

MONTEREY COUNTY PLANNING COMMISSION

Meeting: July 27, 2011 Time: 9:00 A.M		Agenda Item No.:
Project Description: Five-year review of the Metz Road Quarry Combined Development Permit consisting of a Use Permit Extension for 20 yrs (PC-6872); a Use Permit Amendment to increase the annual permitted extraction rate from 100,000 tons to 300,000 tons per year; and a Revised Reclamation Plan for the Metz Road mining facility.		
Project Location: 39247 Metz Road, Greenfield, at Chalone Creek west of Topo Road, 3 miles east of Greenfield		APN's: 418-401-006-000, 007, 009, 021 and 026; 245-011-001-000, 249-011-009-000, 010, and 013; 418-391-012-000, 013, 014, 015, and 016
Planning File Number: PLN980287		Owner: Andrew L. and Carol S. Trustees, and Singleton Properties LLC Agent: Granite Construction Company, Candice Longnecker
Planning Area: Central Salinas Area Plan		Flagged and staked: No
Zoning Designation: "F/40" (Farmlands, 40 Acre Minimum) and "PG/40" (Permanent Grazing, 40 Acre Minimum)		
CEQA Action: Categorically Exempt per Section 15301		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Planning Commission; receive a five-year status report concerning the Combined Development Permit for the Metz Road mining facility.

PROJECT OVERVIEW:

The mining operation Use Permit Extension (PLN980287) was approved May 10, 2000. Condition No. 14 requires that the Planning Commission review the Use Permit and Reclamation Plan every five-years for the life of the permit. This five-year review is required to be scheduled concurrently with completing the annual inspection. The annual inspection was completed the Fall 2010 and the Annual Surface Mining Inspection Report was received by the Department of Conservation, Office of Mine Reclamation (OMR) March 8, 2011. The operator has diligently complied with all conditions requiring ongoing actions since the permit was approved. The operator submitted a condition compliance status package in 2005; however, RMA-Planning staff did not schedule the five-year review at that time.

Condition No. 32 required a road Maintenance Agreement and joint review of the Maintenance and Rehabilitation Plan every five years. This review includes a review of the effectiveness of the plan and allows modifications to the Plan upon mutual agreement with Public Works staff and the operator. There have been annual joint inspections by Granite Construction, the operator, and Public Works staff. County staff are satisfied with the maintenance work, and no modifications to the agreement are required at this time. Additional, annual maintenance will continue at a level commensurate with the trips generated by the quarry. Public Works considers the operation in compliance with all conditions.

Interim Management Plan

The operator filed a draft Interim Management Plan (IMP) October 4, 2010, and a revised IMP on March 9, 2011. The IMP identifies an interim management plan for safety during the idle period. Included in the IMP are: regularly inspecting and maintaining gates, fences; and storm water erosion and repairs throughout the year. On-going revegetation activities will continue and

the IMP will be updated annually. The IMP is considered an amendment to the reclamation plan and can be approved by the Planning Director (Monterey County Code, Chapter 16, Section 16.04.110), if it is not a substantial deviation from the reclamation plan. The revised IMP was not considered a deviation from the Reclamation Plan. Staff approved the IMP and it was submitted to the OMR in March 2011. The IMP is in compliance with Condition No. 9 pursuant to Section 2770(h) of the State Mining and Reclamation Act (SMARA). "Idle" status may remain in effect for up to five years and may be renewed for an additional five years if the operator has complied fully with the IMP. The mining operation may also commence during this period or the operator may commence reclamation and the mine closure process. The IMP identifies an interim management plan for safety during the idle period. Included in the IMP are: regularly inspecting and maintaining gates, fences; and storm water erosion and repairs throughout the year. On-going revegetation activities will continue and the IMP will be updated annually. The operator filed the IMP as they stated that no materials have been mined since 2008 and operation has been limited to the sale and distribution of stockpiled materials. Ongoing annual mine inspections, annual reports and associated fees are still required during idle status.

Annual Surface Mining Inspections

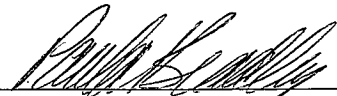
Staff conducts annual compliance inspections of the operation and reclamation and the required report Annual Surface Mining Inspection (MRRC-1) for submittal to the OMR. No violations or corrective measures have been required. The operation is an in-stream operation. If mining occurs, the stream channel is graded according to the approved reclamation plan, and reclaimed at the conclusion of each operating season prior to winter flows. Final reclamation is limited to the 32-acre plant site for general clean-up and removal of processing equipment. Existing buildings will remain, the process ponds will be closed and the adjacent surfaces will be decompacted for ranching and continued cattle grazing, the post-reclamation use.

There have been no complaints brought to the attention of Planning staff. The operation has been reviewed and is in compliance with all conditions as confirmed by the Environmental Health Bureau, Water Resources Agency, RMA - Public Works, the RMA - Planning Department, and the Monterey Bay Unified Air Pollution District. The operation is in compliance with the Monterey County Code, Chapter 16.04 and Public Resources Code, Division 2, Chapter 9, Section 2710 et seq. (SMARA).

OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

- √ RMA - Planning Department
- √ RMA - Public Works Department
- √ Environmental Health Bureau
- √ Water Resources Agency
- √ Monterey Bay Unified Air Pollution Control District

Agencies contacted are noted with a check mark ("√"). No conditions were required or recommended.


Paula Bradley, MCP, AICP, Associate Planner
(831) 755-5158, bradley@co.monterey.ca.us
July 19, 2011

cc: Front Counter Copy; Planning Commission; Public Works Department; Environmental Health Bureau; Water Resources Agency; Laura Lawrence, Planning Services Manager; Paula Bradley, Project Planner; Carol Allen, Senior Secretary; Andrew L. and Carol S. Trustees, Owners and Singleton Properties LLC, Owner; Granite Construction Company, Candice Longnecker; Agent; Planning File PLN980287

This report was reviewed by Laura Lawrence, Planning Services Manager

Attachments: Exhibit A: Draft Resolution
Exhibit B: Resolution No. 00024
Exhibit C: Vicinity Map

**EXHIBIT A
DRAFT RESOLUTION**

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

Andrew L. and Carol S. Trustees, and Singleton
Properties LLC (PLN980287)

RESOLUTION NO. ----

Resolution by the Monterey County Planning
Commission for receiving a five-year status report
concerning the Combined Development Permit for
the Metz Road mining facility, located at 39247 Metz
Road and Chalone Creek and west of Topo Road, 3
miles east of Greenfield.

(PLN980287), Andrew L. and Carol S. Trustees and
Singleton Properties LLC, 39247 Metz Road,
Greenfield Central Salinas Area Plan, (APNs: 418-
401-006-000, 007, 009, 021 and 026; 245-011-001-
000, 249-011-009-000, 010, and 013; 418-391-012-
000, 013, 014, 015, and 016)

The five-year status report concerning the Combined Development Permit for the Metz Road mining facility (PLN980287) came on for public hearing before the Monterey County Planning Commission on July 27, 2011. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

RECITALS

1. On April 12, 1989, the Planning Commission approved a Use Permit (PC-6872, Resolution 89-112) to allow the removal of natural materials, a concrete batch plant and a Reclamation Plan.
2. On May 10, 2000, the Planning Commission approved a Combined Development Permit for a Use Permit Extension for 20 years (PC-6872), and a Use Permit Amendment (Resolution No. 0024) to increase the annual permitted extraction rate for 100,000 tons per year, and a revised Reclamation Plan for the Metz Road mining facility.
3. The mining operation and reclamation are consistent with Sections 2772 and 2773 and other applicable provisions of the State Mining and Reclamation Act (SMARA) and with sections 3500-3505 and 3700-3713 of the California Code of Regulations.
4. The review of the report is Categorically exempt from CEQA pursuant to Section 15301, a review of existing facilities not involving any expansion of the existing use.
5. The subject parcel is located at 39247 Metz Road, Greenfield (Assessor's Parcel Numbers 418-401-006-000, 007, 009, 021 and 026; 245-011-001-000, 249-011-009-

000, 010, and 013; 418-391-012-000, 013, 014, 015, and 016, Central Salinas Area Plan in the unincorporated area of Monterey County.

