

**PLANNING COMMISSION  
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION # 03081

A.P. # 416-471-014-000  
416-471-014-000-M

In the matter of the application of  
**Granite Construction (PLN010290 & PLN010291)**

**FINDINGS & DECISION**

for a Combined Development Permit in accordance with Title 21 (Zoning) Chapter 21.76 of the Monterey County Code, consisting of the following: 1) Use Permit allowing the establishment and operation of a granite quarry with associated onsite rock processing plant, asphaltic concrete batch plant, Portland cement concrete batch plant and asphalt and concrete recycling facility, 2) Use Permit for the removal of 300 oak trees, 3) Use Permit for development on slopes over thirty percent, and 4) Reclamation Plan establishing standards, timelines and practices for phased reclamation. The proposed operation is located on approximately 330 acres of the 1,230 acre Handley Ranch. Maximum proposed annual production is 1.5 million tons of aggregate material. Anticipated lifespan of the operation including reclamation is approximately 120 years. The proposed project includes offsite construction of a 1.5-mile long, paved access road connecting Iverson Road and Old Stage Road (along the southeast boundary of Assessor's Parcel Numbers 269-062-003-000 and 269-062-005-000 and the northeast boundary of Assessor's Parcel Numbers 223-051-001-000 and 223-051-004-000). The proposed quarry and processing plants are located northeasterly of and at 25485 Iverson Road, Gonzales (Assessor's Parcel Numbers 416-471-005, 006, 007, 008 and 009; 416-471-014; 415-081-018 and 019; 269-063-004), approximately half way between Old Stage Road and Johnson Canyon Road, came on regularly for meeting before the Planning Commission on November 12, 2003.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

**FINDINGS OF FACT**

- 1. FINDING: CONSISTENCY** - The Project, as conditioned, is consistent with applicable plans and policies of the Monterey County General Plan and Central Salinas Valley Area Plan and Title 21, Zoning Ordinance Chapters 21.30 and 21.34, and with the Monterey County General Plan which designates the property as "Farmlands, 40 acre minimum," and "Permanent Grazing, 40 acre minimum."

- EVIDENCE:** (a) County staff and Resource Design, Inc., a consultant hired by Monterey County, has reviewed the project as contained in the application and accompanying materials for consistency with the General Plan and Central Salinas Valley Area Plan. Staff have reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 21) and have determined that the project is consistent with the General Plan and Central Salinas Valley Area Plan.
- (b) Project planner conducted on-site inspections to verify that the project on the subject parcel conforms to the plans listed above.
- (c) The property is zoned Farmlands—40 acre minimum ("F/40") for the access roads and overburden area 4, and Permanent Grazing—40 acre minimum ("PG/40") for the plant, mining area, and other overburden areas, according to Section 21.08.060, Sheet 20, of the Monterey County Zoning Ordinance. The project is in compliance with Site Development Standards for the "F" and "PG" Districts, in accordance with Sections 21.30.060, 21.34.060, and Chapter 21.62.

- (d) The project for a mining operation and proposed appurtenant uses are uses allowed subject to obtaining a Use Permit, in accordance with Sections 21.30.050.L and 21.34.050.Y. These sections allow the 'Removal of Minerals.
- (e) The project is not within the jurisdiction of a Land Use Advisory Committee.
- (f) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN010290 and PLN010291.
- (g) The State of California designated this project as an MRZ-2a zone, which designates lands of prime importance for mineral deposits (*"Mineral Land Classification of Granite Construction's Handley Ranch Site, Monterey County, California, for Construction Aggregate Resources"* prepared by the State of California, 2003). General Plan Objective 2.1 states "Protect potentially significant mineral deposits and mining operations from encroachment by incompatible land uses, in accordance with established land use priorities." General Plan Objective 2.2 states "Protect existing mining operations, including idle and reserve properties from encroachment by incompatible land uses, in accordance with established land use priorities."
- (h) The height for the processing facilities, which exceeds the height limit of 35 feet for main and accessory structures in the zoning district, is allowed pursuant to Section 21.62.030 of the County Code.
- (i) General Plan Policy 2.3.2 states, "Mining Operators shall be required to furnish the County with all information needed to make an environmental assessment of the proposed mineral extraction operation." The applicant has submitted all the information requested by County staff and the County's EIR consultant, as demonstrated in Evidence b for Finding 2, below.
- (j) Draft Environmental Impact Report, Section 3.9, which describes consistency with the County General Plan and Zoning Ordinance.
- (k) Draft EIR Table 3.9-1 analyzes consistency with each applicable policy and finds the proposed project is consistent.
- (l) Draft EIR discussion for Impact 3.2-2, which finds that the project is consistent with the thirty percent slope policies of the General Plan and regulations of Title 21.
- (m) Exhibit A, Discussion, of Planning Commission Staff Report prepared for November 12, 2003 public hearing.

**2. FINDING: SITE SUITABILITY** - The site is suitable for the use proposed.

- EVIDENCE:**
- (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks and Gonzales Rural Fire District. Conditions recommended have been incorporated.
  - (b) Technical reports submitted by the applicant's consultants indicate that there are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats or similar areas that would indicate the site is not suitable for the use proposed. The consultant reports have been reviewed by an independent consulting firm under contract to the County. The following reports were submitted by the applicant with the application, or subsequently submitted, and reviewed by the County's consultants:

*"Rock Slope Stability Analysis: Handley Ranch Quarry" prepared by Cotton Shires & Associates, Inc., June 2001.*

*“Summary of Geologic Investigation of the Handley Ranch Site, Monterey County, California” prepared by Patrick G. Embree, Granite Construction, Inc., Watsonville, CA, June, 2001.*

*“Granite Construction Handley Quarry Hydrology Report: Handley Ranch, Salinas Valley, Monterey CA” prepared by Weber Hayes and Associates, July 2000.*

*“Estimate of Pumping Impact from the Proposed Handley Quarry Well” prepared by Weber Hayes and Associates, June 2001.*

*“Hydrogeologic Evaluation for the Handley Ranch Quarry Area Chualar, California” prepared by Farallon Consulting LLC, August 2001.*

*“Preliminary Storm Water Containment Design: Handley Ranch Quarry, Monterey County, California” prepared by Cotton Shires & Associates, Inc., July 10, 2001.*

*“Handley Ranch Biological Assessment Report” prepared by URS Corporation, July 2001.*

*“Spring 2000 Biological Survey, Handley Ranch, Monterey County, California” prepared by Greening Associates, December 1, 2000;*

*“Response to California Department of Fish and Game comments for Handley Ranch Quarry” prepared by Twining Laboratories, Inc., September 15, 2003*

*“Handley Ranch Quarry: Traffic Analysis Report, Monterey County, California” prepared by Higgins Associates, June 20, 2001.*

*“Handley Quarry Truck Traffic Impacts on Chualar Canyon Road Traffic” Letter from Higgins Associates to Granite Construction Co., June 25, 2001.*

*“Handley Ranch Quarry, Gonzales California – Response to Comments by Monterey County Public Works” prepared by Higgins Associates, October 24, 2001.*

*“Handley Ranch Quarry, Gonzales, California – Response to Public Comments” prepared by Higgins Associates, June 26, 2002.*

*“Handley Ranch Quarry, Gonzales, California – Highway 101 Volumes” prepared by Higgins Associates, August 16, 2002.*

*“Handley Ranch Quarry, Gonzales, California – Response to Environmental Consultant’s Comments” prepared by Higgins Associates, October 1, 2002.*

*“Summary of Traffic Analysis and Necessary Roadway Improvements” prepared by Higgins Associates, December 2002.*

*“Handley Ranch Quarry, Gonzales, California – Additional Seasonal Analysis” prepared by Higgins Associates, June 24, 2003.*

*“Handley Quarry Regional Traffic Impact Evaluation, Monterey County, California” prepared by Higgins Associates, August 4, 2003.*

*“Pavement Evaluation Study: Maintenance and Rehabilitation Strategy for Granite Construction Handley Ranch Monterey County, California” prepared by Kleinfelder Inc., July 2001.*

*“Assessment of the North Gonzales Overcrossing” prepared by Imbsen and Associates, Inc., August 8, 2001.*

*“Response to Monterey County Department of Public Works Questions Regarding the Pavement Maintenance Strategy for the Proposed Handley Ranch Quarry Project Near Chualar, California” prepared by Kleinfelder Inc., October 31, 2001.*

*“Environmental Noise Assessment: Handley Ranch Quarry Monterey County, California” prepared by Brown Buntin and Associates, Inc., June 2001.*

*“Archaeological Inventory and Evaluation at Six Sites on the Handley Ranch, Near Gonzales, Monterey County, California” prepared by Pacific Legacy Incorporated, June 2001.*

*“Visual Resources Analysis: Handley Ranch Quarry” prepared by Lilburn Corporation, August 2001.*

*“Visual Resources Analysis for the Handley Ranch Quarry” prepared by Lilburn Corporation, Updated October 2002.*

*“Preliminary Geotechnical Assessments of Foundations for PG&E Towers Located Adjacent to the Proposed Handley Ranch Project near Chualar, California” prepared by Kleinfelder, Inc., July 2001.*

*“Ground and Air Borne Vibration Study: Handley Ranch Property, Chualar, California” prepared by Vibra-Tech Engineers, Inc., June 2001.*

*“Air Quality Assessment of the Proposed Handley Ranch Quarry” prepared by Geoff Boraston, Granite Construction Inc., July 2001.*

*Letter regarding asbestos and mercury, prepared by John Wakabayashi, Geologist, July 24, 2003.*

*“Report: Construction Aggregate in Monterey County: Production, Consumption, Reserves, and Future Demand” prepared by TerraMins, Inc., September 2002.*

*Letter from Peter Berck, Ph.D., Economic Consultant, March 14, 2003.*

*Letter from Peter Berck, Ph.D., Economic Consultant, March 28, 2003.*

Reports are in Project File PLN010290 and PLN010291.

