Rock Quarry Amended Surface Mining and Quarry Permit and Amended Reclamation Plan projects pursuant to requirements of the California Environmental Quality Act ("CEQA," Public Resource Code Sections 21000-21177), State CEQA Guidelines, and County CEQA procedures; and
- II. WHEREAS on October 27, 2009, the Marin County Board of Supervisors adopted Resolution No. 2009-126 which certified the Combined Final EIR for the San Rafael Rock Quarry Amended Surface Mining and Quarry Permit and Amended Reclamation Plan projects as adequate for purposes of taking an action on the projects; and
- III. WHEREAS the Marin County Board of Supervisors hereby makes findings of fact pursuant to CEQA and the State CEQA Guidelines as contained in "Exhibit 1" attached to this resolution and incorporated herein by reference; and
- IV. WHEREAS the Marin County Board of Supervisors hereby makes a Statement of Overriding Considerations, as expressed in "Exhibit 1" and pursuant to the requirements of Section 15093 of the State CEQA Guidelines and CEQA Public Resource Code Section 21081, concerning the projects' two remaining cumulative unavoidable significant impacts and overriding considerations reflecting the balancing of project benefits that outweigh the unavoidable impacts; and

**SECTION 2: SURFACE MINING AND QUARRY PERMIT AMENDMENT AND
RECLAMATION PLAN AMENDMENT FINDINGS**

- V. WHEREAS on September 1, 2010, prior notice of a public hearing was sent to property owners within two thousand five hundred feet of the perimeter of land affected and also posted on the County web site; and
- VI. WHEREAS on September 14, 2010, the Marin County Board of Supervisors conducted an evening public hearing to consider the San Rafael Rock Quarry Amended Surface Mining and Quarry Permit and Amended Reclamation Plan, accepted public testimony and then moved to continue the public hearing to September 28, 2010; and

- VII. WHEREAS on September 28, 2010, the Marin County Board of Supervisors conducted the continued public hearing to receive testimony on the San Rafael Rock Quarry Amended Surface Mining and Quarry Permit and Amended Reclamation Plan; and
- VIII. WHEREAS, prior to taking action, the Marin County Board of Supervisors has reviewed and considered, among other items: (1) the Combined Final EIR documents and record (including the August 2009 Response to Comment Amendment); (2) information, data and technical reports provided by the San Rafael Rock Quarry for the Amended Surface Mining and Quarrying Permit amendment and Amended Reclamation Plan submittals; (3) the proposed CEQA findings of fact and the Statement of Overriding Consideration; (4) the proposed Mitigation Monitoring and Reporting Program; and (5) all oral and written public testimony received and the administrative record;

SECTION 3: RESOLUTION APPROVING THE SAN RAFAEL ROCK QUARRY AMENDED SURFACE MINING AND QUARRY PERMIT AND AMENDED RECLAMATION PLAN PROJECTS, SUBJECT TO CONDITIONS OF APPROVAL AND ADOPTION OF A MITIGATION MONITORING AND REPORTING PROGRAM

NOW, THEREFORE BE IT RESOLVED that the Marin County Board of Supervisors hereby adopts a resolution which approves the San Rafael Rock Quarry Surface Mining and Quarrying Permit Amendment #1 and amended reclamation plan, subject to the Conditions of Approval contained in "Exhibit 2", and adopts the Mitigation Monitoring and Reporting Program contained in "Exhibit 3" of this resolution. Both "Exhibit 2" and "Exhibit 3" are attached to this resolution and incorporated herein by reference.

SECTION 4: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 28th day of September 2010, by the following vote, to wit:

AYES:

NOES:

ABSENT:

JUDY ARNOLD, PRESIDENT
MARIN COUNTY BOARD OF SUPERVISORS

Attest:

Clerk to the Board