6. A condition of approval (Condition No. 14) required that the Use Permit and Reclamation Plan shall be reviewed by the Planning Commission every five years for the life of the permit. This five-year review shall be scheduled concurrent with the annual inspection pursuant to SMARA Section 2207 for each five year period.
7. A condition of approval (Condition No. 32(b)) requires that there shall be joint review of the Maintenance and Rehabilitation Plan every five years. The review shall show the effectiveness of the Plan and to modify the Plan by mutual agreement should the parties determine the needs exists.
8. A condition of approval (Condition No. 9) requires the submittal of an Interim Management Plan in compliance with SMARA (Section 2770(h)(1)) shall be submitted to the RMA-Planning Department for review and approval. The IMP was submitted effective October 1, 2010 and it was approved on May 16, 2011.
9. The project conditions have been reviewed by the following departments and agencies: RMA - Planning Department, South County Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency and the Monterey Bay Unified Air Pollution District. There has been no indication from these departments/agencies that the mining operation and reclamation are not in compliance with the conditions of approval.
10. Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.

DECISION

NOW, THEREFORE, the Planning Commission does hereby receive receive a five-year status report concerning the Combined Development Permit for the Metz Road mining facility:

PASSED AND ADOPTED this 27th day of July, 2011 upon motion of xxxx, seconded by xxxx, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Novo, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

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

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 90th day following the date on which this decision becomes final.

EXHIBIT B

EXHIBIT B
PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA

REVISED 5/24/00

RESOLUTION NO. 00024

A.P. # 418-401-009-000, 418-401-021-000,
245-011-001-000, 249-011-009-000,
249-011-010-000, 249-011-013-000,
418-391-012-000, 418-391-013-000,
418-391-014-000, 418-391-015-000,
418-391-016-000, 418-401-006-000,
418-391-007-000, 418-401-009-000,
and 418-401-026-000 :

In the matter of the application of
GRANITE CONSTRUCTION (PLN980287)

FINDINGS AND DECISION

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located and on Metz Road and Chalone Creek and west of Topo Road, 3 miles east of Greenfield, came on regularly for hearing before the Planning Commission on May 10, 2000.

WHEREAS: Said proposal includes:

- 1) Use Permit Extension for 20 yrs. (PC-6872), and
- 2) Use Permit Amendment to increase the annual permitted extraction rate from 100,000 tons to 300,000 tons per year, and
- 3) Revised Reclamation Plan for the Metz Road mining facility.

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

FINDINGS OF FACT

1. **FINDING:** The proposed surface mining operation, Reclamation Plan and the proposed use of reclaimed land pursuant to the Plan are consistent with Chapter 16.04 of the Monterey County Code (Grading), with the local Area Plan and Title 21, Zoning Ordinance Chapters 21.30 and 21.34 which designates the property as "Farmlands, 40 Acre Minimum" and "Permanent Grazing, 40 Acre Minimum," and with the Monterey County General Plan which designates the site "F/40 (Farmlands, forty acre minimum parcel) and "PG/160" (Permanent Grazing, 160 acre minimum parcel).

EVIDENCE: The text and policies of the Central Salinas Valley Area Plan, the Monterey County General Plan and Title 21 have been evaluated during the course of the review of this application. No conflict or inconsistencies with the text or the policies were found to exist. No testimony, either written or oral, was received during the course of public hearing to indicate that there is any inconsistency with the Area Plan or the Monterey County General Plan.

2. **FINDING:** The proposed Reclamation Plan complies with Sections 2772 and 2773 and other applicable provisions of the State Mining and Reclamation Act (SMARA) and with Sections 3500-3505 and 3700-3713 of the California Code of Regulations.

EVIDENCE: The Reclamation Plan has been reviewed by the Planning and Building Inspection Department and the State Department of Conservation. The Reclamation Plan consists of: 1) Reclamation Plan Amendment, dated January 1999; 2) Mining and Reclamation Maps, dated 9/99; 3) Low Flow Channel Maps, dated 10/15/99; 4) Tree Replacement and Revegetation Plan, dated 10/22/99; and 5) Financial Assurances dated 9/30/99. All comments by the State have been adequately addressed and incorporated into the Plan.

3. FINDING: The proposed Financial Assurances comply with Sections 2770 and 2773.1 and other applicable provisions of the State Mining and Reclamation Act (SMARA) which addresses mining and reclamation projects.

EVIDENCE: The Financial Assurances, dated 9/30/99, has been reviewed and approved as adequate by the Planning and Building Inspection Department and the State Department of Conservation.

4. FINDING: The proposed use is considered a use compatible and permitted on lands within an established "agricultural preserve" (defined in Government Code Section 15201(e) and listed as compatible use No.12, removal of natural materials) consistent with the Land Conservation Act of 1965 (Williamson Act) incorporated by Monterey County Resolution 96-416.

EVIDENCE: Materials in file No. 980287.

5. FINDING: The proposed project, including all permits and approvals, will not have any significant adverse impacts on the environment and a Negative Declaration has been adopted. Potential environmental effects have been studied and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed and mitigated, may cause a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and in consideration of testimony and information received, and scientific and factual data presented in evidence during the public review process. Mitigation measures identified in the Initial Study have been incorporated into the project, and agreed to by the applicant, to reduce any impact to an insignificant level. All applicable mitigation measures are included in the conditions of approval, which are hereby adopted as a mitigation monitoring and reporting program.

Studies, data, and reports prepared by staff from various County departments, including Planning and Building Inspection, Public Works, Environmental Health, and the Water Resources Agency, support the adoption of a Negative Declaration for the project. The custodian of the documents and materials that constitute the record of proceedings upon which the adoption of the Negative Declaration is based is the Monterey County Planning and Building Inspection Department, 240 Church Street, Salinas. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts have been submitted that refute the conclusions reached by these studies, data, and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data, and reports.

- EVIDENCE: County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA), its Guidelines, and the Monterey County CEQA Guidelines. The Initial Study provided substantial evidence that the project, with the addition of mitigation measures, would not have significant environmental impacts. A Negative Declaration was filed with the County Clerk on September 3, 1999 and noticed for public review. All comments received on the Initial Study have been considered as well as all evidence in the record, which includes studies, data, and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented or discussed during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data, and reports; application materials; and expert testimony. Among the studies, data, and reports analyzed as part of the environmental determination are the following: Tree Replacement and Revegetation Plan, dated 10/22/99, by Jefferey Froke, Ph.D.; Granite Asphalt Plant Traffic Analysis, by Higgins & Associates, dated 4/4/95; Hydrology and Geomorphology report, by Mitchell Swanson, dated 12/17/99; Metz Road Facility Traffic Report, dated 11/5/98 (Library #05.08.085).
6. FINDING: The land and/or resources contained within the area to be mined 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 development will compensate for related disturbance to resource values.
- EVIDENCE: The proposed Reclamation Plan has been reviewed by the Planning and Building Inspection Department and the State Department of Conservation.
7. FINDING: For purposes of the Fish and Game Code, the project will have a potential for changes to fish and wildlife resources upon which the wildlife depends.
- EVIDENCE: Staff analysis contained in the Initial Study 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. It is anticipated that the project and alteration of the site will not have a potential adverse environmental impact to the topics listed except to earth, air, water, plants, animals, natural resources, and transportation, noise and hazards, which will be mitigated to no significant effect.
- EVIDENCE: The applicant shall pay the Environmental Document Fee, pursuant to Fish and Game Code Section 753.5.
- EVIDENCE: Initial Study and Negative Declaration contained in the project file.
8. FINDING: Conditions as approved in Conditional Use Permit No. PC-6872, approved on April 12, 1989 are incorporated into this Use Permit Extension and Amendment.
- EVIDENCE: Conditions of Approval, Exhibit "D."
9. FINDING: The site is suitable for the use proposed.
- EVIDENCE: There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Health Department, California Department of Forestry Fire District, Monterey Bay Unified Air Pollution Control District, the California Regional Water Quality Control Board, the Cities of Soledad and Greenfield, and Soledad Unifed School District. There are

no significant 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.

10. FINDING: The establishment, maintenance or operation of the used applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of the persons residing or working in the neighborhood or to the general welfare of the County.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Planning and Building Inspection, Health Department, Public Works Department, the Water Resources Agency California Department of Forestry Fire District, Monterey Bay Unified Air Pollution Control District, the Cities of Soledad and Greenfield. These departments have recommended conditions, where appropriate, to ensure that the project will not have adverse effects on the health, safety and general welfare of the residing or working in the neighborhood, or the County in general.