- (c) Final Environmental Impact Report prepared by Resource Design, dated October 2003.
- (d) Staff conducted on-site visits on February 20, 2003 and March 28, 2003 to verify that the site is suitable for this use.
- (e) Necessary public facilities are available and will be provided.
- (f) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN010290 and PLN010291.
- (g) Discussion, of Planning Commission Staff Report prepared for November 12, 2003 public hearing.

**3. FINDING:** The Draft EIR does not contain significant new information, as defined in CEQA Guidelines Section 15088.5, which would require recirculation of the modified sections or entire document.

**EVIDENCE:** (a) Section 15088.5(1), (2), (3), and (4) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3.

(b) Final EIR Table 3.0-1, which shows the changes to the Draft EIR in response to comments received on the Draft EIR. The changes are not substantial, do not include significant new environmental impacts, do not show a substantial increase in the severity of an environmental impact, does not identify a feasible project alternative or mitigation measure considerably different from others previously identified, and the Draft EIR was not fundamentally and basically inadequate.

(c) Review of Final EIR Table 3.0-1 shows that the changes primarily clarify mitigation measures (mitigation measures 3.4-2h, 3.2-1a, 3.5-27b, 3.8-1a, 3.11-2a, and 3.11-3) and reflect insubstantial changes to mitigation measures (mitigation measures 3.4-1(6), 3.5-3c and 3.5-3b) to ensure clarity and respond to comments received on the Draft EIR. Text changes were also made to clarify the analysis or correct insignificant errors (1.1.3, 2.4.2, 2.5.2, Tables 3.4-4 and 3.4-7, and Impacts 3.5-2, and 3.8-6). Reduced impacts were identified for mitigation measure 3.5-25b and for impact 3.10-3.

(d) Final EIR Section 5.2.2, Response 26.

(e) Resolution attached as Exhibit "L" to Planning Commission Staff Report for November 12, 2003 public hearing.

(f) Discussion, of Planning Commission Staff Report prepared for November 12, 2003 public hearing.

**4. FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement cost, if any, have been paid.

**EVIDENCE:** Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.

**5. FINDING: TREE REMOVAL** – The subject project minimizes tree removal in accordance with the provisions of the Monterey County Code.

**EVIDENCE:** (a) Section 21.64.260, Preservation of Oak and Other Protected Trees.

(b) The potential impact to native trees close to the proposed development was assessed in the EIR.

(c) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN010290 and PLN010291.

(d) Draft EIR Section 3.5.2.3, which explains the existing environment; Impact 3.5-30 and mitigation measures 3.5-30a through d; Impact 3.5-34 and mitigation measures 3.5-34a through c. These sections explain that up to 300 trees will be removed, but mitigation includes avoidance where feasible and replanting in appropriate locations designated by a biologist.

(e) These documents, with mitigation measures recommended by the EIR, will assure that the tree removal will not cause significant soil erosion, adversely affect water quality, will not have a significant effect on biological resources, will not significantly increase noise, will not significantly reduce the ability of the existing vegetation to reduce wind velocities such that a nuisance could occur, nor significantly reduced available habitat.

(f) Draft EIR Sections 2.5, 3.1, 3.5, 3.7, 3.8, 3.9, and 3.10.

**6. FINDING:** The Project, as conditioned, is consistent with the provisions of the County's surface mining ordinance.

**EVIDENCE:** (a) Chapter 16.04 of the Monterey County Code, Surface Mining and Reclamation, establishes regulations for mining operations and reclamation. County staff reviewed the requirements of the ordinance and determined that the Project complies with the requirements.

(b) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN010290 and PLN010291.

**7. FINDING:** The Project complies with the provisions of SMARA and State regulations, as those provisions may be amended from time to time.

**EVIDENCE:** (a) The State of California Surface Mining and Reclamation Act of 1975 (SMARA), Public Resources Code Sections 2710 et seq., establishes state authority to regulate mining operations and reclamation. County staff reviewed the requirements of the law and determined that the Project complies with the requirements.

(b) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN010290 and PLN010291

**8. FINDING:** The Reclamation Plan complies with SMARA Sections 2772 and 2773, as may be amended from time to time and any other applicable provisions.

**EVIDENCE:** (a) These SMARA sections establish content requirements relating to reclamation plans. County staff reviewed the requirements of the law and determined that the Project complies with the requirements.

(b) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN010290 and PLN010291.

(c) The Mining and Reclamation Plan has been reviewed by the Planning and Building Inspection Department and the State Department of Conservation. County staff performed site inspections to verify existing conditions and to evaluate the adequacy of the Mining and Reclamation Plan. The Department of Conservation submitted comments on the proposed mining and reclamation plan. All comments by the State have been adequately addressed and/or incorporated into the Plan.

- 9. FINDING:** The Reclamation Plan complies with applicable requirements of State regulations (CCR Sections 3500-3505, and Sections 3700-3713, as those provisions may be amended from time to time).
- EVIDENCE:** (a) The Code of Civil Regulation sections establish standards for reclamation plan content, financial assurances, and reclamation performance standards. County staff reviewed the requirements of the law and determined that the Project complies with the requirements.  
(b) See evidence for Finding 8.
- 10. FINDING:** The Reclamation Plan and potential use of reclaimed land pursuant to the plan are consistent with Monterey County Code Chapter 16.04 and the Monterey County General Plan and any applicable resource plan or element.
- EVIDENCE:** (a) County staff reviewed Chapter 16.04, which establishes standards and procedures for submittal and processing of applications for surface mining operations. County staff reviewed the requirements of Chapter 16.04 and determined that the Project complies with the requirements.  
(b) See evidence for Findings 1 and 8.  
(c) The project is consistent with the General Plan and Central Salinas Valley Area Plan, as described in the evidence for Finding 1, above. The General Plan designates the site for agricultural and open space uses, which is the proposed end use.
- 11. FINDING:** The Reclamation Plan has been reviewed pursuant to CEQA and the Monterey County CEQA Guidelines, as those provisions may be amended from time to time, and all significant adverse impacts from reclamation for the surface mining operations are mitigated to the maximum extent feasible.
- EVIDENCE:** (a) Draft EIR dated May 2003 and Final Environmental Impact Report dated October 2003.  
(b) Findings and Evidence 3 for public hearing on November 12, 2003, relating to certification of the project Environmental Impact Report.  
(c) Board of Supervisors Resolution adopting the local Monterey County CEQA Guidelines.  
(d) Discussion, of Planning Commission Staff Report prepared for November 12, 2003 public hearing.
- 12. FINDING:** The land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site mitigation will compensate for related disturbance to resource values.
- EVIDENCE:** (a) Draft EIR, including Chapters 3.2, 3.3, 3.5, 3.8 and 3.9.  
(b) Final EIR, including Chapters 3.0, 4.2, 4.5 and 5.0.  
(c) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN010290 and PLN010291.  
(d) Discussion, of Planning Commission Staff Report prepared for November 12, 2003 public hearing.
- 13. FINDING:** The Reclamation Plan will restore the mined lands to a usable condition which is readily adaptable for appropriate land uses consistent with the General Plan and applicable resource plan.

- EVIDENCE:** (a) The proposed end use of the site is open space, including grazing and agricultural use, and a potential site for an off-stream reservoir. Current and foreseeable land use for this area includes agricultural and open space uses.
- (b) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN010290 and PLN010291.
- (c) Monterey County General Plan (1982) and proposed Draft General Plan (2003).

- 14. FINDING:** A written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that Department. Where the County's position is at variance with the recommendations and objections raised by the State Department of Conservation, said response shall address, in detail, why specific comments and suggestions were not accepted.

- EVIDENCE:** (a) Letters from Department of Conservation dated November 2, 2001 (Operations and Reclamation Plan), April 8, 2002 (Reclamation Plan), and August 27, 2002.
- (b) Response to State comments through preparation of the Draft EIR, dated May 2003, which incorporated suggestions from the State in mitigation measures, where appropriate.
- (c) Further responses to the August 27, 2002 letter are contained in a letter from Monterey County Planning and Building Inspection Department to the Department of Conservation.

- 15. FINDING:** The request for the proposed development on slopes over thirty percent is consistent with the Zoning Ordinance since no other alternative exists which would allow development to occur on slopes of less than thirty percent.

- EVIDENCE:** (a) The project consists of a granite mining operation, which requires a substantial granite deposit. Granite deposits consist of hard rock, where erosion creates steep hillsides over time.
- (b) DEIR Chapter 4.0.
- (c) Letter from Granite Construction dated September 10, 2003.
- (d) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN010290 and PLN010291.

