The County of San Diego

Planning Commission Hearing Report

Date:	October 10, 2014	**Case/File No.:**	PDS2013-MUP-87-021W2 PDS2013-RP-87-001W2
Place:	County Conference Center 5520 Overland Avenue San Diego, CA 92123	**Project:**	Major Use Permit Modification and Reclamation Plan Modification for an existing surface mine
Time:	9:00 a.m.	**Location:**	5606 Pala Road (Highway 76), Fallbrook, CA 92028
Agenda Item:	#4	**General Plan:**	Rural Residential (RL-40)
Appeal Status:	Appealable to the Board of Supervisors	**Zoning:**	A70 – Limited Agriculture A72 – General Agriculture
Applicant/Owner:	Granite Construction Company, Inc.	**Community:**	Fallbrook
Environmental:	15162 Addendum to Environmental Impact Report	**APNs:**	125-061-09, 125-062-06, & 108-122-13

A. EXECUTIVE SUMMARY

1. Requested Actions

This is a request for the Planning Commission to evaluate the proposed project, which is a Major Use Permit (MUP) modification and Reclamation Plan (RP) modification for an existing construction aggregates quarry and materials processing facility, to determine if the required findings can be made, and take the following actions:

a. Adopt the findings included in Attachment D, which includes findings in accordance with Sections 15162 through 15164 of the California Environmental Quality Act (CEQA) Guidelines that there are no substantial changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously certified Environmental Impact Report (EIR) dated March 5, 1997, that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the EIR was certified.

b. Grant Major Use Permit Modification PDS2013-MUP-87-021W2 (P87-021W^2) and Reclamation Plan Modification PDS2013-RP-87-001W2 (RP87-001W^2), make the findings,

and impose the requirements and conditions as set forth in the Form of Decision in Attachment B.

2. Key Requirements for Requested Actions

a. Is the proposed project consistent with the vision, goals, and polices of the General Plan?

b. Does the project comply with the policies set forth under the Fallbrook Community Plan?

c. Is the proposed project consistent with the County's Zoning Ordinance?

d. Is the proposed project consistent with the County's Grading Ordinance?

f. Does the project comply with the CEQA?

B. REPORT SUMMARY

The purpose of this staff report is to provide the Planning Commission with the information necessary to consider the proposed MUP modification (P87-021W[2]) and RP modification (RP87-001W[2]), conditions of approval and findings, and environmental findings prepared in accordance with CEQA.

The applicant proposes to increase the MUP and RP boundary in order to reconfigure and expand the site processing area and modify conditions already established under the MUP. Based on staff's analysis, it is the Department's position that the required findings can be made, and approval of the MUP modification and RP modification is recommended with the conditions noted in the attached Form of Decisions.

C. DEVELOPMENT PROPOSAL

1. Project Description

The applicant requests a MUP modification and RP modification to increase the MUP boundary by 10.21 acres and the RP boundary by 10.35 acres in order to reconfigure and expand the site processing area. The expansion will be within an already disturbed abandoned lemon orchard. Quantities of total excavated materials to be removed from the site would remain at 24,000,000 tons, which is the same amount as the previously-approved modification, P87-021W[1].

The expanded area will be a flat pad that will be utilized for aggregate processing and material stockpiling. The applicant is requesting an exception pursuant to Section 4620(g) of the Zoning Ordinance to allow the addition of an 80-foot tall mechanically stabilized earthen wall on the southern and eastern boundary of the pad. The maximum height allowed without an exception is 35 feet. The wall is being proposed in order to maximize the area of the pad.

There would also be some changes in the slope and bench configurations and the creation of a second de-siltation basin near the newly expanded area. The tallest cut slope would be 105 feet in height. The project would allow for the use of newer construction materials, such as High Density Polyethylene rather than traditional building materials to be used to construct the enclosures around the site's crushing and screening equipment. The project would remove the requirement of sound absorbing materials to be installed on the inside of the enclosures since it was found unnecessary to reduce noise impacts.

The project would allow an increase in the height of the four batch plant silos from 35 feet to 90 feet. For the height increase, the applicant is requesting an exception pursuant to Section 4620(g) of the Zoning Ordinance, where 35 feet is the maximum height allowed.

Please refer to Figure 1 and Attachment A – Planning Documentation, to view the Plot Plan.

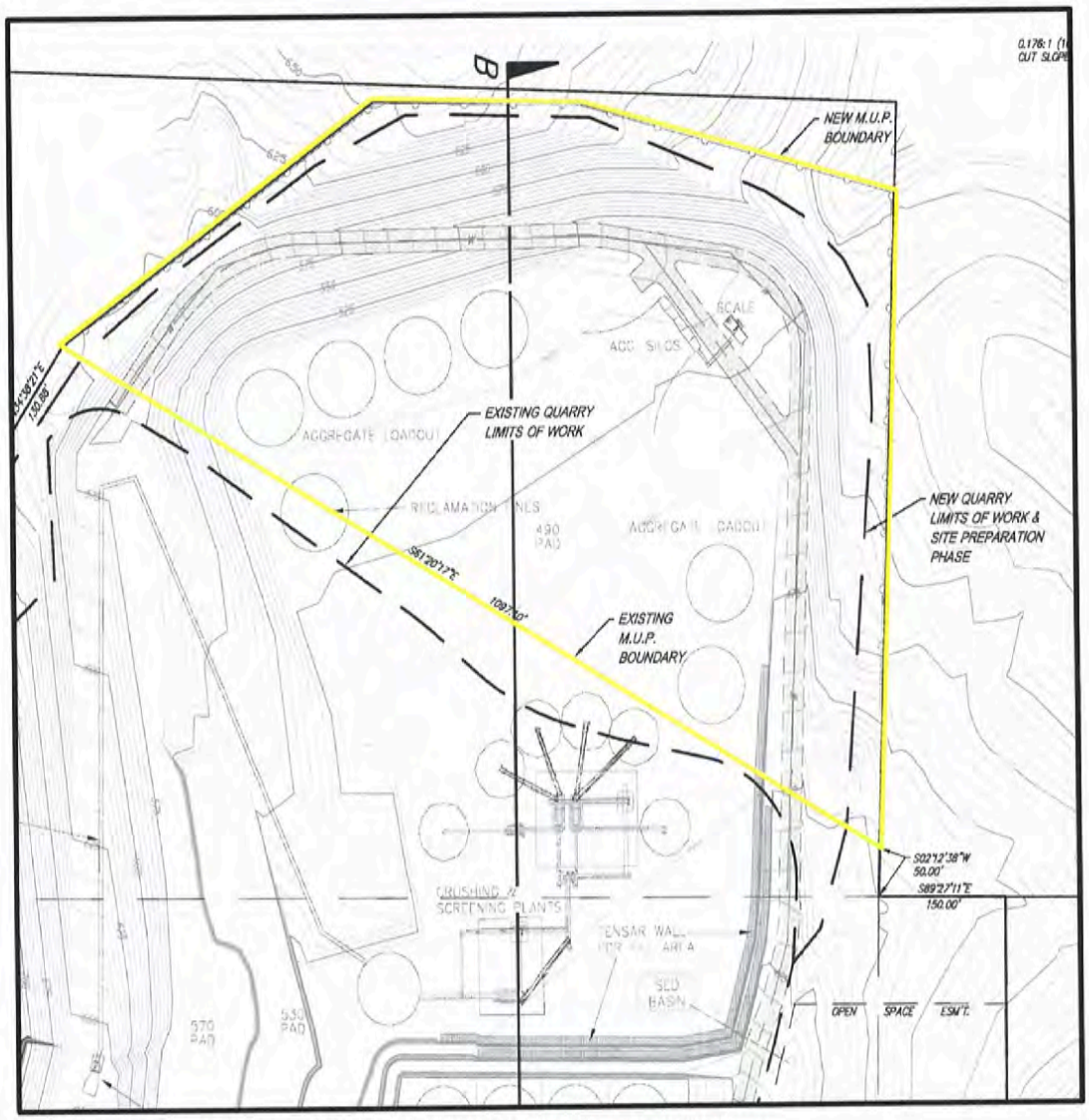

Figure 1: Plot Plan – Expanded Site Processing Area (Outlined In Yellow)

2. Subject Property and Surrounding Land Uses

The MUP project area would be expanded by 10.21 acres to 103.63 acres and the RP boundary would be expanded by 10.35 acres to 48.32 acres as part of this modification. As shown on Figures 2 and 3, the site is located at 5606 Pala Road (State Route 76), approximately 1.3 miles east of Interstate 15, in the unincorporated community of Fallbrook. The site contains office trailers and various pieces of mining-related equipment supporting the mining and extraction activities.