DECISION

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

CONTINUOUS PERMIT CONDITIONS:

PLANNING AND BUILDING INSPECTION DEPARTMENT

1. This permit allows Use Permit Extension to an existing permit (PC-6872) for an additional twenty years, and a Use Permit Amendment to allow for the expansion of extraction from 100,000 tons of material per year to a total of 300,000 tons per year in accordance with County ordinances, land use regulations and the State Mining and Reclamation Act subject to the following terms and conditions. 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 Reclamation Plan and other applicable requirements of the State Mining and Reclamation Act (SMARA) and conditions of this permit and shall be conducted within the boundaries indicated in the "Limits of Mining" and "Processing Area" as shown on the "Mine and Reclamation Maps" dated 9/99, contained in the approved Reclamation Plan and attached to this permit.
3. Any changes in the mining operation or amendments to the approved Reclamation Plan shall be submitted for review and are subject to approval by the Planning and Building Inspection Department. Substantial changes in the operation and/or deviations from the approved Plan shall not be undertaken until such amendments have been filed with, and approved, by the County.

4. The operator shall request 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 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.
5. The operator shall submit annual financial assurances for review and approval by the Planning and Building Inspection Department as required by the State Mining and Reclamation Act. Cost estimates for the financial assurance shall be submitted to the Planning and Building Inspection Department for review and approval prior to the operator securing financial assurances. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed.
6. 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 (see page 3-4, Mine and Reclamation Plan Amendment, dated January 1999). Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to the Planning and Building Inspection Department.
7. Upon the sale or transfer of the operation, the new operator shall record a Notice stating that "The operator shall accept responsibility for operating 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."
8. The operator shall forward an annual surface mining report to the State Department of Conservation and to the Planning and Building Inspection Department on the date established by the State Department of Conservation. Any applicable fees shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report. The initial surface mining report and applicable filing fees shall be filed with the State Department of Conservation within 30 days of permit approval.
9. Within 90 days of the mining operation becoming "idle" (to curtail surface 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.
10. All necessary permits must be obtained and maintained in active status from any other local, state or federal agency.
11. All necessary permits must be obtained from the Monterey Bay Unified Air Pollution Control District and maintained in active status.
12. Setbacks from native species trees (greater than 6 inches dbh) within the mining limits of Chalone Creek shall be a minimum of two-times the radius of the tree canopy and shall be staked be flagged. Staking and flagging shall be installed near any actively mined areas for the duration of the mining activity.

13. The applicant shall plant replacement native trees removed or damaged due to the mining operation on either a three to one ratio or five to one ratio, in accordance with the Tree and Replacement Revegetation Plan. Any non-native trees lost over the 20 years of operation shall also be replaced with native species. Native tree plantings shall be staggered over a five-year period so that mature trees will be in place by the end of the 20-year period and these areas are required to be maintained and monitored. The tree planting and revegetation areas include six areas on 26.65 acres (see Exhibit "G", Tree Replacement and Revegetation Plan, dated 10/22/99).
14. The Use Permit and Reclamation Plan shall be reviewed by the Planning Commission every five years for the life of the permit. The five-year review shall be scheduled concurrent with the annual inspection pursuant to SMARA Section 2207, for each five year period.
15. Prior to expansion of mining into the area of Chalone Creek upstream from the washed out bridge on the ranch road (Exhibit "E", sheet 3 of 6, Mine and Reclamation Plans, dated 9/99), a qualified wildlife ecologist shall perform a wildlife survey and it shall be subject to approval by the Planning and Building Inspection Department.
16. Material extraction shall not exceed a maximum amount of 300,000 tons per year and may be less subject to requirements of the Reclamation Plan. The quantity of extraction mined on a yearly basis shall be determined annually as follows:
 - a. The total quantity of materials to be removed shall be determined by adding the quantity of stockpiled unprocessed material to the quantity of processed material run through the plant, and measured by a calibrated feed belt-scale at the plant.
 - b. Material that has been removed from the streambed and stockpiled for processing (also called unprocessed surge stock pile) shall be physically measured (either by survey, aerial mapping, or other accepted method) by December 31 each year. A conversion factor of 1.6 tons per cubic yard shall be used to convert the volume of measurement to tonnage. This measurement will determine ending inventory quantity for the current year and beginning inventory quantity for the new year.
 - c. The quantity for the current year shall be determined by subtracting the beginning inventory from the ending inventory.
 - d. In addition, a log of the cumulative estimate of removed quantities shall be maintained. The daily quantity shall be determined by tracking daily scraper loads hauled from the streambed using the hauling equipment's rated capacity.

The annual quantity of extraction calculations shall be reviewed as part of the annual inspection pursuant to SMARA Section 2207.

17. Sanitation facilities shall be provided on the project site and maintained for all employees.
18. Material handled shall contain sufficient natural or added moisture to prevent excessive dusting.
19. The quarry operation shall be conducted so as not to adversely affect the area outside of the project site.
20. Earthwork shall not interfere with Chalone Creek stream flow.
21. The existing 75 foot wide earthen dike shall be maintained along the riverbank sloping 1:1 into the borrow area and at a height of original ground level or above.

22. Pursuant to the State Public Resources Code, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee to be collected by the County of Monterey in the amount of **\$1,275. This fee shall be paid on or before the filing of the Notice of Determination.** 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.
23. If lighting is necessary between the hours of 9 p.m. to 6 a.m., the residents near the quarry shall be notified 24 hours in advance of the time and duration of the lighting. A contact person and phone number shall be provided for those residents to address any lighting concerns directly with the operator. This process shall be developed, and approved by the Director of Planning and Building Inspection prior to implementation. If the issue is not promptly resolved with the operator, the resident shall contact the Planning and Building Inspection Department to resolve the issue. All lights shall be shielded and directed to within the site to avoid unnecessary off-site glare.
24. If at any time mining equipment is operated outside of the normal hours of operation (6 am. to 6 p.m.), the residents near the quarry shall be notified of the time and duration of the noise. A contact person and phone number shall be provided for those residents to address any noise concerns directly with the operator. If the issue is not promptly resolved then the resident shall contact the Planning and Building Inspection Department to resolve the issue.
25. The use permit shall expire on April 12, 2020.
26. If during the course of construction activity on the subject property, cultural, archaeological, historical, 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.

ENVIRONMENTAL HEALTH

27. Applicant shall comply with Title 19 of the California Administrative Code Subchapter 3 and Health and Safety Code Chapter 6.95 (Hazardous Material Registration and Business Response Plans) as approved by the Director of Environmental Health.
28. Applicant shall comply with Title 22 of the California Administrative Code Chapter 6.50 of the Health and Safety Code (Hazardous Waste Management) as approved by the Director of Environmental Health.
29. 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.

PUBLIC WORKS DEPARTMENT

30. The access and internal roads shall be maintained in such a way as to minimize dust and to avoid mud tracking onto County Roads.
31. Commencing one month after the date of approval of this project, Granite will direct and enforce the following truck route policy: All trucks using this site will be required to enter the site from Elm Avenue east to Metz Road north and exit the site from Metz Road south to Elm Avenue west unless the Elm Avenue crossing is washed out/flooded or otherwise closed or impassable due to unsafe conditions. This policy will also be applicable to all trucks making deliveries to the site. Additionally, trucks may use Metz Road north or south for deliveries with a specific address on this road or accessible only via Metz Road.
32. By August 31, 2000 Granite and the Public Works Department shall enter into a Maintenance Agreement with the County of Monterey. The Agreement shall include provisions for:
 - a. Completion and maintenance and rehabilitation plan (Plan) for those portions of road as analyzed and outlined in Option B of the *"Pavement Evaluation Study, Maintenance and Rehabilitation Strategy for Metz Road and Elm Avenue, Monterey California; Kleinfelder, August 3, 1999."*
 - b. There shall be joint review between the Public Works, Planning and Building Inspection Department and the operator of the Plan every five years. The review shall allow for the Public Works Department and Granite Construction Company to analyze the effectiveness of the Plan and to modify the Plan by mutual agreement should the parties determine the need exists.
 - c. Joint inspections by Granite Construction (or subsequent owner), the Public Works Department and a third party consultant to review work to be done and work to be completed per the Plan specifications. Third party review may be waived upon mutual agreement by both the Public Works Department and Granite Construction (or subsequent owner).
 - d. An annually renewable bond for work shall be required to comply with the Plan.
33. In the event that either party shall require additional time to review and complete the Maintenance Agreement described in condition 31, written notification indicating the need for an extension shall be forwarded to the intended recipient (Granite Construction Company (or subsequent owner)/Department of Public Works) by July 31, 2000. Said notice shall be in writing and shall be personally delivered or mailed by commercial courier service or by registered or certified United States mail return receipt requested, with first class postage prepaid.
34. There shall be no truck traffic of materials from the Metz Road quarry operation to the Arroyo Seco asphalt batch plant or to the adjacent Arroyo Seco quarry.
35. The following measures are required to reduce the risk of scour damage at the Metz Road Bridge:
 - a. Upon issuance of a Use Permit, Granite Construction Company (Granite) (or subsequent owner) shall perform topographic elevation survey cross sections at 250-foot interval stations transverse to the Chalone Creek for the first 2,000 feet upstream of the Metz Road Bridge. An additional survey shall be performed immediately below the Metz Road Bridge. At each transverse survey station elevations shall document differences in vertical elevations of one (1) foot or more within four points. After two years of data collection the Public Works Department may agree to increase the spacing to 500 feet. The survey of topographic data shall be performed upon issuance of a Use Permit and thereafter shall be submitted as part of a Report of Compliance to the Department of Public Works in December of each year. The report shall include the reference