- 16. FINDING: HEALTH AND SAFETY -** The establishment, maintenance or operation of the use or structure applied for, will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.

- EVIDENCE:** (a) Preceding findings and supporting evidence.

- 17. FINDING:** For purposes of the Fish and Game Code, the project will have a potential for adverse impact on fish and wildlife resources upon which the wildlife depends.

- EVIDENCE:** (a) Staff analysis contained in the EIR and the record as a whole indicate the project may or will result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations.
- (b) Draft EIR Chapter 3.5, Biological Resources. All potential impacts have been reduced to a less than significant level.
- (c) Discussion, of Planning Commission Staff Report prepared for November 12, 2003 public hearing.



**18. FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors.

**EVIDENCE:** Section 21.80.040.D of the Monterey County Zoning Ordinance (Title 21).

### **DECISION**

THEREFORE, it is the decision of the Planning Commission that said application for a Combined Development Permit be granted as shown on the attached sketch, subject to the following conditions:

1. This permit allows the extraction, processing and sale of up to 1,500,000 tons of aggregates annually for a period of 120 years on 333 acres within Assessor's Parcel Numbers 416-471-005,006, 007, 008, and 009; 416-471-014; 415-081-018, 019; 269-063-004; 269-062-003, 005; 223-051-001, 004 in accordance with County ordinances and land use regulations subject to the following terms and conditions. The approval also allows construction of an off-site access roads and related improvements, construction of a production area including an asphalt plant, concrete plant, production plant, recycling plant, and ancillary facilities as shown on Sheet 3 of 6 (dated August 2001) of the Operations Plan. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities.
2. All aspects of the operation shall be conducted in compliance with the approved Mining and Reclamation Plan and other applicable requirements of the State Surface Mining and Reclamation Act (SMARA) and conditions of this permit and shall be conducted only within the boundaries indicated in the approved Mining and Reclamation Plan. **(Planning and Building Inspection Department)**
3. The permit shall be granted for a time period of 120 years, to expire on November 12, 2123. **(Planning and Building Inspection Department)**

#### **Prior to issuance of building and/or grading permits**

4. The applicant shall record a notice which states: "A permit (Resolution 03081) was approved by the Planning Commission for Assessor's Parcel Numbers 416-471-005,006, 007, 008, and 009; 416-471-014; 415-081-018, 019; 269-063-004; 269-062-003, 005; 223-051-001, 004 on November 12, 2003. The permit was granted subject to 107 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
5. The applicant shall record a deed restriction which states: "The parcel contains areas of fill that have not been engineered to support structures and development may be subject to certain restrictions." **(Planning and Building Inspection Department)**

6. A scenic easement shall be conveyed to the County over those portions of the property as identified in the letter from The Twining Laboratories, Inc. to Mike Novo, Monterey County Planning and Building Inspection Department dated September 15, 2003. An easement deed shall be submitted to, and approved by, the Director of Planning and Building Inspection prior to issuance of building permits. The easement deed shall be recorded prior to a final inspection on the asphalt plant, concrete plant, processing plant, or commencement of mining, whichever occurs first. **(Planning and Building Inspection Department)**
7. Pursuant to the State Public Resources Code, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee within five (5) calendar days, to be collected by the County of Monterey for the amount of **\$875**. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first. The project shall not be operative, vested or final until the filing fees are paid. **(Planning and Building Inspection Department)**
8. No land clearing or grading for infrastructure, roads, and structure pads shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection Department)**
9. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. **(Planning and Building Inspection Department)**
10. The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21086 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. **(Planning and Building Inspection Department)**
11. Protected trees which are located close to the construction site shall be protected from inadvertent damage from construction equipment by wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees. Said protection shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection Department)**

12. The parking layout and circulation shall be reviewed by the Director of Public Works. That the parking requirements shall meet the standards of Monterey County Code Chapter 21.58 and be approved by the Director of Planning and Building Inspection prior to the issuance of building permits or commencement of the approved use. **(Public Works; Planning and Building Inspection)**
13. A Grading Permit shall be required for all off-site grading, access roads, and the production area, pursuant to the Monterey County Code relative to Grading, Chapter 16.08. **(Planning and Building Inspection Department)**
14. The top of bank, as defined in County Floodplain Ordinance #3272, shall be determined by a registered civil engineer or licensed land surveyor and delineated on the site plan. The detention pond and proposed overburden areas shall be setback 50 feet from the top of bank. **(Water Resources Agency)**
15. Prior to issuance of any grading or building permits, the applicant shall provide the Water Resources Agency a copy of the Water Use & Nitrate Impact Questionnaire describing the pre-development and post-development water use on the property. **(Water Resources Agency)**
16. A drainage plan shall be prepared by a registered civil engineer addressing on-site and off-site impacts that includes routing stormwater runoff from the paved parking areas to an oil-grease/water separator and construction of stormwater detention facilities to mitigate the impact of impervious surface stormwater runoff. The detention pond shall be fenced for public safety. **(Water Resources Agency)**
17. Prior to issuance of any grading or building permits, a road drainage and improvement plan shall be prepared by a registered civil engineer. **(Water Resources Agency)**
18. Applicant shall provide certification to the County Water Resources Agency that applications have been submitted for all required local, State and Federal permits including but not limited to, California Division of Safety of Dams, State Water Resources Control Board and/or the California Regional Water Quality Control Board. **(Water Resources Agency)**
19. Copies of all permits from other agencies shall be submitted to the Planning and Building Inspection Department. **(Planning and Building Inspection)**
20. The applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available, and the number of current hookups. **(Water Resources Agency)**
21. Prior to issuance of any grading and/or building permits, a Groundwater Extraction Management System (GEMS) Well Information Form shall be submitted to the Monterey County Water Resources Agency (MCWRA) for all existing wells to serve the project. As new wells are developed, the GEMS Well Information Form shall be completed and submitted to the MCWRA prior to commencement of use. **(Water Resources Agency)**
22. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
  - a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be

equipped with a hot water recirculating system.

b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. **(Water Resources Agency)**

23. Obtain a new water system permit from the Division of Environmental Health. **(Environmental Health)**
24. Design the water system improvements to meet the standards as found in Chapter 15.04 of the Monterey County Code, Titles 17 and 22 of the California Code of Regulations and as found in the Residential Subdivision Water Supply Standards. Submit engineered plans for the water system improvements, including plans for secondary treatment, and any associated fees to the Director of Environmental Health for review and approval prior to installing (or bonding) the improvements. **(Environmental Health)**
25. Submit plans for review and approval showing the location and design of the proposed septic system meeting the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions," Central Coast Basin Plan, RWQCB. **(Environmental Health)**
26. The operator shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the Reclamation Plan. Said statement shall be kept by the Planning and Building Inspection Department in the mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to the Planning and Building Inspection Department. **(Planning and Building Inspection Dept.)**
27. The applicant shall post the project site street address and phone number for complaints at the designated entrance to the site. **(Planning and Building Inspection Department)**
28. Exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the area intended is illuminated and fugitive off-site lighting is controlled. Full cut-off light fixtures shall be used to achieve this standard. Prior to the issuance of building permits, the Operator shall submit a lighting plan identifying the location, type, and wattage of exterior lighting for approval by the Director of Planning and Building Inspection. **Mitigation Measure 3.2-3 (Planning and Building Inspection)**
29. The asphalt plant shall meet Best Available Control Technology (BACT), including incorporating a low NO<sub>x</sub> burner with flue gas recirculation, or meeting any more stringent requirement of the MBUAPCD Rules and Regulations, including achieving the lowest achievable emission rate for propane-fueled asphalt plants of a similar BTU rating. The purpose of this mitigation measure is to ensure that assumptions used to estimate Project emissions are incorporated into the Project, and to ensure that the Project reduces combustion emissions to the extent feasible. The Applicant shall demonstrate compliance by submitting a copy of the Authority to Construct permit to the Planning Director within 30 days of receipt. **Mitigation Measure 3.4-2a (Planning and Building Inspection)**
30. A fabric filter shall be installed to control PM<sub>10</sub> emissions from the asphalt batch plant and meet the BACT requirements of the MBUAPCD. The purpose of this mitigation measure is to ensure that assumptions used to estimate Project emissions are incorporated into the Project, and to ensure that the Project reduces PM<sub>10</sub> emissions to the extent feasible. The Applicant shall demonstrate compliance by submitting a copy of the Authority to Construct permit to the Planning Director within 30 days of receipt. **Mitigation Measure 3.4-2b (Planning and Building Inspection)**