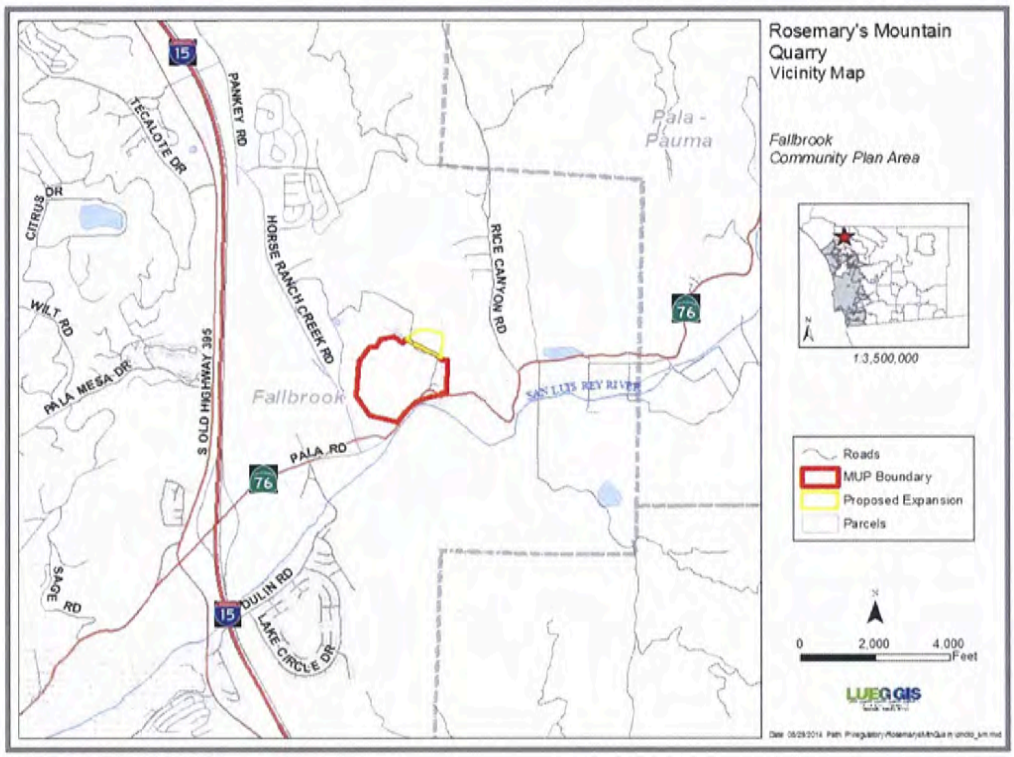

Figure 2: Vicinity Map

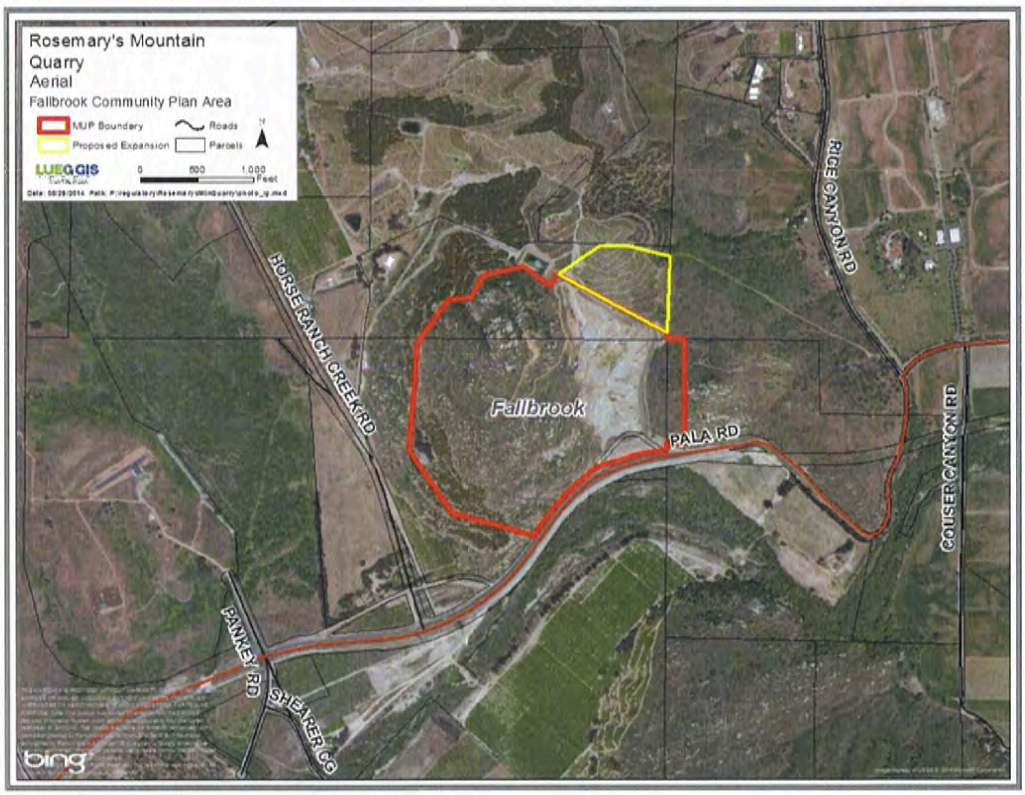

Figure 3: Aerial Photo

Surrounding land uses primarily consist of agricultural, rural residential, and undeveloped land. See Table C-1 for a summary of the surrounding designations and land uses.

Table C-1: Surrounding Zoning and Land Uses

Location	General Plan	Zoning	Adjacent Streets	Description
North	Rural Lands RL-40 & Village Residential (VR-7.3)	A70	Pala Mesa Heights Drive	Agricultural, and Rural Residential
East	Rural Lands (RL-40)	A70 & A72	Rice Canyon Road	Agricultural, Rural Residential, and Undeveloped
South	Rural Lands (RL-40)	A70 & A72	Pala Road (State Route 76)	Agricultural and Undeveloped
West	Village Residential (VR-4.3 & VR-7.3) and Specific Plan Area	A70 & S90	Horse Creek Ranch Road	Agricultural, Rural Residential, and Undeveloped

D. ANALYSIS AND DISCUSSION

1. Project History

On March 5, 1997 the Board of Supervisors approved Major Use Permit P87-021 and Reclamation Plan RP87-001 authorizing the operation of a construction aggregate quarry and materials processing site. The County prepared an EIR for this project, and found that all environmental impacts would be mitigated below a level of significance.

The project approval was challenged, and pursuant to a court order dated December 22, 1999 (San Diego Superior Court Case Number 709480) by the California Court of Appeal; Fourth Appellate District, Division One), the Major Use Permit P87-021 and Reclamation Plan RP87-001 were rescinded by the Board of Supervisors on June 21, 2000.

On October 9, 2002, the Board of Supervisors again considered and approved Major Use Permit P87-021 and Reclamation Plan RP87-001 authorizing a construction aggregate quarry and materials processing site. An Addendum to the EIR was completed in compliance with CEQA and the Court order. Mining was approved to take place over a period of 20 years beginning on October 9, 2002 and expiring October 9, 2022. Mining operations were approved within 36 acres of the 96-acre site. The permit authorized the removal of an estimated 22,000,000 tons of aggregate. The use permit included (1) excavation, processing, and distribution of decomposed granite and crushed rock, concrete and asphalt batch plant products; (2) import of sand, cement products, soil, and amendments; (3) truck and equipment maintenance; and (4) office and storage areas.

Movable uses included portable jaw crushers, track mounted electric shovels, metal storage containers, small offices and equipment storage yards.

On August 7, 2006, the Director of the Department of Planning and Land Use approved a Minor Deviation to the Major Use Permit and Reclamation Plan authorizing an increase in the quarry by 5.5 percent from 36 acres to 37.97 acres.

