



Staff Report & Development Permit Level 3 – Minor Variation

Application Number: 74-0633

APN: 062-181-12, 064-201-13, 79, 80, 81, 064-211-67, 68

Applicant: Granite Construction Company

Owner: CGK LLC, Sinnot, Kester, et al.

Site Address: 1800 Felton Quarry Road

Proposal & Location

Minor variation to Conditions of Approval III.E.4 for the Felton Quarry Mining Approval 74-0633 to allow 10 additional exceptions to Condition III.E.2 (Days and Hours of Operation) for off hours operations for a maximum total of 50 exceptions for 2019.

Background

Granite Construction Company (Granite) operates the Felton Quarry under a permit approved in 1979 that authorized mining within certain limits and requires reclamation of all areas used for mining. Amendments to the permit were approved by the Planning Commission in 1993 and 2000 to incorporate updated mining and reclamation plans, and to authorize off hours operations, respectively. The minor amendment in 2000 authorized 20 additional off-hour operations in addition to the 20 off-hours operations already approved for a total of up to 40 off-hour operations per year. Minor variations to certain conditions of approval have been approved involving reductions in hydrologic and slope monitoring requirements, reductions in noise and traffic monitoring, and to install a polymer water clarifying system. The current operations and conditions at the mine are periodically reviewed by the Planning Commission at a public hearing for compliance with conditions of approval. As a result of the last compliance review in December 2010, the Planning Commission accepted the staff report, which concluded that mining operations at Granite's Felton Quarry are in compliance with conditions of approval of Mining Approval 74-633 (as amended). Many aspects of the operation are monitored on a regular basis, and a long history of compliance has been established as documented by the monitoring results included in annual reports and by regular inspections.

Twenty exceptions for off-hour operations of the asphalt plant (nights and Saturday) are allowed without prior approval of the Planning Director. An additional 20 exceptions per year may be granted at the discretion of the Planning Director for off-hour operations for a maximum of 40 exceptions per year. In recent years the number of off-hours operations has varied from 1 to 34 per year. All off-hour operations are for public agency projects only. Neighborhood notification is given prior to each off-hour operation. During off-hours operations the quarry has monitored speed and decibel levels of trucks along the haul route through the neighborhood. A neighborhood notice that is mailed out to neighbors along the haul route contains telephone numbers of the quarry and the Planning Department quarry planner. The quarry number is intended to enable neighbors to contact the quarry during the off-hours operation to lodge a

complaint. In recent years there has been a very small number of complaints, ranging from zero to three per year.

The asphalt plant, which operates at night on the occasion of an exception, is constructed with noise reducing equipment (mufflers, silencers) on noise producing parts of the plant. As a result of the 2010 Planning Commission review additional noise reducing equipment was installed, which further reduced noise level. All trucks loading asphalt during off-hours operations are covered. In addition, since the last Planning Commission review the operator has been using an asphalt odor suppressant added to the asphalt oil to reduce odors in general and during night operations.

The quarry maintains a trucker awareness program consisting of several elements. All first-time truckers receive a copy of the Felton Quarry Trucker Policy consisting of speed, noise and time restrictions along with enforcement actions for violations. The quarry operator conducts occasional radar monitoring of speed to enforce this policy. Signs are posted along the quarry road to remind truckers about speed and noise. Truckers are required to use specific haul routes either through Felton and Scotts Valley or down Empire Grade during normal operations, and down Empire Grade only during night operations. The Planning Department receives no complaints related to trucking during normal operating hours.

2019 Paving Project

Granite has recently been selected by the California Department of Transportation (Caltrans) as the lead contractor on regional road repaving projects that would require approximately 100 nights of paving work. As with most contemporary Caltrans projects, the contracts require paving at night to limit the impact to daytime commuters. Granite will supply the project with asphalt out of several area plants and would like to be able to supply 50 of the nights out of the Felton Plant in 2019 under this minor variation. This increase in paving work is a result of the recent gas tax funding and it is anticipated this level of paving work will continue in future years. In anticipation of this trend, Granite intends to apply for a minor amendment (similar to the 2000 minor amendment) to increase off-hours operations at the Felton Plant to 100 nights and weekends per year.

County Code

Santa Cruz County Code Chapters 18.10 Procedures contains several provisions addressing permit amendments and SCCC Chapter 16.54 Mining Regulations contains specific procedures for amendments to mining permits, including a Minor variation, or Minor or Major amendment.

A minor variation is an amendment to a planning approval, including (without limitation) project design, improvements, or conditions of approval, if the amendment does not affect the overall concept, density, or intensity of use of the approved project, and if it does not involve either a modification of a design consideration, an improvement, or a condition of approval which was a matter of discussion at the public hearing at which the planning approval was granted (SCCC 18.10.134).