31. A pollution control system that controls fugitive emissions from the silos on the asphalt batch plant during silo filling operations shall be installed. The purpose of this mitigation measure is to ensure that assumptions used to estimate Project emissions are incorporated into the Project, and to ensure that the Project reduces PM<sub>10</sub> emissions to the extent feasible. The Applicant shall demonstrate compliance by submitting the Authority to Construct to the Planning Director within 30 days of receipt. **Mitigation Measure 3.4-2c (Planning and Building Inspection)**
32. The Operator shall avoid impacts to oak and other native trees by designing structures and infrastructure to avoid native trees. Prior to the issuance of Building or Grading Permits or the commencement of any ground-disturbing activities, the Operator shall stake the haul route, overburden areas, processing areas and proposed building footprints. Whenever possible, improvements shall be located beyond the dripline of any native trees greater than six inches in diameter, measured two feet above existing ground level. Monterey County Planning and Building Inspection Department staff shall review project staking and may require minor modifications to the road alignment or building locations to ensure that the siting of these improvements avoids oak and other native trees to the greatest extent possible. **Mitigation Measure 3.5-30a (Planning and Building Inspection)**
33. The following note shall be included on all building and grading permit plans: If cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. If the find is determined to be a unique archaeological resource, work shall not resume until implementation of avoidance measures and/or mitigation can be put in place. Work can continue on other parts of the site while resource mitigation takes place. The mitigation measures shall include the following steps if human remains are discovered.
- a) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
- 1) The coroner of the county must be contacted to determine that no investigation of the cause of death is required.
  - 2) If the coroner determines the remains to be Native American:
    - i) The coroner shall contact the Native American Heritage Commission within 24 hours.
    - ii) The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.
    - iii) The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code, Section 5097.98.
- b) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:

- 1) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
  - 2) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner. **Mitigation Measure 3.6-1b** Provide a contract with an archaeologist that includes a scope of work detailing the monitoring that will be done during grading operations for the production area and other areas identified in the Operations Plan. After completion of the archaeologist's work, they shall submit a final report to the Planning and Building Inspection Department. **(Planning and Building Inspection Department)**
34. Prior to the issuance of building permits, the Project shall be annexed into MCWRA Zone 2C and pay all required assessments as determined by the MCWRA to be necessary for established programs to prevent seawater intrusion and bring the basin into balance, such as the Salinas Valley Water Project. **Mitigation Measure 3.8-1a (Water Resources Agency)**
35. Above ground tanks, containing petroleum products or other regulated substances, shall be double walled or contained within an impervious structure of adequate size to capture 150 percent of the total contents of the tank or 100 percent of the tank contents plus the maximum rainfall that could be expected to fall over a three-day period, whichever is greatest. The containment structure shall not be equipped with any valves or drains. Rainwater that collects in the containment structures shall not be discharged into natural drainages or onto the ground, unless the water is first tested by an independent laboratory and found to meet all applicable standards for storm water discharge. **Mitigation Measure 3.8-3a (Environmental Health)**
36. The remainder of the project site shall be annexed to an appropriate Fire Protection District prior to issuance of any building permit for structures not within the district, or commencement of use, whichever occurs first. **(Planning and Building Inspection)**

#### **Prior to Construction of Plant Area**

37. An adequate number of portable toilets shall be provided and maintained so as not to create a public nuisance and shall be maintained by a permitted liquid waste hauler. Portable units shall provide hand-washing capacity. **(Environmental Health)**
38. The Operator shall retain a qualified biologist to conduct a pre-construction survey, no more than 30 days prior to the commencement of ground disturbing activities in the area identified as "Potential Burrowing Owl Habitat" (Figure 3.5-5, Special-Status Birds). Survey results shall be submitted to the Monterey County Planning and Building Inspection Department prior to commencement of ground disturbing activities. If evidence of Burrowing Owl or Horned Lark nests is found, the Operator shall not operate heavy equipment, machinery, or commence any other construction or mining activities within 300 feet of nesting sites. Burrowing Owls and Horned Larks may be relocated to suitable off-site habitat as determined by CDFG, by a qualified biologist, during a time other than the nesting season (March through August). **Mitigation Measure 3.5-8 (Planning and Building Inspection)**

39. Prior to the commencement of construction and Phase 1 mining activities, and again prior to development of Overburden Area 3 (OBA-3) the Operator shall retain a qualified biologist to conduct Loggerhead Shrike surveys and submit survey results to the Monterey County Planning and Building Inspection Department. If nesting Loggerhead Shrikes are present, the Operator shall not conduct ground disturbing or tree removal activities within 300 feet of occupied nesting areas during the nesting season (March through July). Nesting areas shall be fenced and clearly marked. Employees shall be instructed to avoid these areas. Trees located within the Project boundary may be removed outside of the nesting season (March 1 to July 31). **Mitigation Measure 3.5-14 (Planning and Building Inspection)**

**Prior to commencement of use**

40. The Operations Plan shall be modified to reflect the changes required by the conditions of approval, mitigation measures, and Department of Conservation August 27, 2002 comments. All modifications shall be clearly identified and reference the source for the change. Six copies of the modified Operations Plan shall be submitted to the Planning and Building Inspection Department. **(Planning and Building Inspection Department)**
41. The Reclamation Plan shall be modified to reflect the changes required by the conditions of approval mitigation measures, and Department of Conservation August 27, 2002 comments. All modifications shall be clearly identified and reference the source for the change. Six copies of the modified Reclamation Plan shall be submitted to the Planning and Building Inspection Department. **(Planning and Building Inspection Department)**
42. The Administration and Maintenance Building site area shall be landscaped. At least 60 days prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be installed. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection Department)**
43. Certification that stormwater retention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. **(Water Resources Agency)**
44. Security shall be provided in compliance with Monterey County Code Chapter 16.04, including 16.04.080.C. **(Planning and Building Inspection)**
45. The purpose of this mitigation measure is to reduce PM<sub>10</sub> emissions to the greatest extent feasible. The Operator shall implement a dust control program, to minimize fugitive dust emissions. This program shall include, but is not limited to, the following:
- 1) Unpaved roads shall be watered at least twice daily, or treated with soil stabilizers in accordance with the manufacturer's specifications.

- 2) The primary haul roads (Figure 2.0-4) shall be paved, and maintained to reduce dust and dirt deposition. Dirt and dust deposition shall be controlled through the use of water flushing, street sweepers, wheel washers, or similar means of disrupting the silt loading cycle.
- 3) The Operator shall use an organic palliative on shoulders of paved haul roads, or plant the shoulders with appropriate vegetation.
- 4) All areas disturbed by construction or mining activities shall be watered at least twice daily, or treated with soil stabilizers in accordance with the manufacturer's specifications. On inactive areas, vegetative ground cover may be used in lieu of water or chemical stabilizers.
- 5) The Operator shall cease dust-generating activities when wind speeds create excessive amounts of fugitive dust, which can be seen with unaided vision to be spreading beyond the Project boundary.
- 6) All haul trucks leaving site shall pass through a wheel washer. Open-bed trucks hauling aggregate materials, not including asphalt, off site shall either be covered, wetted adequately to control dust or have at least 6 inches of freeboard space between the load and the top of the container.
- 7) Trucks and mobile equipment shall limit speeds on interior unpaved haul roads to 25 miles per hour.

The Operator shall maintain a log of program compliance activities and submit written certification of compliance to the Monterey County Planning and Building Inspection Department annually. **Mitigation Measure 3.4-1 (Planning and Building Inspection)**

46. Prior to commencement of operations, the landowner shall convey to the County a permanent conservation easement, covering approximately 151 acres of the Handley Ranch, to facilitate the conservation of rare species that may be adversely affected by quarrying activities. The final easement boundary shall be prepared by a licensed surveyor and shall match approximately the boundary delineated on Final EIR Figure 5.1-1, Proposed Habitat Conservation Easement. Development within the habitat conservation easement shall not be allowed other than as required for the maintenance of firebreaks and other hazard prevention measures. The landowner may continue livestock grazing within the easement. **Mitigation Measure 3.5-3c (Planning and Building Inspection)**
47. Stormwater runoff and erosion from overburden and aggregate stockpiles, quarrying areas, construction activities, and any other ground disturbing activities shall be controlled through the implementation of a program of erosion control Best Management Practices (BMPs) and engineered sediment control structures. Erosion control BMPs may include, but are not limited to, the application of straw mulch; seeding with fast growing grasses; and the construction of berms, silt fences, hay bale dikes, stormwater detention basins, and other energy dissipaters. These shall be incorporated into a Project drainage plan to be prepared by a registered engineer and subject to approval by the Monterey County Water Resources Agency (MCWRA), prior to the commencement of construction or quarrying activities. To address changing site conditions, the drainage plan shall be updated and submitted to the MCWRA for review annually, or on a frequency to be determined by the Director of the MCWRA.