On August 17, 2012, the Planning Commission approved a Modification to Major Use Permit and Modification to Reclamation Plan. The modification authorized an increase in the amount of aggregate to be mined by approximately 2,000,000 tons to 24,000,000 tons of material. The modification also increased the site preparation boundaries and slope/bench configurations, changed the interior access road alignments and final pad elevations, extended hours of operations, and changed the expiration date of the MUP from October 9, 2022 to October 9, 2048. With the changes, the quarry processing area remained at 37.97 acres.

2. Project Analysis

The project has been reviewed to ensure that it conforms to all relevant ordinances and guidelines, including the San Diego General Plan, Fallbrook Community Plan, Zoning Ordinance, and CEQA Guidelines. During the processing of this Major Use Permit modification and Reclamation Plan modification, issues of concerns that warranted further analysis are discussed herein. Copies of the technical studies referenced herein and prepared for this project are on file with the Department of Planning & Development Services (PDS) and at the following website: http://www.sandiegocounty.gov/content/sdc/pds/PC/141010-Supporting-Documents.html

a. Aesthetics: Noticeable aesthetic changes with this project are the addition of an 80-foot tall gabion wall and four 90-foot tall asphalt batch plant silos. The wall and silos would be visible from State Route (SR) 76, which is designated as a Scenic Highway per the County of San Diego General Plan. Photo simulations demonstrate the proposed wall and silos are compatible with the existing visual environment in terms of visual character and quality for the following reasons: The gabion wall is conditioned to have colors and visual characteristics of the surrounding hills and landscape and the silos would be painted a non-reflective color, such as gray or earth tone. Furthermore, views of the wall and silos cannot be seen by motorists traveling west bound along SR 76 due to an earthen berm that was constructed as part of the project. The wall and silos can only be seen by motorists traveling east bound along SR 76. West bound views on SR 67 are blocked by an existing berm at the front of the facility. The amount of time the wall and silos would be visible to motorists traveling east bound is less than three seconds based on the posted speed of 55 miles per hour. See Figure 4 for a visual simulation of the wall and silos taken from across State Route 76 looking into the facility. The Reclamation Plan has been conditioned that the wall and silos would be removed once the mining is complete. Therefore, the impact is less than significant.

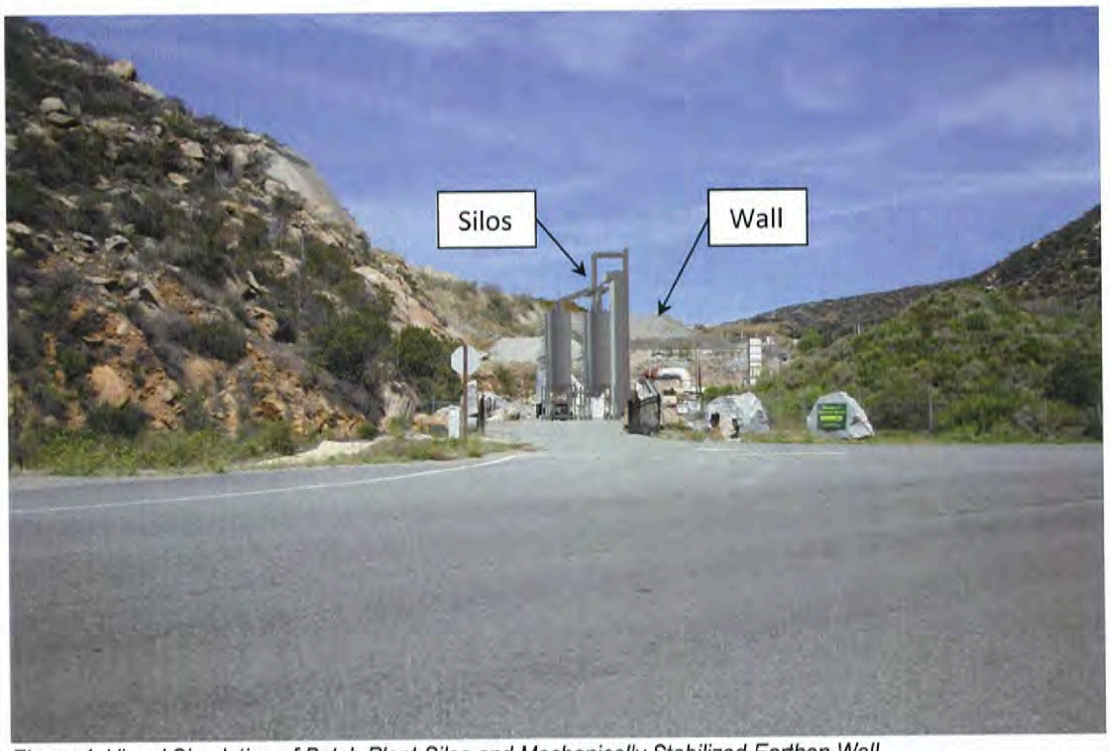

Figure 4: Visual Simulation of Batch Plant Silos and Mechanically Stabilized Earthen Wall

b. Air Quality: The expansion of 10.35 acres will result in additional cut and fill activities to create a new pad that were evaluated in an air quality analysis. The previously certified EIR assumed that all activities (e.g., material processing, material hauling, grading material movement and stockpiling) would take place simultaneously. Movable equipment permitted through the Major Use Permit at the site include one hydraulic excavator, one front end loader, rock and water trucks, and one bulldozer. Due to the nature and location of various mining activities and the amount of equipment allowed these activities do not occur simultaneously. Therefore, taking into account the limitations on the pieces of equipment, grading/excavation activities that would occur on-site would result in a reduction in air emissions as compared to the previously certified EIR. Further, conditions continue to be in place to limit daily truck trips and on-site production to ensure the air quality thresholds would not be exceeded.

c. Biological Resources: The expansion of the boundary of the quarry limits by 10.35 acres will not result in any new biological impacts as the expansion area is already disturbed by its use as a lemon tree orchard. Since habitat in this area has already been impacted, the project does not have a substantial, adverse effect on biological resources.

d. Cultural Resources: A survey of the 10.35-acre expansion area was negative for cultural resources including Traditional Cultural Properties. The Native American Heritage Commission Sacred Lands File did not identify the presence of Native American Traditional Cultural Places within the project site. In consultation with the Pechanga Tribe, grading monitoring was requested and has been incorporated into the conditions for the expanded area. With implementation of grading monitoring, impacts to cultural resources would be less than significant.

e. Geology and Soils: The project proposes 1:1 (horizontal to vertical) cut slopes up to 105 feet in height in the expanded northern portion of the site, and 2:1 (horizontal to vertical) fill slopes in the northern portion and southwestern portion of the site. A geotechnical investigation included a slope stability analysis which indicates the slopes will be stable and would not endanger any public or private property.

   The mechanically stabilized earth wall proposed would be two 40-foot high sections of wall for a total height of 80 feet. The project has been conditioned for retaining wall plans and specifications to be reviewed and permitted by the County with requirements to comply with County of San Diego and California Building Standards Codes.

f. Noise: The expansion of 10.35 acres will re-locate crushing and screening equipment to this portion of the site. Operational noise associated with the project has been assessed based on the closest residential property line located to the north where an existing residential dwelling unit is located. To ensure the project would continue to comply with County noise standards, conditions have been incorporated to ensure the crushing and screening operations are setback by specified distances from occupied property lines to ensure compliance with the 75 dBA property line requirement. Therefore, the noise operations associated with this modification would be less than significant with the appropriate noise measures incorporated. The project changes to expand the footprint would not result in a more severe noise condition since the project would be required to continue to comply with the County Noise Ordinance.

3. General Plan Consistency

The proposed project is consistent with the following relevant General Plan goals, policies, and actions as described in Table D-1.