- datum for elevations and shall be sealed by a licensed surveyor.
- b. A streambed elevation shall be maintained under the Metz Road Bridge of no more than 1.0 feet lower than the original streambed elevation shown on the 1976 bridge construction drawings on file in the Department of Public Works.
 - c. If evidence of scour damage to the Metz Road Bridge appears in the future, Granite shall retain and bear the costs for a qualified registered engineer (mutually agreed upon by both parties) to determine the causes and recommend appropriate mitigations to repair and protect the bridge. The engineer's report shall determine causal factors and assign party responsibility. The costs of all mitigation measures to repair and protect the bridge shall be borne by the party(s) found to be responsible as determined by the engineer's report. Granite shall be responsible to the extent attributable to Granite.
 - d. The in-stream mining operation shall place the low point of the final grade near the Metz Road Bridge to the northern side of the channel for a straighter flow alignment under the bridge, subject to the approval of the Department of Public Works.
 - e. Granite shall enhance the erosion resistance of the south bank upstream of the Metz Road Bridge by planting willows (or equivalent approved vegetation) along the stream-bank toe during the dormant season. The planting shall establish a dense woody willow (or equal) cover along the bank to increase resistance to erosion and to enhance sediment deposition. The vegetation planting plan shall be approved by the Department of Fish and Game.

MISSION SOLEDAD FIRE DISTRICT

- 36. Size of letters, numbers and symbols for addresses shall be a minimum of 3 inch letter height, 3/8 inch stroke, contrasting with the background color of the sign.
- 37. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located.
- 38. All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address.

MONTEREY BAY AIR POLLUTION CONTROL DISTRICT

- 39. Prior to commencement of excavation in the Spring of 2000, assure that the project does not exceed the State PM10 (particulate matter 10) ambient air quality standard at nearby receptors and comply with MBUAPCD regulations.

WITHIN 30 DAYS OF PERMIT APPROVAL:

PLANNING AND BUILDING INSPECTION DEPARTMENT

- 40. 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.

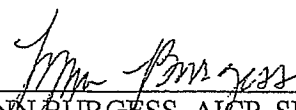
41. The applicant shall record a notice which states: "A permit (Resolution 00024) was approved by the Planning Commission for Assessor's Parcel Numbers 418-401-006, 007, 009, 021, 026, 245-011-001, 249-011-009, 010, 013, 418-391-012, 013, 014, 015, and 016 on May 10, 2000. The permit was granted subject to 45 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.
42. The Financial Assurances shall be amended to include costs for the five-year tree replacement and revegetation plan and monitoring.
43. Twenty-five foot setbacks from the creek banks shall be maintained and shall be marked in any active mining areas.
44. A qualified biologist shall perform a tree count in the Creek mining area after winter rains in the spring of 2000.

WATER RESOURCES AGENCY

45. The owner shall record a notice for Assessor's Parcels 418-401-006-000, 418-401-007-000 and 418-401-009-000, 418-401-026-000, 418-401-027, 418-401-028, 245-011-001-000, and 249-011-010-000 stating that the properties are located partially within a flood plain and may be subject to building and/or land use restrictions. A copy of the recorded notice shall be provided to the Water Resources Agency.

PASSED AND ADOPTED this 10th day of May, 2000 by the following vote:

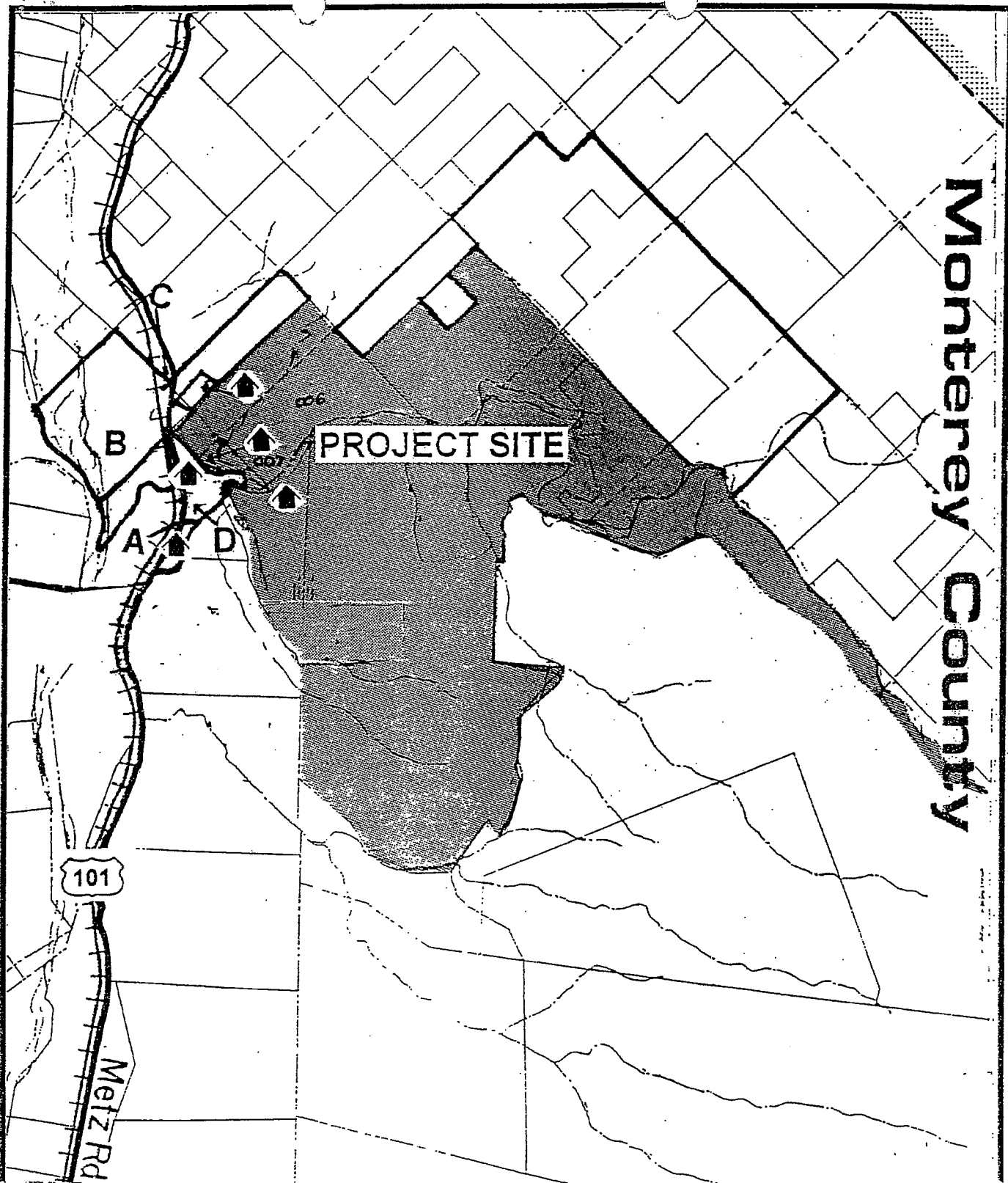
AYES: Errea, Sanchez, Hawkins, Hennessy, Wilmot
NOES: Parsons, Brennan, Hernandez, Lacy
ABSENT: Pitt-Derdivanis


LYNN BURGESS, AICP, SECRETARY

Copy of this decision mailed to applicant on MAY 24, 2000.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE JUNE 1, 2000.