The proposed stormwater detention basins to be constructed in PG&E Canyon, as shown on Sheet 4 of the Project application shall be constructed per the larger sizing requirements listed in Appendix D-1 of this EIR. The design, construction and maintenance of these basins shall be performed in a manner that



minimizes hazards to wildlife. CDFG shall be consulted in this matter prior to construction, and BMPs, if available, shall be incorporated into the design, construction, and maintenance of these structures. **Mitigation Measure 3.5-27a (Water Resources Agency)**

48. The Applicant shall train field personnel in identification procedures, prior to implementing the quarry operation. The training materials shall be prepared by a professional archaeologist and shall provide a review of the natural and cultural history of the project area, archaeological sensitivity, most likely locations of buried cultural materials, and specific instructions on how to address such discoveries and what immediate actions to take in the event that materials are, in fact, unearthed. Instructional materials or artifacts are to be kept on-site and under direction of identified specific individuals. Part of the annual report shall identify the responsible individuals. **Mitigation Measures 3.6-1a (Planning and Building Inspection)**
49. An impervious concrete washout area shall be used to collect washout from concrete trucks. The silts and mud from the washout shall be recycled. Only the designated washout area shall be used for this purpose. The washout area shall be constructed in such a manner that storm water, beyond the immediate washout area, shall not flow into or out of this facility. It shall be of adequate size to contain all washout material and the maximum amount of rain expected to fall in a three-day period. Trucks shall not track washout material beyond the impervious containment area. **Mitigation Measure 3.8-3c (Water Resources Agency)**
50. The purpose of this mitigation measure is to reduce or eliminate the significant pavement wear and damage to State highways that can occur from heavily loaded Project vehicles. The Operator shall perform a series of 45-millimeter (two-inch) thick asphalt overlays in four stages on the ramps and connector roadways within the State's right-of-way at the Route 101/North Alta Street/Old Stage Road Interchange (North Gonzales Overcrossing, Post Mile MON-101-72.61) in accordance with the following timetable: 1) prior to project operations (Year 1); 2) within the seventh year of operations (Year 7); 3) within the fifteenth year of operations (year 15); and 4) within the twentieth year of operations (year 20). Each asphalt overlay shall be performed in accordance with CalTrans' standards and specifications and shall be subject to the approval of an encroachment permit from CalTrans District 5. CalTrans District 5 shall enforce this mitigation measure, including determination of phasing implementation and design and construction specifications. **Mitigation Measure 3.11-2b (Public Works)**
51. The Operator shall, in cooperation and consultation with PG&E, install and employ the appropriate instruments to determine the ground velocity generated by blasting, and determine the seismic impacts, if any, at the high-voltage towers.
- The Operator shall submit reports containing the results of ground velocity monitoring to PG&E on a monthly basis and the County on an annual basis.
  - If the Operator and PG&E agree, based on monitoring reports and future blasting plans, that there is no risk of damage to the utility towers from future blasting for that phase of mining operations, the Operator and PG&E shall notify the County of that determination in writing.
  - If the monitoring shows that blasting poses a measurable risk to the structural integrity of the towers, the Operator shall employ a combination of increased distance between the blast holes and the towers, and reduced charges to bring the risk within an acceptable level. An acceptable level of risk shall be a peak particle velocity of no more than 2.2 inches per second, but may be lower if site-specific monitoring

shows structural impacts to the towers at lower levels of ground vibration. **Mitigation Measure 3.12-3 (Planning and Building Inspection)**

52. The Operator shall prepare a Fire Hazard Abatement Plan. This Plan shall specify actions to reduce fire hazards associated with the Project. The Plan shall include:
- Vegetation removal and fuel reduction measures. Vegetation removal and fuel reduction shall be consistent with the biological resources studies submitted with the application.
  - A detailed list of the types of fire suppression equipment to be maintained on-site, and the locations of that equipment.
  - A detailed description of an employee-training program. This program shall include new employee training, annual review courses, instructions on using fire suppression equipment, and instructions for contacting the appropriate agencies in the event of a fire.

*This Plan shall be reviewed and approved by the California Department of Forestry and the Gonzales Fire District. In addition, an employee education program shall be implemented, as described in Mitigation Measure 3.5-3a. **Mitigation Measure 3.12-4a (Fire District)***

53. At least 45 days prior to commencing mining activities and thereafter on an annual basis (by October 1), the operator shall submit a reclamation cost estimate to the Planning and Building Inspection Department. The estimate shall be based on local equipment and labor rates and shall include all standard reclamation tasks and contingency costs recommended by the California Department of Conservation. Upon approval of the reclamation estimate by the Director of the Planning and Building Inspection Department, the operator shall provide financial assurance, in the form of a surety bond, certificate of deposit or other suitable mechanism, to the County prior to commencement of operations and shall maintain this financial assurance in effect for the duration of the permit and any additional period required until the Director of the Planning and Building Inspection Department determines that the site is fully reclaimed. **(Planning and Building Inspection Department)**

#### **Prior to final inspection**

54. All new utility and distribution lines shall be placed underground. **(Planning and Building Inspection; Public Works)**
55. Obtain a water well drilling permit from the Division of Environmental Health and construct the well. **(Environmental Health)**
56. Comply with Title 19 of the California Code of Regulations and Chapter 6.95 of the California Health and Safety Code (Hazardous Material Registration and Business Response Plans) as approved by the Director of Environmental Health. **(Environmental Health)**
57. Comply with Title 22, Division 4.5 of the California Code of Regulations and Chapter 6.50 of the California Health and Safety Code (Hazardous Waste Control) as approved by the Director of Environmental Health **(Environmental Health)**

58. Submit a site Spill Prevention Control Countermeasure (SPCC) Plan to the Regional Water Quality Control Board for storage of petroleum products (i.e. diesel, oil, gasoline) in above ground storage tanks greater than 650-gallon capacity or for cumulative storage of 1320 gallons. The Plan shall meet the standards as per Title 26, Division 22, Article 3, Sections 66264.30-66264.56; Preparedness and Prevention. **(Environmental Health)**
59. All cut and/or fill slopes exposed during the course of construction for access roads and structure areas (production area) be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection Department)**
60. The Operator shall replace or relocate oak trees lost as a result of Phase 1 construction activities as soon as ongoing construction activities are no longer a threat to replacement tree survival. Trees shall be planted or relocated prior to the issuance of applicable Building Permit Certificate of Final Occupancy. Trees shall be located to maximize visual screening of the site from all public viewpoints. **Mitigation Measure 3.5-30d (Planning and Building Inspection)**
61. The Operator shall pay PG&E for the Operator's fair share of utility system improvements. The Operator shall submit evidence of compliance to the Monterey County Planning and Building Inspection Department. **Mitigation Measure 3.12-2 (Planning and Building Inspection)**

#### **Continuous Conditions**

62. All aspects of the operation shall be conducted in compliance with the approved Mining and Reclamation Plan and other applicable requirements of the State Mining and Reclamation Act (SMARA) and conditions of this permit and shall be conducted only within the boundaries indicated in the approved Mining and Reclamation Plan, dated June 19 2001. **(Planning and Building Inspection Department)**
63. The operator shall request (by November 1) and allow annual inspections of the mining operation by the Planning and Building Inspection Department during the duration of the permit as required by the State Surface Mining and Reclamation Act. The operator shall reimburse or pay to the County the full cost of the inspection services, including related administrative costs required pursuant to the Act. **(Planning and Building Inspection Department)**
64. Upon the sale or transfer of the operation, the new operator shall record a Notice stating that "The operator shall accept responsibility for operating and reclaiming the mined lands in accordance with the approved Reclamation Plan and shall operate the surface mining activity within the limits and according to the conditions of the Use Permit and Reclamation Plan." **(Planning and Building Inspection Department)**
65. Within 90 days of the mining operation becoming idle (to curtail surface mining operations for a period mining operations for a period of one year or more, by more than 90% of the operation's previous maximum annual mineral production, with the intent to resume mining operations at a future date), the operator shall submit to the Planning and Building Inspection Department a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA and shall provide measures the operator will implement to maintain the site in a stable condition taking into consideration public health and safety. The IMP shall be subject to the review and approval by the Monterey County Planning Commission. **(Planning and Building Inspection Department)**

66. The project shall comply with the Noise Element of the Monterey County General Plan and Chapter 10.60 (Noise Control) of the Monterey County Code. **(Environmental Health)**
67. An annual groundwater extraction report quantifying the monthly extraction from each well shall be submitted every February 15 to the Monterey County Water Resources Agency. **(Water Resources Agency)**
68. An annual drainage report shall be prepared by a registered civil engineer to include monitoring of drainage impacts and maintenance of drainage facilities. The report shall be submitted to and approved by the County Water Resources Agency. **(Water Resources Agency)**
69. As new wells are developed, the Groundwater Extraction Management System (GEMS) Well Information Form shall be completed and submitted to the MCWRA. **(Water Resources Agency)**
70. The Operator shall minimize visual impacts by maintaining a topographic and vegetation visual barrier between Phases 1 and 2 surface disturbances, and views from public viewing areas north, west, and south of the site. The visual barrier shall be maintained to the extent feasible as mining proceeds, without compromising slope stability and operational safety. The objective shall be to minimize at all times the visibility of active, unvegetated working slopes. **Mitigation Measure 3.2-1a (Planning and Building Inspection)**
71. Quarry development west and south of the ridgeline shall incorporate additional measures to reduce visual impacts. Visible south and west facing working benches shall be screened from public viewing areas by establishment and maintenance of an intervening berm / ridge as shown in Figure 3.2-3, of the EIR. Quarry areas visible from public viewing areas shall be mined using concurrent reclamation. Quarry faces, visible from the west shall not exceed 150 feet in height. Reclamation of quarry benches and faces shall commence as soon as the Operator proceeds to the next lower working face. All disturbed areas greater than two benches above the active working bench shall be fully revegetated to blend into surrounding undisturbed slopes. Revegetation shall commence within one year following the approved final design elevation being reached in any bench or overburden area greater than two acres. If revegetation efforts do not adequately reduce visual contrast of disturbed areas within five years, remedial actions shall be taken by the Operator to meet the performance standards, established from baseline surveys. If the revegetation performance standards cannot be met by the subsequent fifteen-year County review, the Planning Commission may require modifications to the operations and reclamation plan, to ensure that visual impacts will be temporary and reduced to the greatest extent possible. **Mitigation Measure 3.2-1b (Planning and Building Inspection)**
72. Overburden stockpiles shall be revegetated, unless active placement of material is occurring within the current construction season. If final surface elevation has not been reached, such revegetation may be temporary, consisting of annual grasses. **Mitigation Measure 3.2-1c (Planning and Building Inspection)**
73. Final grading of benches and overburden areas shall be contoured to blend with surrounding slopes to create a visual appearance of continuity. **Mitigation Measure 3.2-1d (Planning and Building Inspection)**
74. With the exception of slopes at the quarry floor (the eighty-surface acre reservoir), final quarry slopes shall not exceed 2H:1V. **Mitigation Measure 3.2-1e (Planning and Building Inspection)**
75. CARB diesel fuel shall be used for all vehicles. The purpose of this mitigation measure is to ensure that assumptions used to estimate Project emissions are incorporated into the Project, and to ensure that the