Table D-1: General Plan Conformance

General Plan Policy	Explanation of Project Conformance
POLICY COS-10.5 – Reclamation Plans. Require all mining projects to be conducted in accordance with a reclamation plan that meets the minimum standards required by the California Surface Mining and Reclamation Act (SMARA) and the associated State regulations. Require the reclamation plan to include a phasing plan that provides for the completion of the surface mining on each segment of the mined lands so that the reclamation can be initiated at the earliest possible time.	The proposed project would conform to this policy because it meets the minimum standards required by the State Surface Mining and Reclamation Act (SMARA) as explained in the Reclamation Plan text. Mining calls for concurrent reclamation of the mining face during the three phases of mining operations.
POLICY COS-10.6 – Conservation of Construction Aggregate. Encourage the continued operation of existing mining facilities with the goal to establish permitted aggregate resources that are sufficient to satisfy 50 years of County demand.	The proposed project would conform to this policy because it would allow for the continued operation of this mining facility to provide aggregate resources to help satisfy 50 years of County aggregate resources demand.

General Plan Policy	Explanation of Project Conformance
POLICY LU-5.3 – Rural Land Preservation Ensure the preservation of existing open space and rural areas (e.g., forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, and groundwater recharge areas) when permitting development under the Rural and Semi Rural Land Use Designations.	The proposed project will ensure preservation of open space by having an end use after reclamation as open space/undeveloped land.
POLICY LU-8.2 – Groundwater Resources Require development to identify groundwater resources in groundwater dependent area, as follows: in areas without current overdraft groundwater conditions, evaluate new groundwater-dependent development to assure a sustainable long-term supply of groundwater is available that will not adversely impact existing groundwater users.	The project does not propose any additional groundwater use beyond the amounts specified within the previously certified EIR. The certified EIR for the project estimated approximately 51.4 acre-feet of water per year (nearly 17 million gallons) would be utilized for dust control, concrete production, and landscaping. The project obtains its water from nearby Pankey Ranch wells directly north of the site. With no increase in groundwater use proposed, the proposed project will not adversely impact existing groundwater users.
POLICY LU-10.1 Development—Environmental Resource Relationship. Require development in Semi-Rural and Rural areas to respect and conserve the unique natural features and rural character, and avoid sensitive or intact environmental resources and hazard areas.	The proposed project consists of a total mining footprint of 48.32 acres (or less than 47 percent) of the 103.6-acre project site. The mine is located between two hills that form a small box canyon that provides isolation and separation from other land uses. Therefore, the proposed project respects the rural character of the area and the expansion of 10.35 acres does not contain any unique natural features, sensitive or intact environmental resources or hazard areas.
POLICY LU 11.11 Industrial Compatibility with Adjoining Uses Require industrial land uses with outdoor activities or storage to provide a buffer from adjacent incompatible land uses	The mine is located between two hills that form a small box canyon that provides isolation and separation from nearby incompatible land uses such as single-family residences.

4. Community Plan Consistency

The proposed project is consistent with the following relevant Fallbrook Community Plan goals, policies, and actions as described in Table D-2.

Table D-2: Community Plan Conformance

Community Plan Policy	Explanation of Project Conformance
Policy COS 1.4.1 Require restoration of terrain (vegetation, topography) to natural state within twelve months after completion of a mineral resource extraction project.	The Reclamation Plan includes progressive reclamation of the mining face throughout excavation of the project. After each 100-foot vertical section of the mine is completed, the reclamation plan indicates that re-vegetation will commence. Therefore, when mining is complete, there will be one last section of 100 feet of vertical slope to be re-vegetated. The reclamation plan indicates this last section will be re-vegetated the same year in which mining is complete.
Policy COS 1.5.2 Discourage industrial uses that are detrimental to air quality.	The original project contained conditions of approval which limit daily truck haul trips and onsite production such that air quality thresholds would not be exceeded. The current project would not result in any increase in air emissions as compared to the previously certified EIR.
Policy LU 2.3.1 Prohibit the establishment of heavy or "obnoxious" industries which create noise, dirt, air pollution, and traffic congestion	The project does not involve the type of industry to which this policy relates (heavy or obnoxious), because numerous conditions of approval and mitigation measures have been imposed on the project that reduce impacts related to noise, dirt, air pollution, or congestion to less than significant. These are impacts that would have been potentially significant without conditions of approval and mitigation measures.

5. Zoning Ordinance Consistency

The proposed project complies with all applicable zoning requirements of the A70 and A72 zones with the incorporation of conditions of approval. The Planning Commission should consider whether the included conditions of approval ensure compatibility of the proposed project with the surrounding properties and overall community character.

Table D-3: Zoning Ordinance Development Regulations

CURRENT ZONING REGULATIONS		**CONSISTENT?**
Use Regulation:	A70 Limited Agricultural & A72 General Agricultural	Yes, with a Major Use Permit
Animal Regulation:	L & O	N/A
Density:	N/A	N/A
Lot Size:	2, 4, and 8 Acres	Yes, lots are existing, no change proposed
Building Type:	C	Yes
Height:	G (35 feet)	Yes, if the Planning Commission grants an exception for four 90 foot-tall asphalt batch plant silos and an 80-foot tall mechanically stabilized earthen wall.
Lot Coverage:	N/A	N/A
Setback:	C (60' from centerline, rear yard is 25', and side yard is 15' interior setback and 35' exterior setback)	Yes
Open Space:	N/A	N/A
Special Area Regulations:	B (Community Design Review Area)	Yes

Table D-4: Zoning Ordinance Development Regulations Compliance Analysis

Development Standard	**Proposed/Provided**	**Complies?**
Section 4600 of the Zoning Ordinance sets the maximum height requirements. The parcels have a designated height of "G" which requires structures to be no more than 35 feet in height.	The applicant has proposed an 80-foot tall mechanically stabilized earthen wall and a four 90-foot tall silos as part of the asphalt batch plant. To ensure that the site does not have a visual impact to a scenic roadway, the wall shall be designed to have colors, topography, and visual characteristics of the surrounding hills and landscape. The silos shall be painted a non-reflective color, such as gray or earth tone.	Yes ☒ No ☐

Development Standard	Proposed/Provided	Complies?
Special Area Regulations Designator 'B' which is a Community Design Review Area due to this property being located within the I-15 scenic corridor area.	The I-15 Corridor Design Review Board voted (Ayes 5, Noes 1, Abstain 0, Absent 0) to recommend approval of the project. They stated that the asphalt plant at 90 feet is considered adequately screened and expansion of the site has minimal visual impact on the scenic corridor.	Yes ☒ No ☐

6. Grading Ordinance

The proposed project is consistent with Surface Mining regulations contained within Chapter 7 of the County Grading Ordinance as described in Table D-4:

Table D-5: Grading Ordinance Compliance

Grading Ordinance Compliance	Explanation of Project Conformance
Section 87.703 Surface Mining Permit and Reclamation Plan Required – Except as specified in Section 87.704, no person shall conduct surface mining unless a Major Use Permit is obtained, a Reclamation Plan is approved as provided by this chapter, the Zoning Ordinance, and SMARA, and financial assurances for reclamation have been approved by the County. Where surface mining has been conducted in violation of this or other ordinances, a Reclamation Plan shall be obtained for the restoration of the site.	The site already has a Major Use Permit and Reclamation Plan, and this modification would not change that status. The County has financial assurances in the form of a Surety Bond that is updated annually to account for changes in the costs to reclaim the site as mining and reclamation occur at the site.
Section 87.705(d) Application and Review – The Reclamation Plan shall contain all matters required by SMARA and Sections 3502 and 3700 and following of Title 14 of the California Code of Regulations, and shall be provided in designated phases for progressive rehabilitation of the mining site land form, so that, when reclamation is complete, it will contain stable slopes, be adaptable to alternative land uses, and be free of derelict machinery, waste materials and scrap to the satisfaction of the County Official. The proposed mining land form, to the extent reasonable and practical, shall be revegetated for soil stabilization, free of	A Reclamation Plan has been prepared which contains all matters required by SMARA and Title 14 of the California Code of Regulations. All machinery, waste materials, and scrap shall be removed from the site prior to final reclamation. The Reclamation Plan contains requirements for revegetation and monitoring to ensure revegetation meets success criteria. The proposed final reclaimed site will be left as undeveloped/open space land. After taking into consideration slope stabilization, revegetation, and drainage improvements, the site is coordinated with present and anticipated land use, compatible with topography and general environment of surrounding property.

Grading Ordinance Compliance	Explanation of Project Conformance
drainage problems, coordinated with present and anticipated land use, and compatible with the topography and general environment of surrounding property.	