Monterey County



APPLICANT: GRANITE CONSTRUCTION

APN: 418-401-009-000M

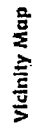
FILE# 98C287

300' LIMIT: -----

2,500' LIMIT: -----



Monterey County, California



Department of
Public Health and Community Medicine

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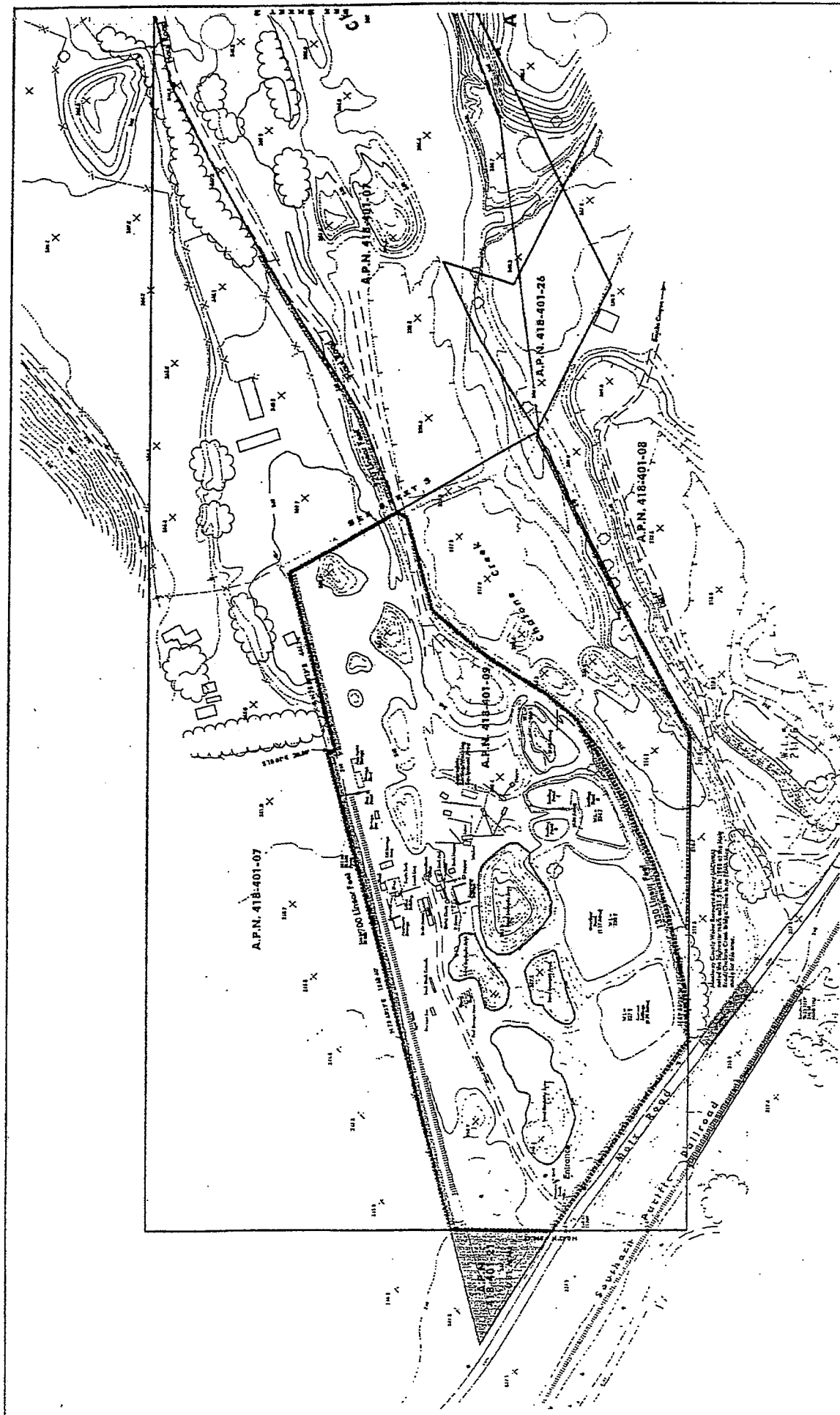
How Graciously Greeting their Country People
 Family in French correspondence from 1793, when most of the United States was still in the hands of the British, and the American Revolution was still in its infancy. The letter is dated 1793, and is addressed to the family of the late General Washington, who was then in the hands of the British. The letter is a beautiful example of the French style of writing, and is a valuable historical document.

- d. Proposed Question(s)
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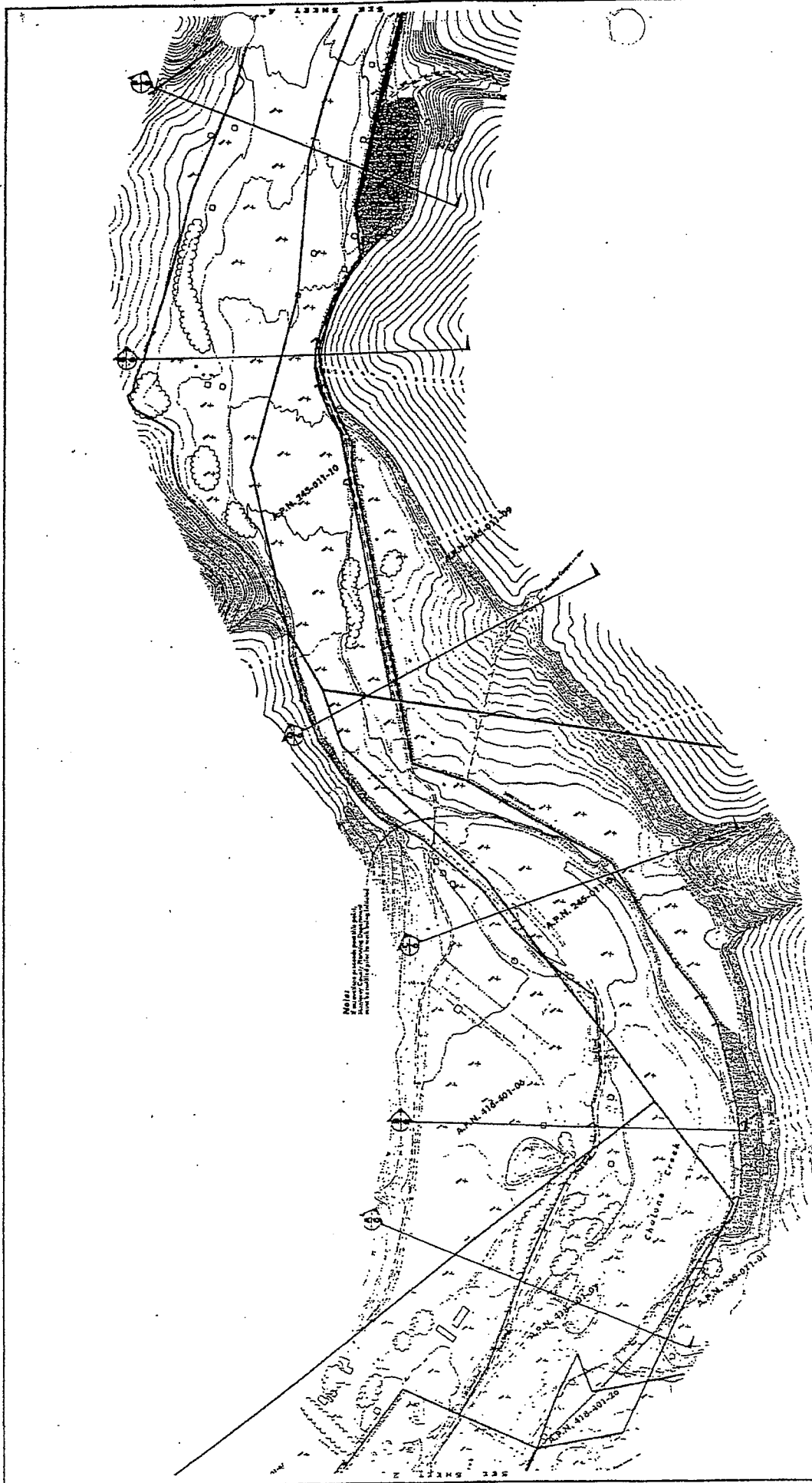


3. Voting deadline: ARN 418-101-09 property included in 2016 OB 10116 was added on October 16, 1997, University of County records.