The Mining Regulations specifically provide that a minor variation to any condition of approval of a mining permit may be made by Planning staff, pursuant to the authority contained in SCCC

18.10.134, and shall be forwarded as a written correspondence item on the next Planning Commission agenda. No other public notice is required. In reviewing the minor variation the Planning Commission may require the minor variation to be processed as a minor or major amendment or may add, delete, or revise any condition of the minor variation (SCCC 16.54.032(e)).

For reference, a minor mining approval amendment means a minor change to a mining operation having no significant impact on the environment, which may include (without limitation), minor change in hours of operation, drainage pattern or operational equipment (SCCC 16.54.020). A minor mining approval amendment requires public notice by mail to property owners and occupants within 0.5 miles of the mine and to others who have requested to be on the mailing list.

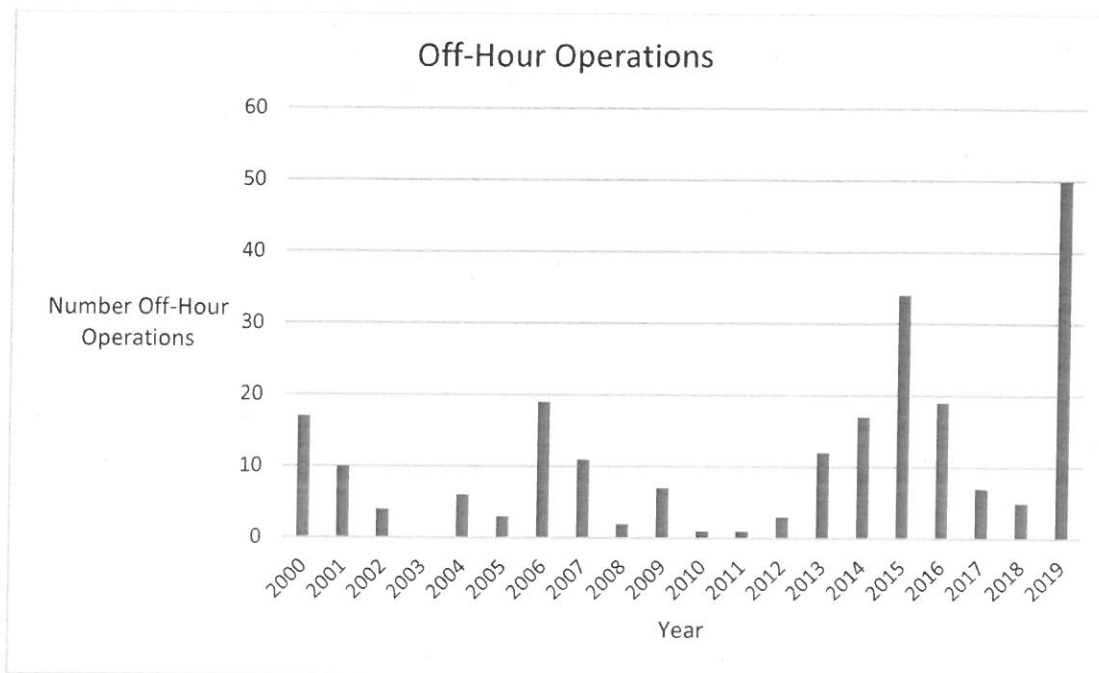
Analysis

The Santa Cruz County General Plan Land Use Compatibility Chart for Exterior Community Noise (General Plan Figure 6-1) identifies a “normally acceptable” exterior noise exposure compatibility level of 60 dBA LDN (Day-Night Level). County Mining Regulations Section 16.54.050 sets a maximum noise level measured at property boundaries of no greater than 60 dBA for a cumulative period of 15 minutes during any hour of operation (L₂₅). Condition of Approval II.H.9 requires the operator to submit an annual noise report to determine compliance with noise standards.

Annual noise monitoring at the quarry by the quarry’s acoustical consultant indicates that noise levels during normal and off-hours quarry operations at the property line and at the nearest residence are in compliance with both standards listed above (60dBA). Annual noise monitoring has consistently documented that the quarry operation is in compliance with the noise standards.

Condition of Approval III.E.5.d requires the operator to monitor and keep records of speed and noise levels of trucks from the quarry entrance at Empire Grade to the intersection of Bay Avenue and Highway 1 (Mission Street) during off-hour operations involving more than 1,000 tons unless the Planning Director determines that monitoring of smaller off-hour operations is necessary based on evidence of potentially excessive truck speed and noise levels. A minor variation was approved in 2010 to change the monitoring interval from each off-hour operation to only those that exceed 1,000 tons. An operation of 500 tons or less would involve approximately 20 truck loads, and an operation exceeding 1,000 tons would involve 40 trucks or more. Since 2010 no off-hour operation has exceeded 1,000 tons. Figure 1 shows the total number of off hours operations each year and the proposed number of off-hour operations for 2019.