7. California Environmental Quality Act (CEQA) Compliance

The project has been reviewed in compliance with CEQA. An Addendum dated October 10, 2014, to the previously certified EIR was prepared and is on file with Planning & Development Services as Environmental Review Number 87-2-13. The project, as designed, would not cause any new significant effects on the environment which require mitigation measures, as there are no new significant impacts or more severe impacts over what was analyzed in the previous EIR.

E. COMMUNITY PLANNING GROUP

On August 19, 2013, the Fallbrook Community Planning Group and Design Review Board voted (Ayes 13, Noes 0, Abstain 0, Absent 0) to recommend approval of the project.

On August 15, 2013, the I-15 Corridor Design Review Board voted (Ayes 5, Noes 1, Abstain 0, Absent 0) to recommend approval of the project.

F. PUBLIC INPUT

During the processing of the project, comments were received by Mr. Matt Peterson (on behalf of Helga Fritz) and the California Department of Conservation Office of Mine Reclamation. Comments received expressed concerns related to intensifying the use, noise, air quality, visual impacts, hours of operation, end land uses, geotechnical requirements, hydrology/water quality, and resoiling/revegetation. Public comments and Planning & Development Services response to public comments are included in Attachment E. The volume of fill on the upper pad area that was proposed was reduced to address geotechnical comments received from the Office of Mine Reclamation. No other comments received required changes to the project.

G. RECOMMENDATIONS

Staff recommends that the Planning Commission:

a. Adopt the findings included in Attachment D, which includes findings in accordance with Sections 15162 through 15164 of the California Environmental Quality Act (CEQA) Guidelines that there are no substantial changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously certified Environmental Impact Report (EIR) dated March 5, 1997, that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the EIR was certified.

b. Grant Major Use Permit Modification PDS2013-MUP-87-021W2 (P87-021W^2) and Reclamation Plan Modification PDS2013-RP-87-001W2 (RP87-001W^2), make the findings, and impose the requirements and conditions as set forth in the Form of Decision in Attachment B.

Report Prepared By:	*Report Approved By:*
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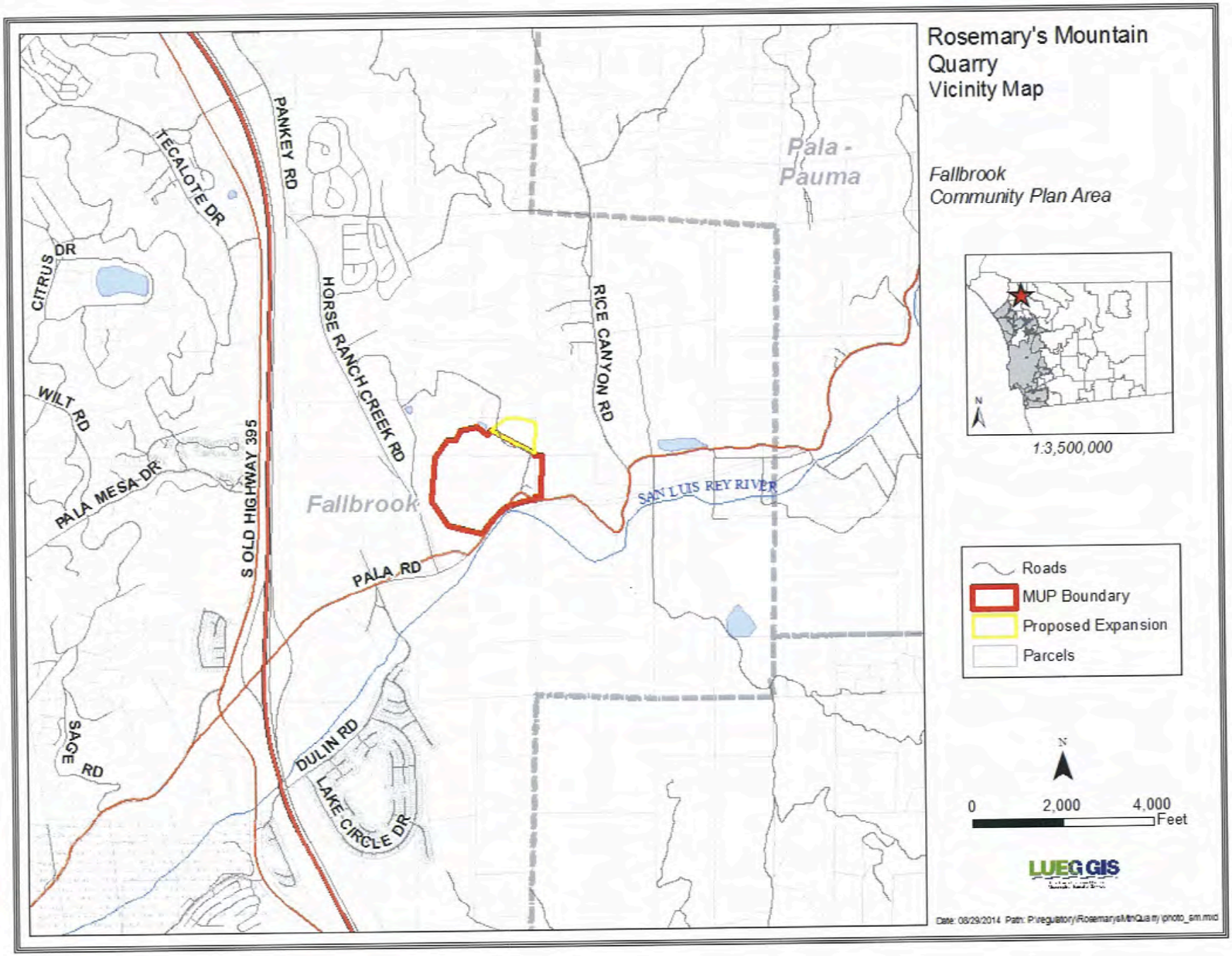
jim.bennett@sdcounty.ca.gov	mark.wardlaw@sdcounty.ca.gov

AUTHORIZED REPRESENTATIVE: _____

MARK WARDLAW, DIRECTOR

ATTACHMENTS:
Attachment A – Planning Documentation
Attachment B – Form of Decision Approving P87-021W2 & RP87-001W2
Attachment D – Environmental Documentation
Attachment E – Environmental Findings
Attachment F – Public Documentation
Attachment G – Ownership Disclosure