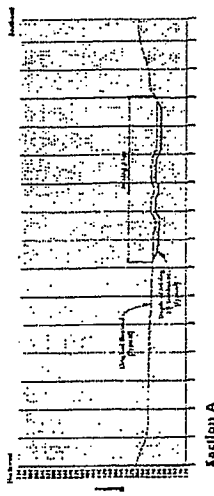
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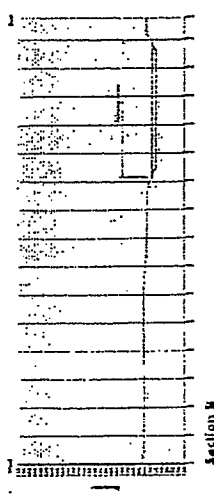
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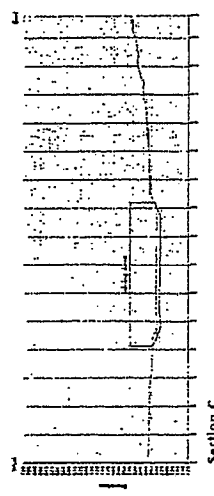
<p>Project Name Mile Plain</p> <p>Map Sheet 10000</p> <p>Scale 1" = 200'</p> <p>Projection NAD 83</p>		<p>Proposed</p> <p>Right of Way (R/W) 111' Right (111' Right)</p>	
<p>Editing</p> <p>Notes Corrected</p> <p>Intersecting Features</p> <p>Proposed Road</p> <p>Proposed Road</p> <p>Proposed Road</p>		<p>Legend</p> <p>Contour Lines</p> <p>Proposed Road</p> <p>Proposed Road</p> <p>Proposed Road</p>	



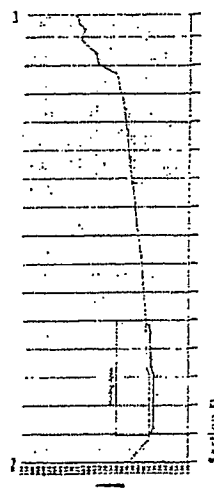
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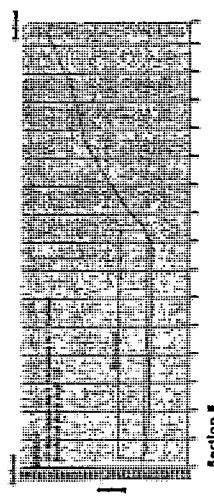
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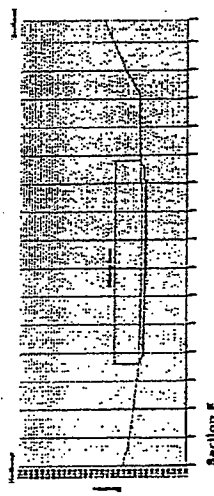
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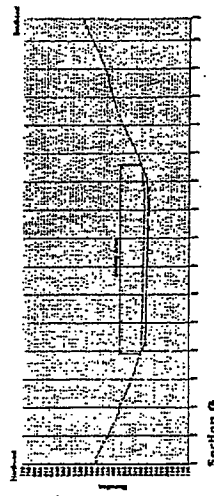
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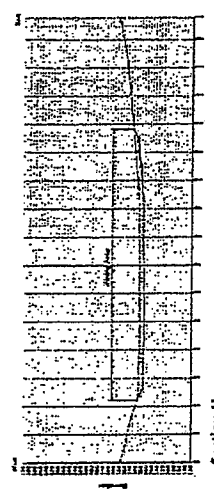
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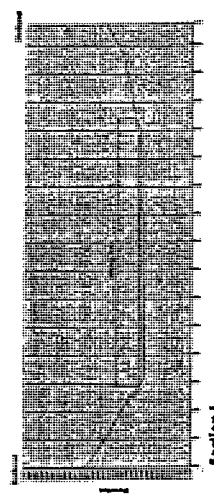
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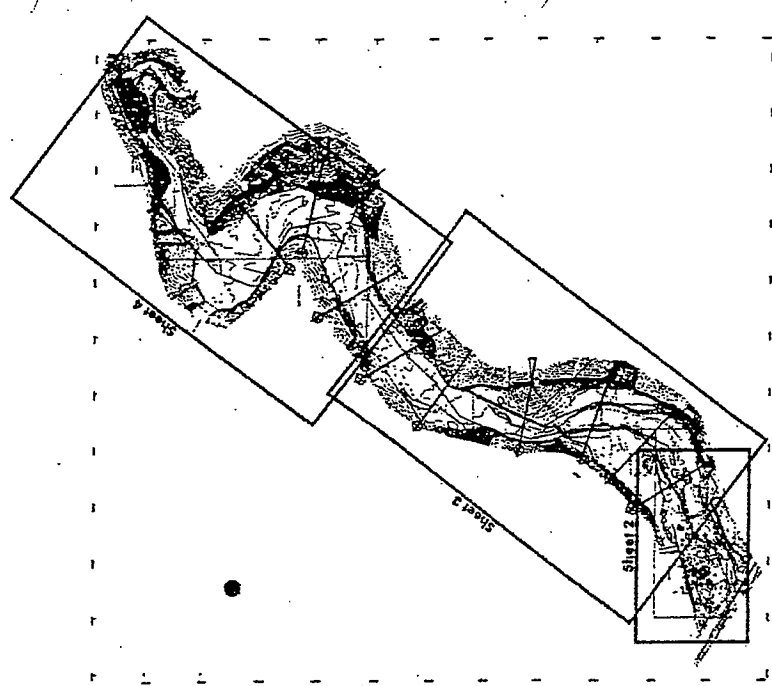
Section G



Section H



Section I



Cross Section Index Map

Scale: 1" = 1,000'

Horizontal Scale: 1" = 200'
Vertical Scale: 1" = 20'

Mine Plan Cross Sections			
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N.T.S.

INDEX

Date 10-22-94
Scale AS SHOWN
Project 98-133

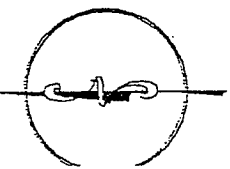
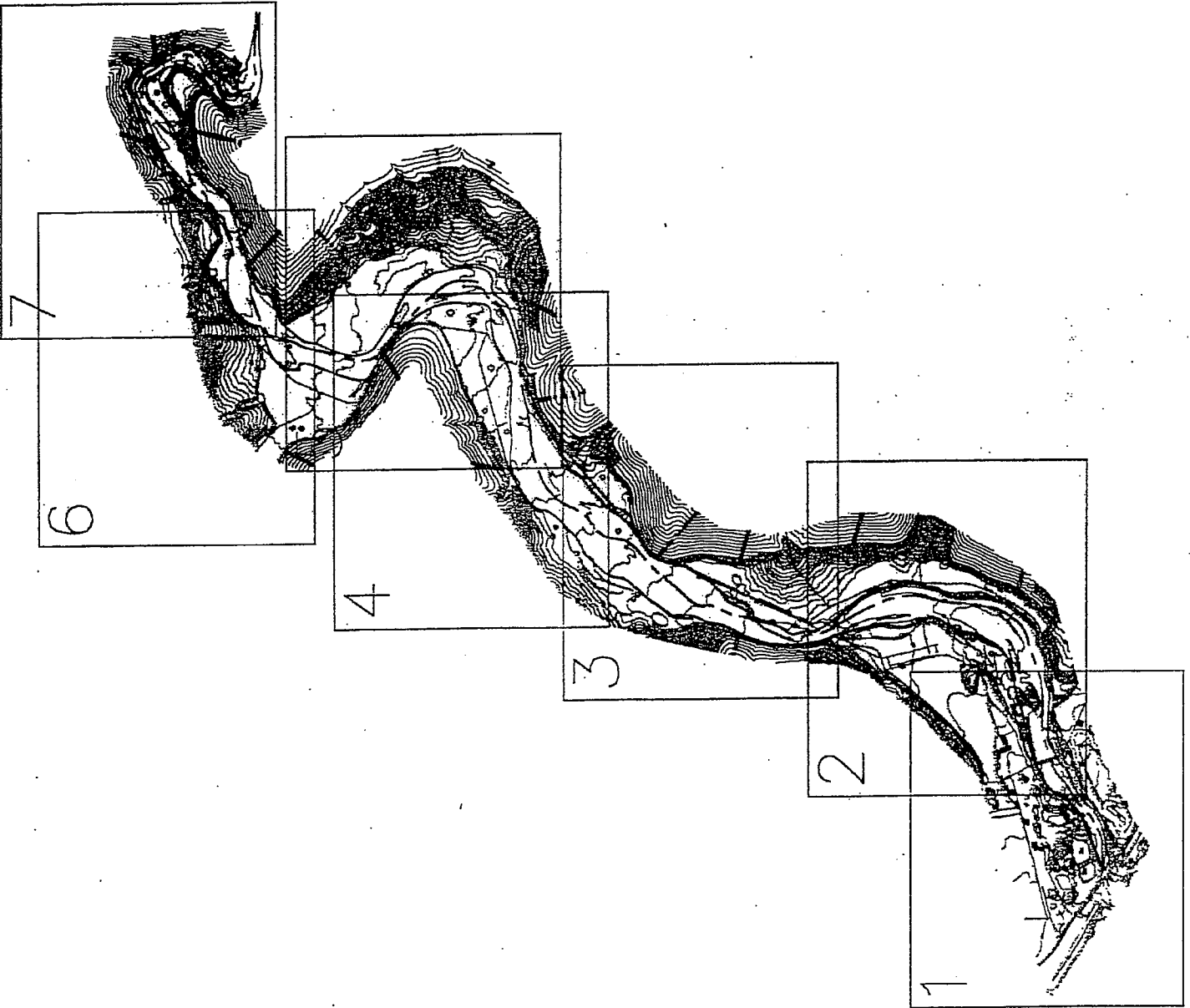
CHALONE CREEK BANK AND
LOW FLOW CHANNEL MAP
GRANITE CONSTRUCTION CO.
P.O. BOX 50085
WATSONVILLE, CA 95077-5085