Project reduces combustion emissions to the extent feasible. The Applicant shall maintain records of all fuel purchases, and submit certification of compliance in writing to the Planning Director annually. Records shall be maintained for five years and provided to the Planning Director upon request. **Mitigation Measure 3.4-2d (Planning and Building Inspection)**

76. The Operator shall obtain emission offsets for stationary source emissions over the applicable emissions offset thresholds for the MBUAPCD. The Operator shall obtain emission offsets from a location near the project site or considered acceptable by the MBUAPCD. The purpose of this mitigation measure is to ensure that assumptions used to estimate Project emissions are incorporated into the Project. The Applicant shall demonstrate compliance by submitting the Authority to Construct to the Planning Director within 30 days of receipt. **Mitigation Measure 3.4-2e (Planning and Building Inspection)**
77. The Operator shall only use heavy-duty off road equipment (such as bulldozers) that meet vehicle emissions standards in effect at the time of issuance of the certificate of occupancy by the Monterey County Planning and Building Inspection Department. The purpose of this mitigation measure is to ensure that assumptions used to estimate Project emissions are incorporated into the Project, and to ensure that the Project reduces combustion emissions to the extent feasible. The Operator shall submit a vehicle inventory and submit certification of compliance in writing to the Planning Director annually. **Mitigation Measure 3.4-2f (Planning and Building Inspection)**
78. All vehicles shall be maintained in accordance with the manufacturers' recommendations, and all stationary equipment maintained in compliance with emissions limitations established by a permit issued by the MBUAPCD. The purpose of this mitigation measure is to ensure that assumptions used to estimate Project emissions are incorporated into the Project, and to ensure that the Project reduces combustion emissions to the extent feasible. The Applicant shall maintain records of equipment maintenance activities, and submit certification of compliance in writing to the Planning Director annually. Records shall be maintained for five years and provided to the Planning Director upon request. **Mitigation Measure 3.4-2g (Planning and Building Inspection)**
79. a. The Operator shall contribute funding on a pound-for-pound basis to the MBUAPCD's Carl Moyer Program, or another MBUAPCD-administered program designed to reduce diesel engine exhaust emissions. The purpose of this mitigation measure is to offset the volume of combustion-related emissions generated by the Project to the extent feasible (as determined by the Air District through availability of known programs at a cost similar to those identified in the Draft and Final EIR) and in a manner that is roughly proportional to the impact.
- b. "Direct NO<sub>x</sub> emissions" shall be calculated by dividing annual production volume by 1,500,000 and applying that percentage to the emission inventory included in Appendix B-1. The Operator may apply to the MBUAPCD to reduce these emission factors based on changes in equipment type. Indirect emissions shall be based on the emissions estimate in Table 3.4-7.
- c. If there are an insufficient number of Carl Moyer projects, or other projects in other MBUAPCD-administrated programs, to match the volume of Project NO<sub>x</sub> emissions for that year pound-for-pound, the Operator's total annual monetary contribution shall be limited to paying for the volume of NO<sub>x</sub> emissions actually reduced by implementing available projects or programs. Contributions shall be deposited with the Air District prior to January 1 for the succeeding cycle's projected emissions.

- d. This mitigation measure shall remain in effect for 15 years, to coincide with the duration of two Moyer project mitigation cycles and the planning horizon of the current North Coast Central Air Basin Air Quality Management Plan. **Mitigation Measure 3.4-2h (Planning and Building Inspection)**
80. The Operator shall not use open burning as a means of reducing vegetation prior to mining, unless a Burn Permit is obtained from the Monterey Bay Unified Air Pollution Control District. **Mitigation Measure 3.4-6 (Planning and Building Inspection)**
81. The Operator shall implement an education program for all on-site personnel. Prior to commencement of employment on the site and thereafter on an annual basis, training shall include: a) how to identify sensitive biological resources likely to be found on the site and b) how to implement appropriate measures to protect said resources. The Operator shall maintain a record of compliance with this mitigation measure and submit annually a record of compliance to the Monterey County Planning and Building Inspection Department. **Mitigation Measure 3.5-3a (Planning and Building Inspection)**
82. The Operator shall retain a qualified botanist to map and quantify populations of special status plant species annually. Surveys shall be conducted during the appropriate season(s). Revegetation performance standards shall be determined based on the goal of maintaining or enhancing existing plant population distribution and ground cover density. The total pre-mining population of Pinnacles buckwheat (*Eriogonum rortonii*), located within the Project boundary is estimated to be 1,750 plants. The total pre-mining population of Carmel Valley bush mallow (*Malacothamnus palmeri* var. *involucratus*) located within the Project boundary is estimated to be 200 plants. The Operator shall include Pinnacles buckwheat and Carmel Valley bush mallow in the revegetation seed mix. Pinnacles buckwheat shall be planted in gravelly soils above 1,000-foot elevation. Carmel Valley bush mallow shall be used in the Phase 1 interim revegetation seed mix, in the final Phase 4 seed mix and in the final seeding of Overburden Area-2. The Operator shall monitor and document the revegetation success of these species. Documentation shall include, but is not limited to, photographs, GPS position data, and revegetation success data compiled in a GIS database format compatible with County standards. This data shall be included in the annual and five-year monitoring reports, required in Mitigation Measures 3.5-34a and b, to be submitted to the Monterey County Planning and Building Inspection Department. Mitigation Measure 3.5-34c requires the County to review the effectiveness of mitigation in reducing impacts to a less than significant level, every fifteen years. If it cannot be shown that impacts to special-status plants are being successfully avoided or mitigated, the Planning Director shall recommend, to the Planning Commission, modifications to the previously approved entitlements that may include but are not limited to further avoidance of impacts to special-status plants, off-site mitigation, or the establishment of additional onsite resource conservation areas. **Mitigation Measure 3.5-3b (Planning and Building Inspection)**
83. Prior to commencement of construction or quarrying activities within 500 feet of mapped oak or sycamore woodlands (Figures 3.5-3 and 3.5-4) the Operator shall retain a qualified biologist to conduct a raptor survey of potential nesting sites. Surveys shall be conducted within the nesting season (March through August) and no more than twelve months prior to commencement of activities. If raptor nests are observed, the Operator shall not operate heavy equipment, machinery or conduct blasting within 500 feet of occupied nests. Survey results shall be submitted to the Monterey County Planning and Building Inspection Department prior to commencing operations within 500 feet of mapped woodlands. **Mitigation Measure 3.5-9 (Planning and Building Inspection)**

84. No special-status species have been observed in the wetlands and ephemeral streams located within or adjacent to the Project boundary. A pre-construction survey for California Tiger Salamander and Western Spadefoot Toad was recommended by the Project biologist. Prior to disturbing any wetlands or streambeds, the Operator shall retain a qualified biologist, who shall perform appropriate surveys to determine if any special-status species are present. The results of these surveys shall be submitted to the Director of the Monterey County Planning and Building Inspection Department. If special-status species are observed, the Operator shall not operate heavy equipment or machinery within 300 feet of these locations unless evidence of compliance with CDFG requirements is submitted to the Monterey County Planning and Building Inspection Department. The 300-foot setback shall be clearly marked and employees shall be instructed to avoid this area. **Mitigation Measure 3.5-25a (Planning and Building Inspection)**
85. Prior to filling, excavating or constructing improvements in any wetlands or streams, the Operator shall provide evidence to the Director of the Monterey County Planning and Building Inspection Department that all requirements of the Corps, CDFG, and the Regional Water Quality Control Board (RWQCB) have been fulfilled. Disturbance of wetlands and streams shall be limited to: 1) The filling of WUS-1, upstream from WET-3; 2) The construction and maintenance of stormwater channel outlets and road crossings, as shown on Sheet No. 3 of the Project Site Plan. **Mitigation Measure 3.5-25b (Planning and Building Inspection)**
86. With the exception of those activities listed in Mitigation Measure 3.5-25b, the Operator shall avoid disturbing all other wetlands, streambeds and banks and any other naturally occurring water features. The Reclamation Plan requires the Operator to maintain a minimum setback of 25 feet from stream banks. This shall be the minimum setback from all wetlands and stream banks, throughout the Project. A greater distance may be required in some cases to adequately protect sensitive biological resources, such as, but not limited to, raptor nesting sites. Mitigation Measure 3.5-9 requires setbacks of up to 500 feet. Additionally, future Corps permits or CDFG Streambed Alteration Agreements may require setbacks greater than the 25-foot minimum established in the Reclamation Plan. Wetland and stream setbacks shall be staked and clearly marked by a qualified biologist prior to commencement of construction or quarrying activities. Staking shall be maintained in a clearly visible condition whenever equipment is operated within 300 feet of these features. No construction, vehicle or heavy equipment operation, excavation or placement of fill shall be allowed within these setbacks. Employees shall be instructed to avoid these areas. **Mitigation Measure 3.5-25c (Planning and Building Inspection)**
87. The Operator shall replace or restore any wetlands, streams or associated vegetation damaged as a result of Project activities. The Operator shall replace or restore disturbed wetlands and streams on no less than a one-to-one basis. Future Corps permits or CDFG Streambed Alteration Agreements may require higher replacement ratios. One and one-half or two to one is a common replacement requirement of CDFG. Prior to disturbance of any wetlands or streambeds, the Operator shall submit a restoration plan. The Plan shall be consistent with any required Corps permits and CDFG Streambed Alteration Agreements. The compensatory wetlands/streambeds shall be constructed, per the requirements of the submitted Restoration Plan, as soon as possible, but no later than one year after the disturbance occurs, unless a qualified biologist determines that this will not be feasible and proposes an alternative timeframe acceptable to the Director of the Monterey County Planning and Building Inspection Department. Compensatory wetlands/streambeds shall be similar in scope and biological complexity to the original wetlands / streams. The design and construction of these wetlands shall be performed under the supervision of a qualified biologist or wetlands restoration specialist. Compensatory wetlands shall be monitored by a qualified biologist or wetlands restoration specialist for a period of up to five years or until it is determined by said biologist or restoration specialist that