Attachment A – Planning Documentation


Rosemary's Mountain Quarry
Vicinity Map
Fallbrook Community Plan Area
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MUP Boundary
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HORSE RANCH CREEK RD
RICE CANYON RD
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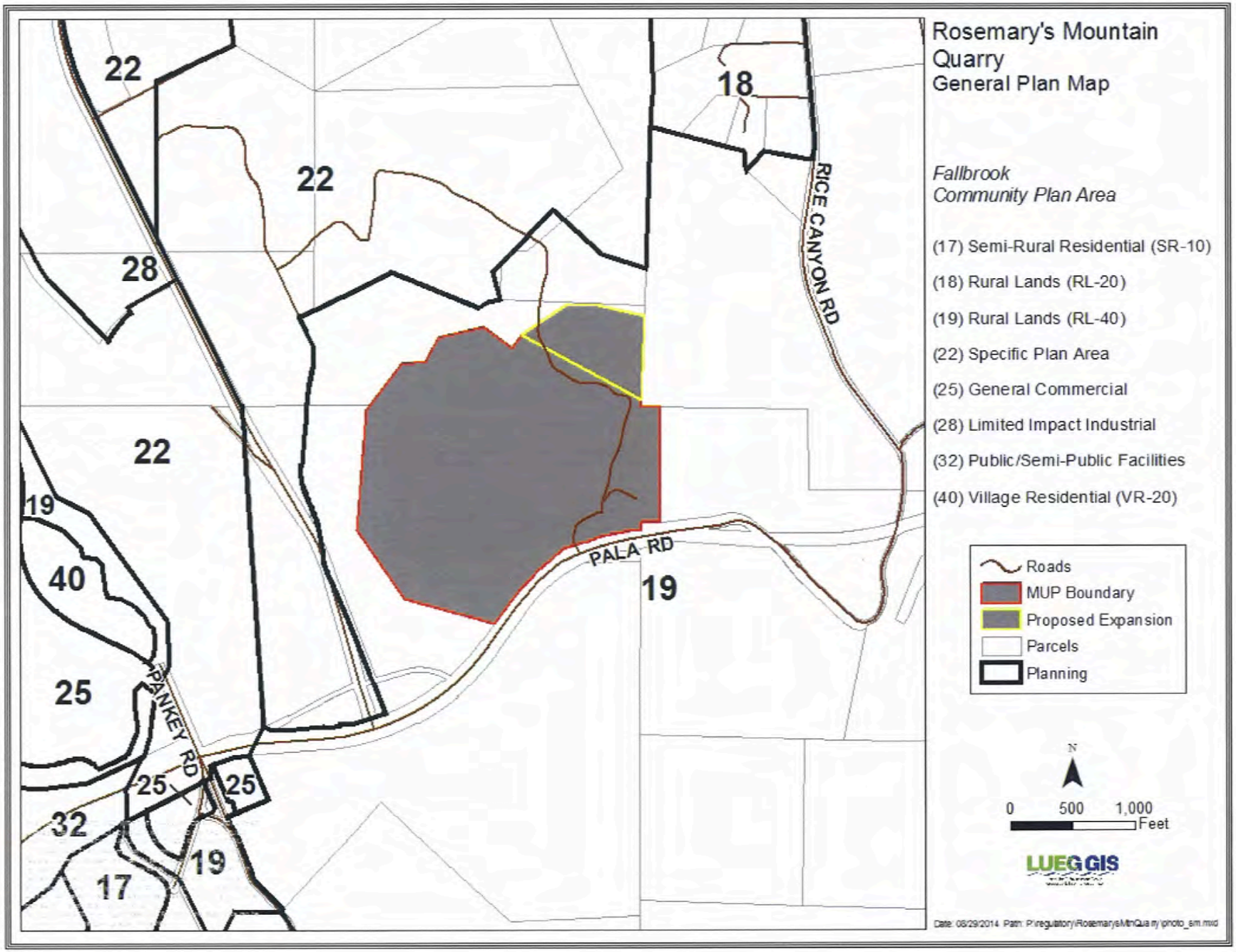
Rosemary's Mountain Quarry
General Plan Map
Fallbrook Community Plan Area
(17) Semi-Rural Residential (SR-10)
(18) Rural Lands (RL-20)
(19) Rural Lands (RL-40)
(22) Specific Plan Area
(25) General Commercial
(28) Limited Impact Industrial
(32) Public/Semi-Public Facilities
(40) Village Residential (VR-20)
Roads
MUP Boundary
Proposed Expansion
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Planning
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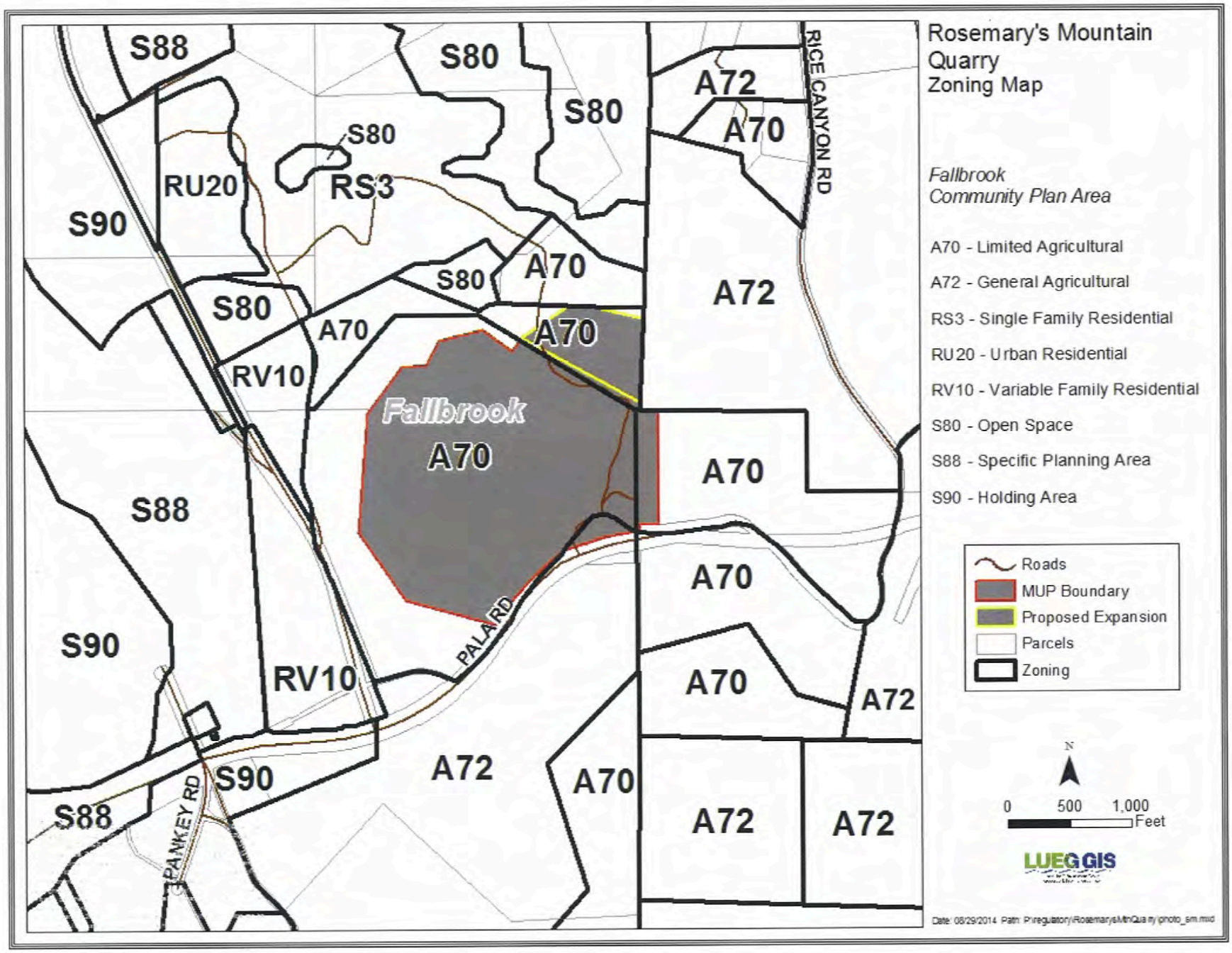
Rosemary's Mountain Quarry Zoning Map
Fallbrook Community Plan Area
A70 - Limited Agricultural