METZ FACILITY
MINE AND
RECLAMATION
PLAN

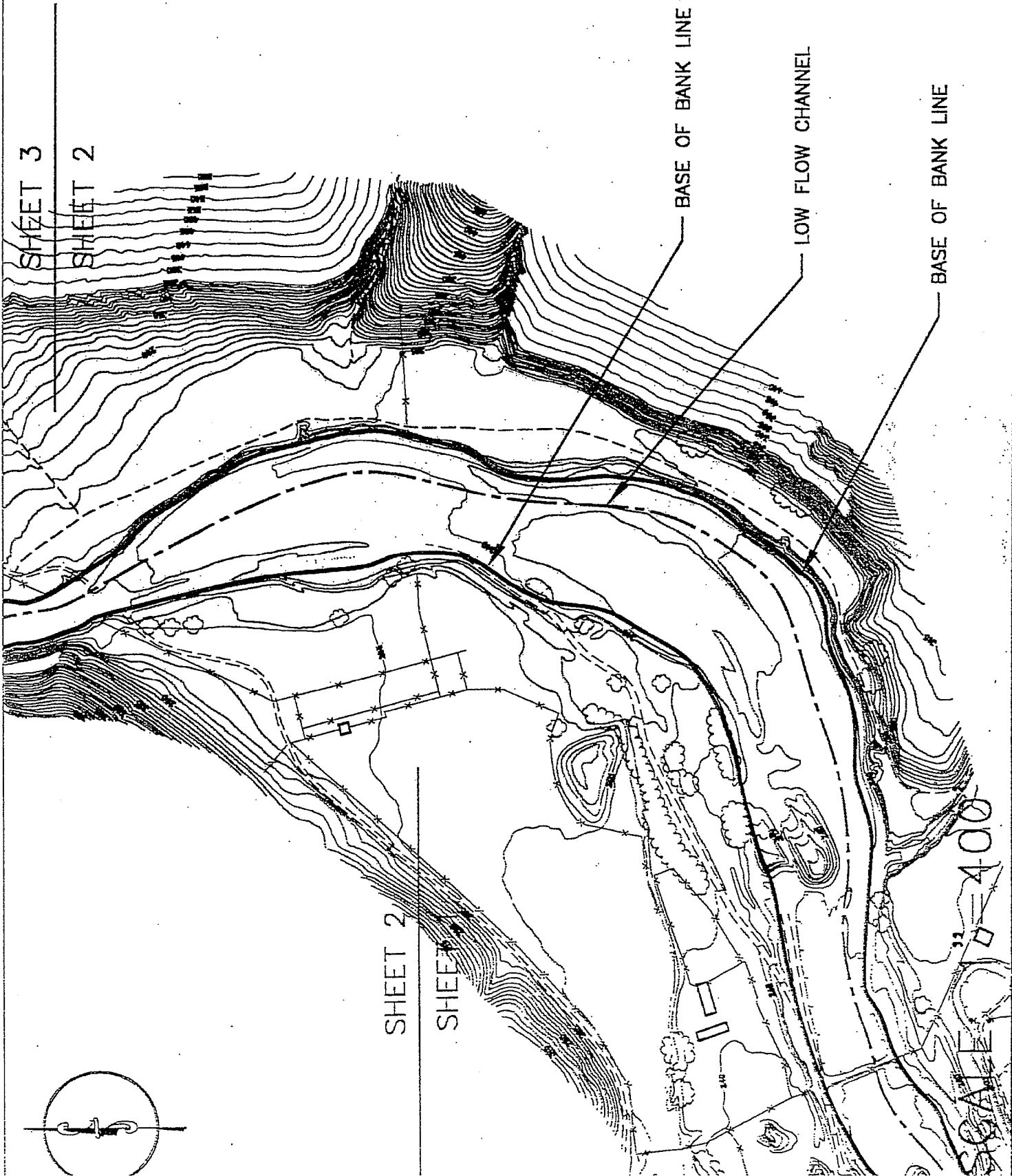
Swanson Hydrology
& Geomorphology
2290 California Street, Suite 200, CA 95060
(408) 421-0205



Rev	Date	Description	By



		SWANSON Hydrology & Geomorphology 2200 Central Expressway, Suite 200 San Jose, California 95128-1200		METZ FACILITY MINE AND RECLAMATION PLAN		CHALONE CREEK BANK AND LOW FLOW CHANNEL MAP GRANITE CONSTRUCTION CO. P.O. BOX 50085 WATSONVILLE, CA 95077-5085		Date: 10-22-84 Scale: AS SHOWN Project: 84-135		H-2
Rev.	Date	Description								



Rev	Date	Description	By



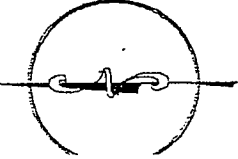
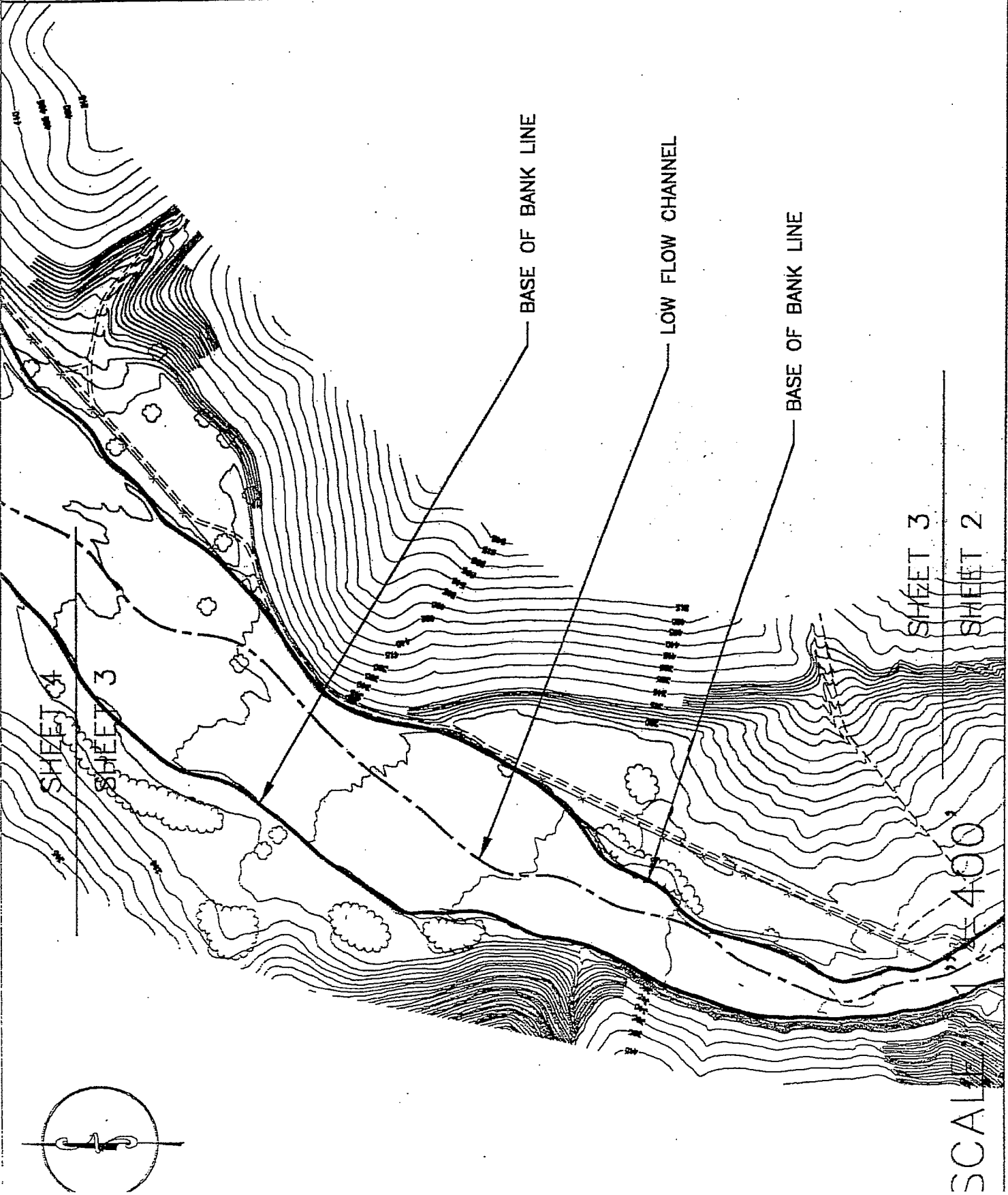
Swanson Hydrology & Geomorphology
 220 California Street, Suite 200, San Francisco, CA 94102
 (415) 774-0000