restoration is complete and self-sustaining. The Operator shall be responsible for all restoration and monitoring costs. **Mitigation Measure 3.5-25d (Planning and Building Inspection)**

88. The Operator shall not reduce the flow of stormwater runoff into WUS-2/3 or WUS-4 to an extent that would endanger the long-term viability of riparian vegetation in either of these drainages. The Operator shall implement a monitoring program to be overseen by a qualified biologist that shall include: 1) An initial determination of minimum depth to groundwater and soil moisture requirements of potentially affected riparian vegetation; 2) Annual measurements of depth to groundwater and soil moisture; and 3) An annual assessment of the health of sycamore and oak trees located in these potentially affected drainages. Monitoring results and recommended actions shall be included in the annual mitigation and reclamation monitoring report required by Mitigation Measure 3.5-34a to be submitted to the County. Monitoring shall take place annually, during the month of April. If monitoring results indicate, a drop in subsurface moisture levels below the minimum required to support existing populations of Sycamore and Oak woodlands throughout the rest of the dry season, the Operator shall implement an irrigation program within 30 days to address short-term impacts. Water used for irrigation shall be accounted for and deducted from the annual 310-acre feet of water use allowed under this permit. If monitoring results indicate that riparian vegetation is being adversely affected by the Project, and that impacts are not isolated, short-term anomalies, the Operator shall submit, within 60 days, a plan to mitigate the impact to the Planning Director of the Monterey County Planning and Building Inspection Department. Additional Project activities that would further threaten the long-term viability of these resources, such as the diversion of upstream water flows, shall not be allowed until the Planning Director approves of a plan that ensures a reliable and adequate supply of water for affected woodlands. **Mitigation Measure 3.5-27b (Planning and Building Inspection)**
89. The Operator shall retain a qualified biologist to map and catalogue all native trees located within areas that will be disturbed during the subsequent 15-year period. Information collected shall include: the location, size, species and tree density. The biologist shall also prepare a replanting plan that includes: planting schedule, location, and proposed methods to be employed in restoring baseline conditions. This information shall be submitted to the Monterey County Planning and Building Inspection Department prior to the commencement of Phase 1 construction and quarrying activities and updated every fifteen years thereafter. **Mitigation Measure 3.5-30b (Planning and Building Inspection)**
90. Oak woodlands shall be reestablished in the most appropriate ecological setting, as determined by a qualified biologist. In some cases, this may not be in the exact location where they previously existed, but it shall be within the Handley Ranch property boundary. Tree planting locations shall be mapped, prior to tree removal, as required in Mitigation Measure No. 3.5-30b. The health of replanted trees shall be monitored by a qualified biologist, retained by the Operator. Revegetation monitoring results shall be submitted to the Monterey County Planning and Building Inspection Department periodically, as required in Mitigation Measures 3.5-34a-b. Reclamation shall not be deemed complete until the total acreage of healthy, self-sustaining native trees consistent with pre-mining tree density and diversity is established. Tree revegetation success criteria shall be based on the baseline data, gathered in the periodic surveys, required by Mitigation Measure 3.5-30b. **Mitigation Measure 3.5-30c (Planning and Building Inspection)**
91. The Operator shall implement an ongoing weed control program to control the spread of invasive non-native plants into disturbed and reclaimed areas. The Operator shall prepare and submit a weed control plan to the Monterey County Planning and Building Inspection Department within one year of Use Permit approval. The weed control plan shall include the identification of invasive non-native species likely to



occur on the site, methods for controlling or eradicating these species, and performance criteria for evaluating plan implementation. The minimum performance standard shall be no net increase in invasive non-native species over pre-mining conditions. Program implementation shall be documented and included in the periodic reports (required by Mitigation Measures 3.5-34a and b) to be submitted to the Monterey County Planning and Building Inspection Department. Reclamation shall not be deemed complete unless populations of non-native invasive weeds are shown to be controlled and consistent with conditions observed prior to mining. **Mitigation Measure 3.5-33 (Planning and Building Inspection)**

92. The Operator shall submit a report to the Monterey County Planning and Building Inspection Department annually. This report shall contain sufficient information to allow County staff to evaluate and monitor mitigation measure implementation and to conduct the annual site inspection and Financial Assurance review as required under SMARA. The report shall include, but not be limited to, the following information:
  1. All mining and reclamation activities completed in the prior twelve months and proposed for the following twelve months.
  2. An updated site plan shall be submitted, indicating the location and size of disturbed and reclaimed areas.
  3. Identification of any impacts to sensitive biological resources identified in this section of the EIR, including:
    - Native tree removal,
    - Excavation or filling of wetlands or riparian areas,
    - Special-status plants or wildlife, and
    - Copies of any additional permits granted by other agencies.
  4. Financial Assurance Estimates (FAE) to cover cost of reclamation if operations were to cease within the subsequent 12 months. FAE shall include documentation of methods to be used. **Mitigation Measure 3.5-34a (Planning and Building Inspection)**
93. Revegetation performance standards shall be established based on the goal of maintaining or enhancing pre-disturbance plant population distribution and density, species diversity, and percentage of ground and canopy cover. In some cases, effective erosion control and visual screening of disturbed slopes may require revegetation that exceeds pre-disturbance conditions.

Prior to the commencement of ground disturbing activities in each of the four proposed Project Phases, the Operator shall retain a qualified biologist to map and quantify existing plant populations located within areas that would be disturbed within that Phase boundary. To ensure that existing plant communities will be reestablished at pre-disturbance or enhanced levels, the biologist shall establish appropriate revegetation performance standards, for each major type of plant community located within the Phase boundary. Baseline data and performance standards shall be submitted to the County, prior to the commencement of ground disturbing activities. The operator shall be responsible for monitoring, quantifying and documenting revegetation success.

In addition to the required annual inspections, the Monterey County Planning and Building Inspection Department shall review and evaluate revegetation success every five years. Prior to the five-year review, the Operator shall submit to the County a report detailing previous and proposed revegetation efforts. The report shall be prepared by a qualified biologist or restoration ecologist. Minor technical

modifications; such as, changes to proposed seed mix, or planting areas may be approved by the Planning Director, at the completion of each five-year review.