A72 - General Agricultural
RS3 - Single Family Residential
RU20 - Urban Residential
RV10 - Variable Family Residential
S80 - Open Space
S88 - Specific Planning Area
S90 - Holding Area
Roads
MUP Boundary
Proposed Expansion
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Zoning
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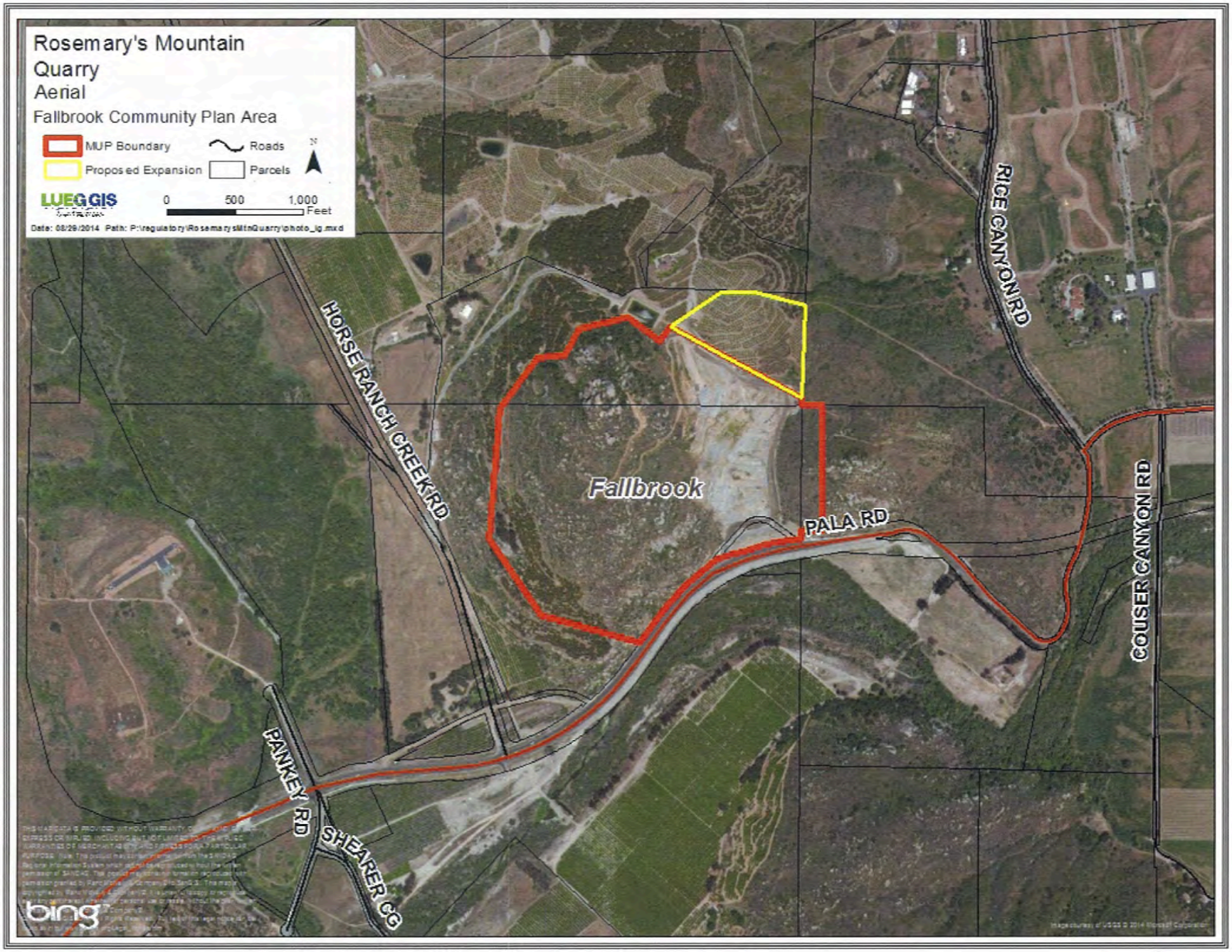
Rosemary's Mountain
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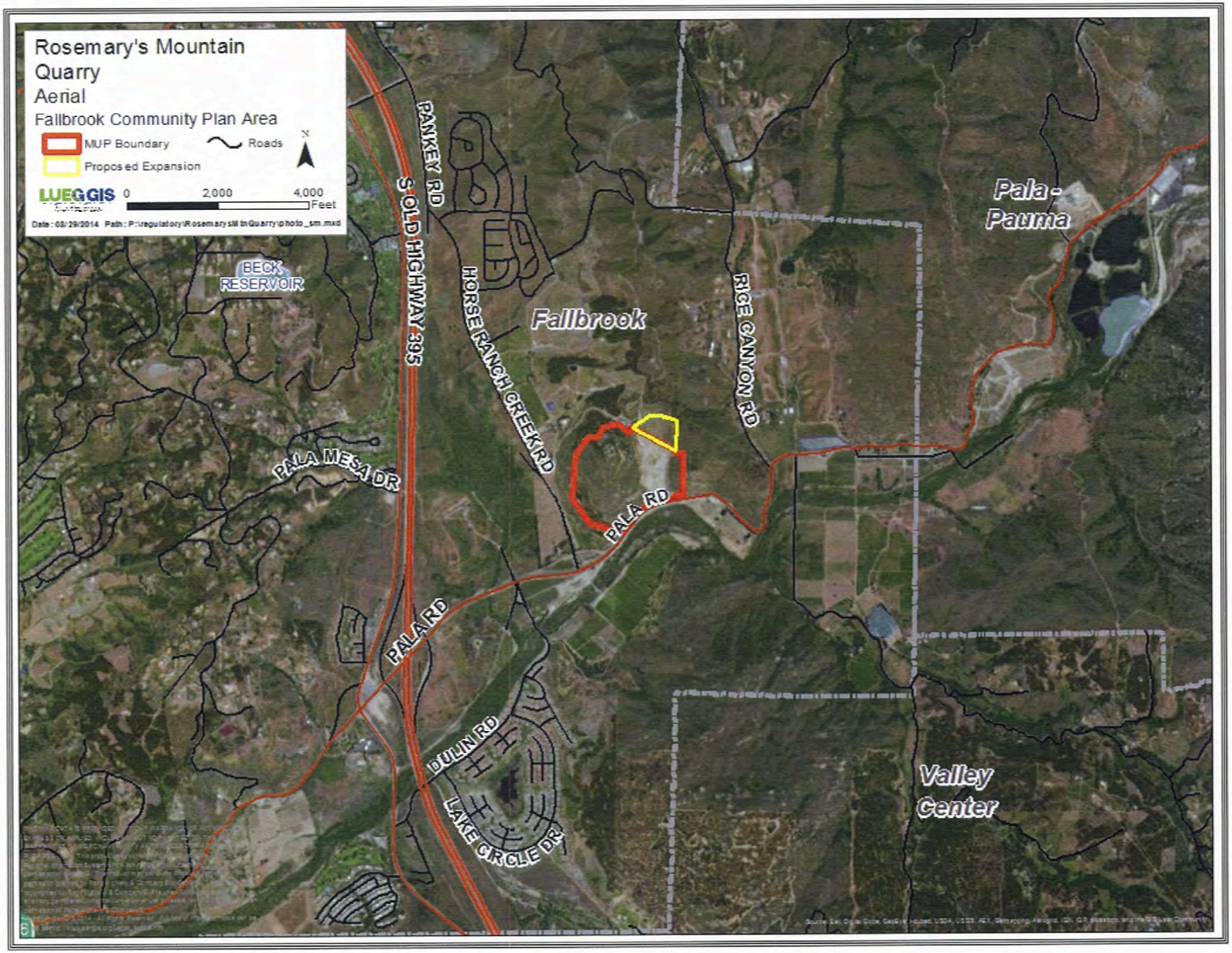
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Aerial
Fallbrook Community Plan Area
MUP Boundary
Roads
Proposed Expansion
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Feet
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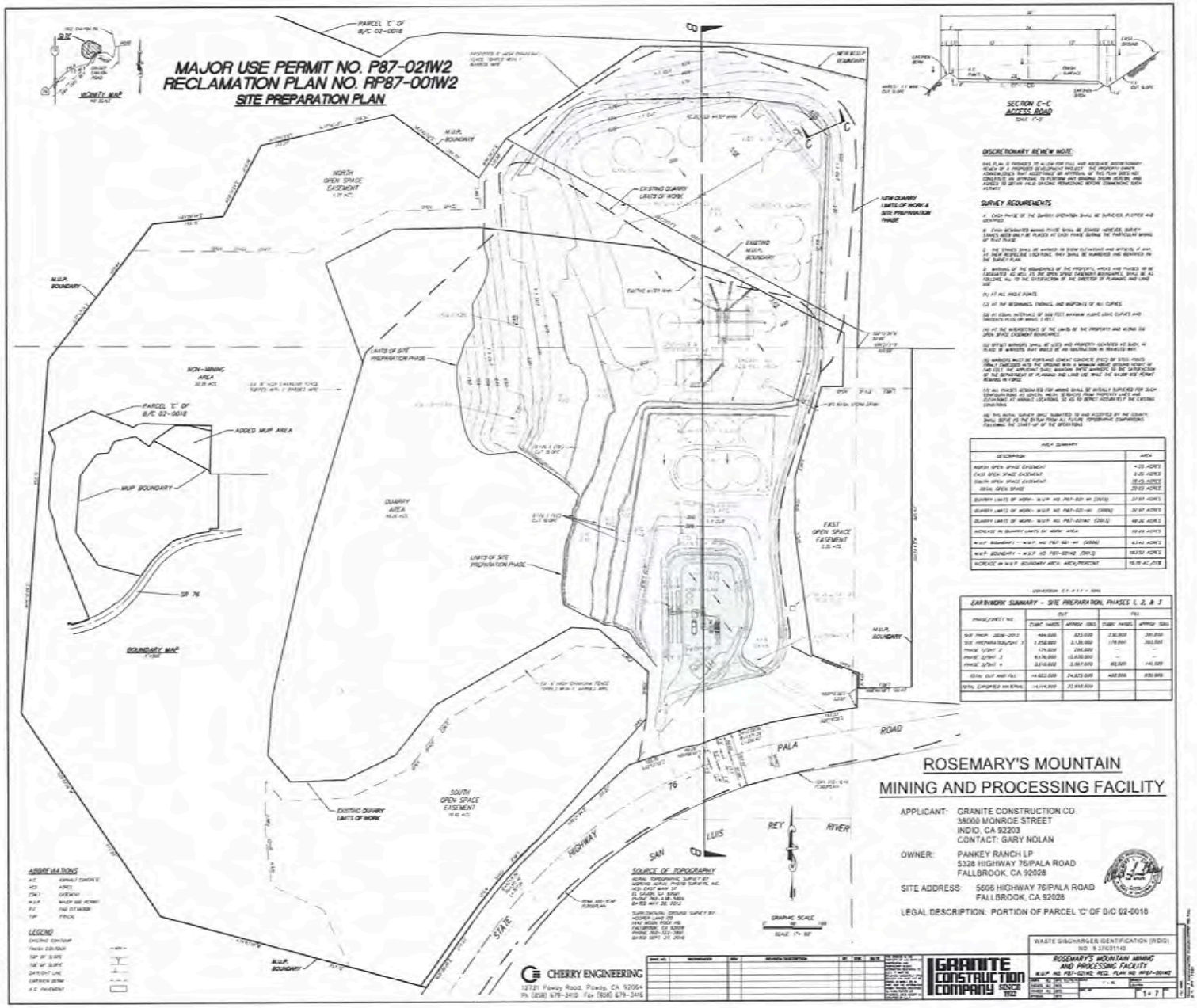
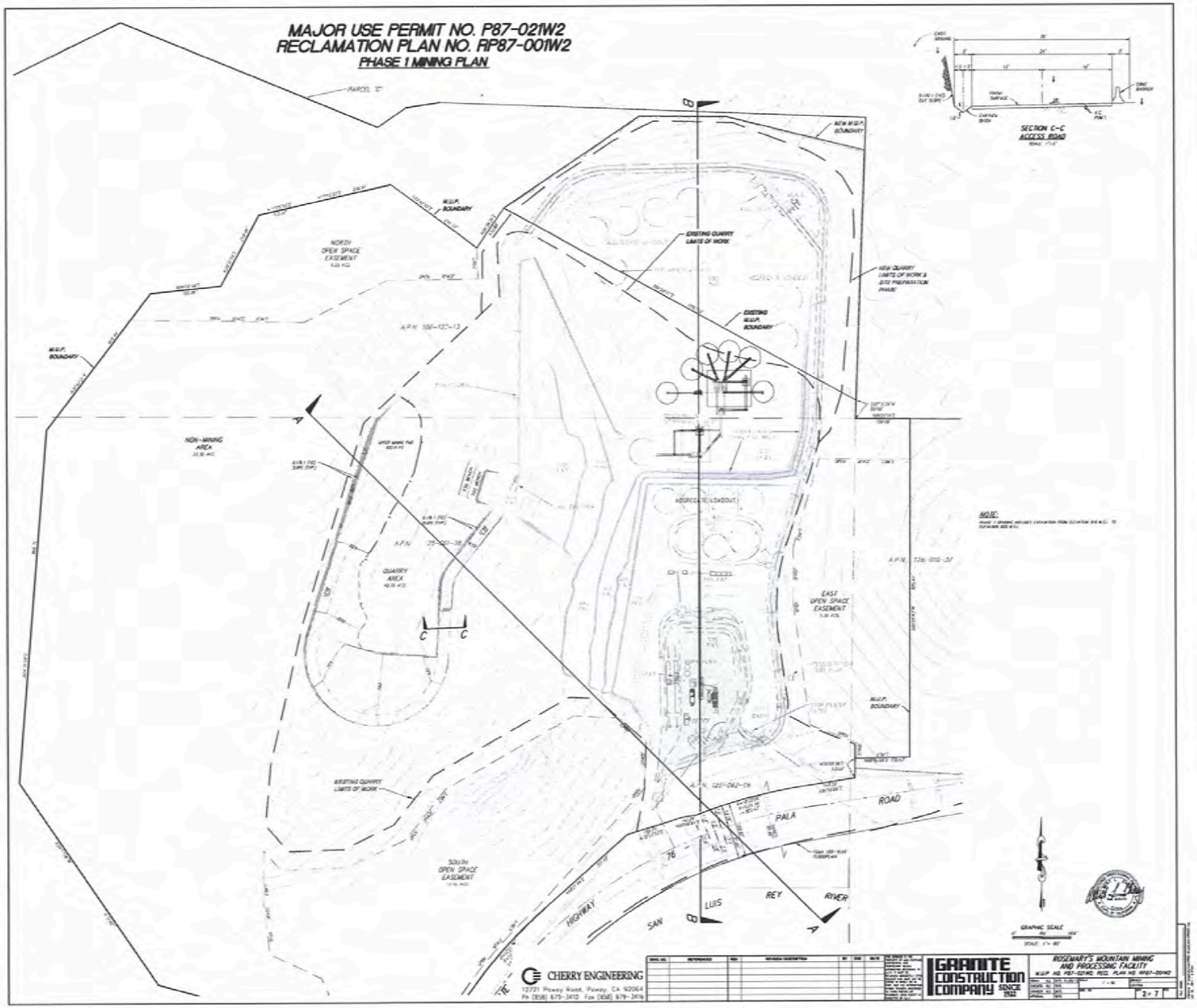
BECK RESERVOIR
RANKEY RD
S OLD HIGHWAY 395
HORSE RANCH CREEK RD
Fallbrook
RICE CANYON RD
Pala - Pauma
PALA MESA DR
PALA RD
PALA RD
DULIN RD
LAKE CIRCLE DR
Valley Center