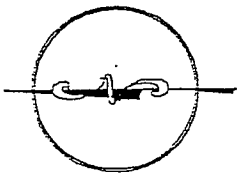
**METZ FACILITY
 MINE AND
 RECLAMATION
 PLAN**

**CHALONE CREEK BANK AND
 LOW FLOW CHANNEL MAP**
GRANITE CONSTRUCTION CO.
 P.O. BOX 50085
 WATSONVILLE, CA 95077-5085

Drawn: 10-22-98
 Scale: AS SHOWN
 Project: 98-135

H-3





SHEET 7

SHEET 6

BASE OF BANK LINE

LOW FLOW CHANNEL

BASE OF BANK LINE

SCALE: 1" = 400'

SHEET 6

SHEET 5

REV	DATE	DESCRIPTION	BY

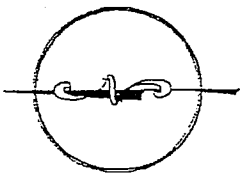


Swanson Hydrology & Geomorphology
P.O. Box 50085
Watsonville, CA 95077-5085
(831) 837-0800

METZ FACILITY
MINE AND
RECLAMATION
PLAN

CHALONE CREEK BANK AND
LOW FLOW CHANNEL MAP
GRANITE CONSTRUCTION CO.
P.O. BOX 50085
WATSONVILLE, CA 95077-5085

Date: 10-22-98
Scale: AS SHOWN
Project: 88-135
H-6



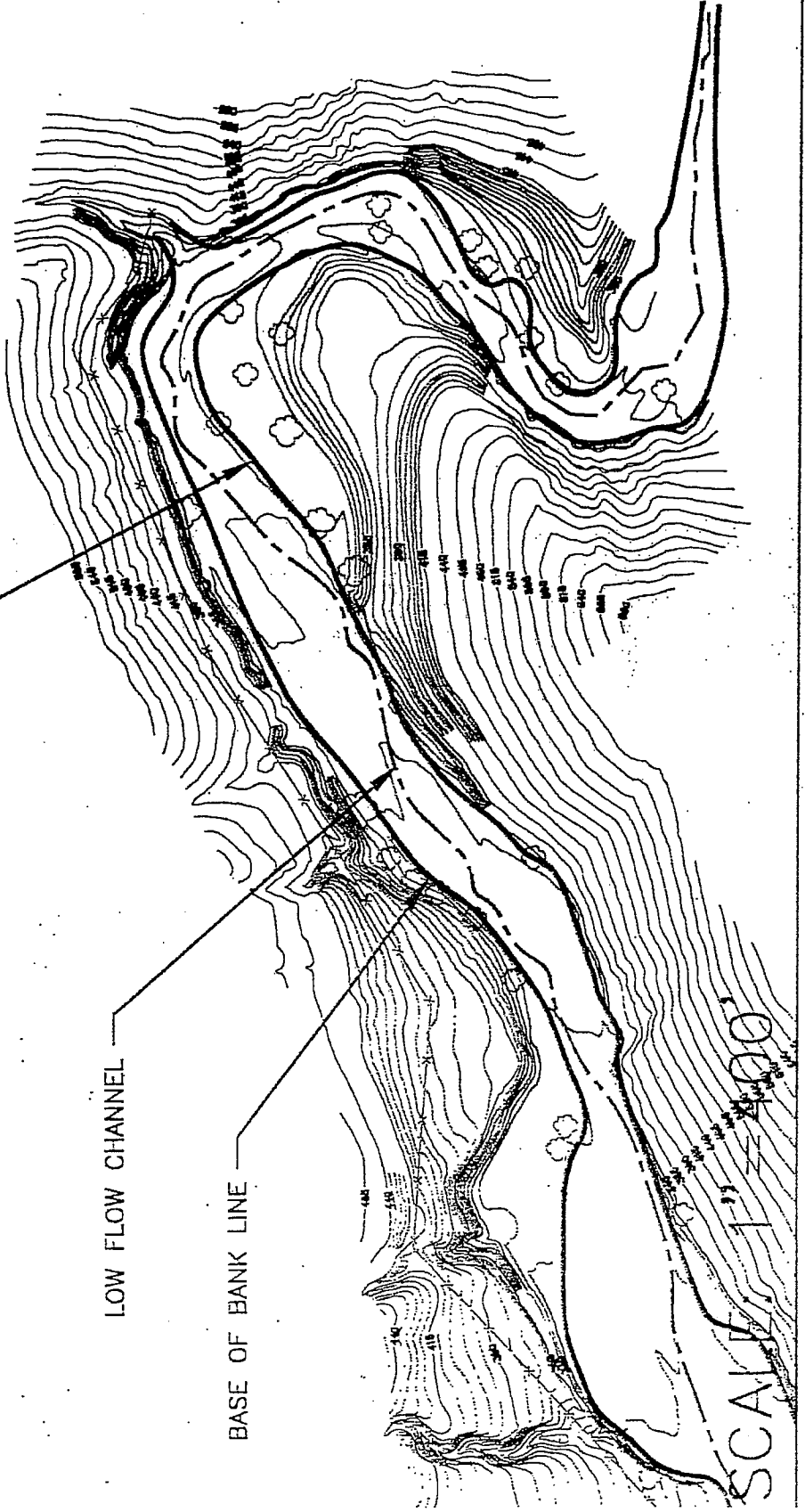
SHEET 7

SHEET 6

BASE OF BANK LINE

LOW FLOW CHANNEL

BASE OF BANK LINE



SCALE 1" = 400'

CHALONE CREEK BANK AND LOW FLOW CHANNEL MAP		GRANITE CONSTRUCTION CO. P.O. BOX 50085 WATSONVILLE, CA 95077-5085		METZ FACILITY MINE AND RECLAMATION PLAN		Swanson Hydrology & Geomorphology P.O. Box 50085 Watsonville, CA 95077-5085		STATE OF CALIFORNIA NO. 82814 12/31/98		Rev Date Description By	
Date 10-22-98		Scale AS SHOWN		Project 98-115		H-7					

EXHIBIT C

CENTRAL SALINAS VALLEY

SAN BENITO COUNTY

Pinnacles Nat'l Monument

Chelone Creek

Topo Creek

PROJECT SITE

Union Pacific Railroad

Greenfield Oak Park

ELM AVE

GREENFIELD

ESPINOSA RD

101

Salinas River

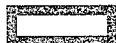
METZ RD

APPLICANT: METZ ROAD QUARRY

APN: 418-401-006-000M

FILE # PLN980287

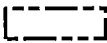
Water



2500' Limit



300' Limit



City Limits



0 4,000
Feet



PLANNER: BRADLEY

EXHIBIT C