Mitigation Measure 3.5-34c requires the County to review the effectiveness of mitigation in reducing impacts to a less than significant level, every fifteen years. If based upon the updated revegetation data contained in the five-year review reports, it cannot be shown that implementation of the existing Revegetation Plan, will result in successful revegetation of the Project, the Planning Director shall recommend, to the Planning Commission, modifications to the previously approved entitlements, that may include but are not limited to further avoidance of impacts to plant communities, modification of slope contours, or major alterations to the Project Drainage and Erosion Control Plan. **Mitigation Measure 3.5-34b (Planning and Building Inspection)**

94. Every 15 years, the Monterey County Planning Commission shall review compliance with the Conditions of Approval and the related effectiveness of mitigation measures. The Operator shall submit all necessary compliance data and shall be responsible for reasonable costs necessary for performing the compliance review. The Operator may continue approved activities authorized by the Use Permit and Reclamation Plan during this process. Based on information provided, the Planning Director shall make recommendations to the Planning Commission regarding the effectiveness of the existing mitigation measures. At a publicly noticed hearing, the Planning Commission may adopt a resolution, supported by substantial evidence, which may modify, eliminate, and/or add new conditions necessary to attain the mitigation established in the approved entitlements. **Mitigation Measure 3.5-34c (Planning and Building Inspection)**
95. The 15-year review submittal by the applicant shall include demonstration that sufficient topsoil exists, as recommended by a biologist, for reclamation during the next 15-year period. The biologist shall also provide the status of plants being grown in the nursery, the location where they will be used, and when they will be planted. **(Planning and Building Inspection Department)**
96. Overburden stockpile slopes shall not exceed 2H:1V. The placement of overburden shall be monitored and reported annually by a registered engineer or geologist, who shall determine appropriate slope, compaction and other engineering criteria required to ensure long-term stability of the overburden stockpiles. A final report from the engineer or geologist responsible for final fill placement documenting overburden composition, construction techniques and slope stability shall be submitted to the Director of the Monterey County Planning and Building Inspection Department for each overburden stockpile area when it reaches its designated capacity. Reclamation shall not be deemed complete until overburden stockpiles are determined to be globally stable by the engineer or geologist. Written certification of slope stability shall be submitted to the Planning Director. If overburden stockpiles do not meet UBC Standards for engineered fill, the landowner shall record a deed restriction stating that the property contains areas of fill material that may not be suitable for construction of dwellings or other buildings. A site plan, prepared by a registered engineer, showing these areas shall be recorded with the notice. **Mitigation Measure 3.7-3a (Planning and Building Inspection)**
97. The Operator shall install and maintain under drains beneath all overburden stockpiles. The drain(s) shall be designed by and installation overseen by a Registered Civil Engineer, Geotechnical Engineer or Certified Engineering Geologist. Prior to construction of the drains, the design plans shall be submitted to the Monterey County Water Resources Agency (MCWRA) for approval. **Mitigation Measure 3.7-3b (Water Resources Agency)**
98. Final slopes within the project shall be no steeper than 2H:1V. For the Quarry base, where a reservoir is planned, the 1H:1V slopes proposed by the Operator are permitted, provided other reclamation

requirements are met, including successful revegetation of slopes above mean reservoir water level. **Mitigation Measure: 3.7-3c (Planning and Building Inspection)**

99. The Operator shall not pump in excess of 310 acre-feet of groundwater for the project in any calendar year. Pumping records shall be submitted to the Monterey County Water Resources Agency annually. **Mitigation Measure 3.8-1b (Water Resources Agency)**
100. Project site equipment and servicing materials shall be maintained in a neat and orderly manner to aid in accounting for and detecting potential sources of contamination. Non-functional equipment, scrap metal, construction debris (other than material intended for use in the recycling plant), used batteries and tires, and similar objects shall be removed from the site on a regular basis and disposed of at appropriately licensed facilities. Spare equipment such as heavy equipment parts, conveyor belts, tires and other replacement or extra equipment pieces, shall be stored indoors whenever possible to avoid surface water contamination. Spare parts containing petroleum products (i.e., lubricants, hydraulic oil, etc.) shall be stored using Best Management Practices (BMP's) to prevent contamination of soil or storm water runoff. Storage areas shall be inspected by the Operator monthly. Any petroleum leaks shall be documented and cleaned up. Leaking equipment shall be repaired. Inspection and monitoring documentation shall be retained for a minimum of five years and be available to County staff during site inspections. **Mitigation Measure 3.8-3b (Planning and Building Inspection)**
101. In the event of a premature closing of the quarry, the appropriate reclamation standard shall be that proposed for final reclamation at the termination of Phase 4 mining. This includes reclaiming all disturbed slopes to a 2H:1V maximum slope as depicted in Typical Final Slope Detail #2, as shown on Sheet 6 of 6 of the Handley Ranch Reclamation Plan and on Figure 2.0-10 of the DEIR and revegetation of all disturbed areas per the performance standards required under Mitigation Measure No. 3.5-34b. The Operator shall be responsible for performing reclamation work. In the event that the Operator is unable or unwilling to perform the required reclamation activities, the Monterey County Planning and Building Inspection Department, as Lead Agency, shall assume reclamation oversight responsibility. All reclamation costs shall be paid by the Operator. To ensure compliance with this requirement, the Operator shall, in compliance with the requirements of PRC Section 2773.1, provide an estimate of reclamation costs to the County, prior to commencement of operations. Thereafter, the reclamation cost estimate shall be updated annually to account for changing circumstances. Upon approval of the reclamation cost estimate by the County, the Operator shall submit a Financial Assurance Mechanism to the County. The Financial Assurance Mechanism may be increased or decreased to meet changing reclamation requirements and costs. The Financial Assurance Mechanism shall not be released until the Lead Agency determines that the site has been reclaimed, per the established reclamation standards and revegetation is determined to be self-sustaining. **Mitigation Measure 3.9-6 (Planning and Building Inspection)**
102. The purpose of this mitigation measure is to reduce or eliminate the significant pavement wear and damage to County roads that would occur from heavily loaded Project vehicles. Prior to the commencement of use, the Applicant shall enter into a Road Maintenance Agreement with Monterey County whereby the Applicant shall agree to be responsible, at the Applicant's sole cost, for maintenance of Old Stage Road and Iverson Road in accordance with the recommendations of the "Handley Ranch Quarry Traffic Analysis Report (Higgins Associates, August 16, 2001) and the "Pavement Evaluation Study, Maintenance and Rehabilitation Study for Granite Construction Handley Ranch Monterey County, California" (Kleinfelder, Inc., rev. May 4, 2001) and any subsequent revisions. The Monterey County Public Works Department

shall enforce this mitigation measure and may make minor modifications to the maintenance plan as needed to maintain road pavement integrity. **Mitigation Measure 3.11-2a (Public Works)**

103. The Operator shall, at the Operator's sole cost, implement a phased roadway and intersection improvements program as required to meet current minimum design standards as follows:

**Prior to the commencement of use:**

- Construct improvements at the project entrance to Iverson Road and at the private haul road intersections with Iverson Road and Old Stage Road (e.g. improved turning radii, turn pockets, acceleration and deceleration lanes or tapers, etc.) to provide sufficient geometry, subject to the approval of the Public Works Department, to accommodate quarry trucks.
- Construct 8' shoulders on Old Stage Road and Iverson Road within the limits of the proposed truck route. The shoulder improvements shall consist of a minimum of 12" of Class 2 Aggregate Base material.

**Within 12 months of commencement of use:**

- Construct improvements to the pavement structural section of Old Stage Road to accommodate a Traffic Index of 11.0, and construct an asphalt overlay on the shoulders of sufficient thickness to achieve a Traffic Index of 7.0 (minimum thickness 0.2').

**Within 24 months of commencement of use:**

- Construct improvements to the pavement structural section of Iverson Road to accommodate a Traffic Index of 11.0, and construct an asphalt overlay on the shoulders of sufficient thickness to achieve a Traffic Index of 7.0 (minimum thickness 0.2').

All improvements shall be designed and constructed in accordance with Monterey County Public Works Department standards and specifications. The Monterey County Public Works Department shall be responsible for enforcement of this mitigation measure, including approval of final improvement designs and the phasing of mitigation implementation. **Mitigation Measure 3.11-3 (Public Works)**

104. The purpose of this mitigation measure is to prevent road and intersection levels of service from deteriorating below established thresholds under cumulative conditions. The operator shall limit total daily truck trips to a maximum of 2,065 trips per day. The Operator shall monitor and maintain records of total daily truck traffic. The Operator shall notify the Monterey County Public Works Department when truck trips reach 75 percent (1548 trips) of the permitted daily level. Upon notification of the project approaching peak daily trips, the Public Works Director may require intersection LOS monitoring to ensure that the minimum standard of LOS C is maintained. If intersection LOS is shown to be worse than LOS C, the Operator may be required to contribute a fair share towards additional intersection improvements, or reduce maximum daily trips, as needed, to maintain the minimum LOS standard. The Monterey County Public Works Department shall enforce this mitigation measure. The Operator shall be responsible for all reasonable monitoring costs. **Mitigation Measure 3.11-4a (Public Works)**

105. The purpose of this mitigation measure is to prevent road and intersection levels of service from deteriorating below established thresholds under cumulative conditions. Within 12 months of Project approval, the Operator shall, at Operator's sole cost, construct additional turn lanes, road widening and other associated improvements, as recommended in the Project traffic study (Higgins Associates, 2001) and

depicted conceptually on Figure 3.11-11 of the Draft Environmental Impact Report. All improvements shall be designed and constructed in accordance with CalTrans and/or Monterey County Public Works Department standards and specifications. CalTrans and the Monterey County Public Works Department shall be responsible for enforcement of this mitigation measure, including approval of final improvement designs and the phasing of mitigation implementation. **Mitigation Measure 3.11-4b (Public Works)**

106. The Operator shall install and maintain spark suppression devices on equipment powered by internal combustion engines. **Mitigation Measure 3.12-4b (Planning and Building Inspection)**
107. Project truck traffic to and from the quarry site shall be restricted to the truck route shown in Exhibit 3 of the "Handley Ranch Quarry Traffic Analysis Report (Higgins Associates, August 16, 2001). **(Public Works)**

**PASSED AND ADOPTED** this 12<sup>th</sup> day of November, by the following vote:

AYES: Errea, Padilla, Sanchez, Salazar, Rochester, Wilmot  
NOES: Parsons, Brennan  
ABSENT: Hawkins, Diehl

Original Signed By:

JEFF MAIN, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90<sup>th</sup> day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Salinas.

2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.