Figure 1



Prior to the minor variation to this condition of approval in 2010, during off-hour operations the quarry monitored speed and decibel levels of trucks along the haul route through the neighborhood. This was accomplished using a vehicle equipped with a radar detector and a decibel meter. The vehicle would set up at random locations along the entire route to ensure compliance. The records were made available to the County at the close of each paving project and submitted to the Planning Department as part of the quarry's annual report.

The speed monitoring demonstrated that the trucks generally followed the speed limit, and definitely were slower than cars. Noise monitoring indicated that trucks did not create excessive noise. Complaints to the County were rare; one complaint regarding general truck noise was received from a High Street resident in 2006 during an extensive Highway 17 paving job involving a total of 14 night operations with 7 of those involving shipment of greater than 1,000 tons, or 50 to 70 truck loads each night. One other complaint was received from a Bay Street resident in 2007 regarding a trucker using jake brakes; the loud engine brakes occasionally used by truckers. This complaint was relayed to the quarry for trucker contact and warning. One complaint was received in 2014 regarding odor from the asphalt plant. This complaint was relayed to the operator who indicated they would try using a different odor masking agent. In 2015 three complaints were received regarding noise (back up beepers) at the mine, odor from the asphalt plant, and noise from trucks on Empire Grade. It was determined the back-up beeper noise was made by a delivery truck because Granite Construction vehicles at the mine are equipped with alternative warning sounds that have a lower impact compared to a traditional back up beeper. It was determined the truck noise complaint was likely caused by poor road conditions at the time on a segment of Empire Grade. No complaints were received in 2016, 2017, or 2018.

Speed and noise monitoring by the quarry operator prior to 2010 during off-hours operations

consistently demonstrated compliance in that trucks are not traveling at excessive speeds or generating excessive noise. Notices are sent to the residents of the neighborhood along the truck route prior to each off hour operation, and this would continue, as required. Complaints are extremely rare and the quarry operator has been diligent and conscientious regarding complaint follow up and resolution, and this is expected to continue, when necessary.

Conclusion

Based on a long record of compliance as demonstrated by past noise and traffic monitoring and few complaints, the operator's request for a minor variation is reasonable. The ten additional off-hours operations for 2019 would qualify as a minor variation to the conditions of approval because the change does not affect the overall concept, density, or intensity of use of the mining operation. The condition of approval regarding days and hours of operation was the subject of public hearings on a mining approval amendment in 2000 authorizing off hours operations. The discussion at those public hearings did not focus primarily on the number of nights, but on the impacts that night operations would have on the neighborhood. Conditions of approval were imposed that require neighborhood notification, and speed and noise monitoring. The speed and noise monitoring requirement was reduced as a result of approval of a minor variation in 2010. However, County staff believes it is reasonable and appropriate to reinstate the requirement for speed and noise monitoring for the ten additional off-hours operation proposed under this minor variation in 2019. No additional conditions of approval are proposed. Because this is a one-time minor variation applicable to the year 2019 only, the original condition of approval authorizing 40 exceptions for night operations will remain in place and will be applicable for all future years unless another minor variation or minor amendment authorizes additional exceptions.

Recommendation

All findings remain valid as approved for Mining Approval 74-0633 (as amended). Based on the findings for permit number 74-0633 (as amended), which are hereby incorporated by reference, Planning Department staff recommends approval of the requested minor variation including the conditions contained in this permit.

If you have any questions about this project, please contact David Carlson at:
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Note: This decision is final unless it is appealed.

You may exercise your permit after signing below and meeting any conditions which are required to be met prior to exercising the permit. If you file an appeal of this decision, permit issuance will be stayed and the permit cannot be exercised until the appeal is decided.

Please note: This permit will expire unless exercised prior to the expiration date.

Conditions of Approval

1. The quarry operator shall monitor and keep records of speed and noise levels of trucks from the quarry entrance at Empire Grade to the intersection of Bay Avenue and Highway 1 (Mission Street) during the ten additional off-hour operations authorized by this minor variation. This shall be accomplished using a vehicle equipped with a radar detector and a decibel meter. The vehicle shall set up at random locations along the entire route to ensure compliance. The records shall be made available to the County at the close of the paving project, and shall be submitted to the Planning Department as part of the quarry's annual report.