MAJOR USE PERMIT NO. P87-021W2
RECLAMATION PLAN NO. RP87-001W2
SITE PREPARATION PLAN
VICINITY MAP
SECTION C-C
ACCESS ROAD
DISCRETIONARY REVIEW NOTE:
SURVEY REQUIREMENTS
AREA SUMMARY
EARTHWORK SUMMARY - SITE PREPARATION PHASES 1, 2, & 3
NORTH OPEN SPACE EASEMENT
EXISTING QUARRY LIMITS OF WORK
NEW QUARRY LIMITS OF WORK & SITE PREPARATION PHASE
EXISTING M.U.P. BOUNDARY
M.U.P. BOUNDARY
NON-MINING AREA
PARCEL 'C' OF B/C 02-0018
ADDED MUP AREA
MUP BOUNDARY
QUARRY AREA
LIMITS OF SITE PREPARATION PHASE
EAST OPEN SPACE EASEMENT
SOUTH OPEN SPACE EASEMENT
EXISTING QUARRY LIMITS OF WORK
SR 76
BOUNDARY MAP
PALA ROAD
SAN LUIS REY RIVER
HIGHWAY 76
STATE
ABBREVIATIONS
LEGEND
SOURCE OF TOPOGRAPHY
GRAPHIC SCALE
ROSEMARY'S MOUNTAIN
MINING AND PROCESSING FACILITY
APPLICANT: GRANITE CONSTRUCTION CO.
38000 MONROE STREET
INDIO, CA 92203
CONTACT: GARY NOLAN
OWNER: PANKEY RANCH LP
5328 HIGHWAY 76/PALA ROAD
FALLBROOK, CA 92028
SITE ADDRESS: 5606 HIGHWAY 76/PALA ROAD
FALLBROOK, CA 92028
LEGAL DESCRIPTION: PORTION OF PARCEL 'C' OF B/C 02-0018
CHERRY ENGINEERING
12721 Poway Road, Poway, CA 92064
Ph (858) 679-3410 Fax (858) 679-3416
GRANITE CONSTRUCTION COMPANY SINCE 1922
WASTE DISCHARGER IDENTIFICATION (WDID)
ROSEMARY'S MOUNTAIN MINING AND PROCESSING FACILITY
M.U.P. NO. P87-021W2 RECL. PLAN NO. RP87-001W2
1 of 7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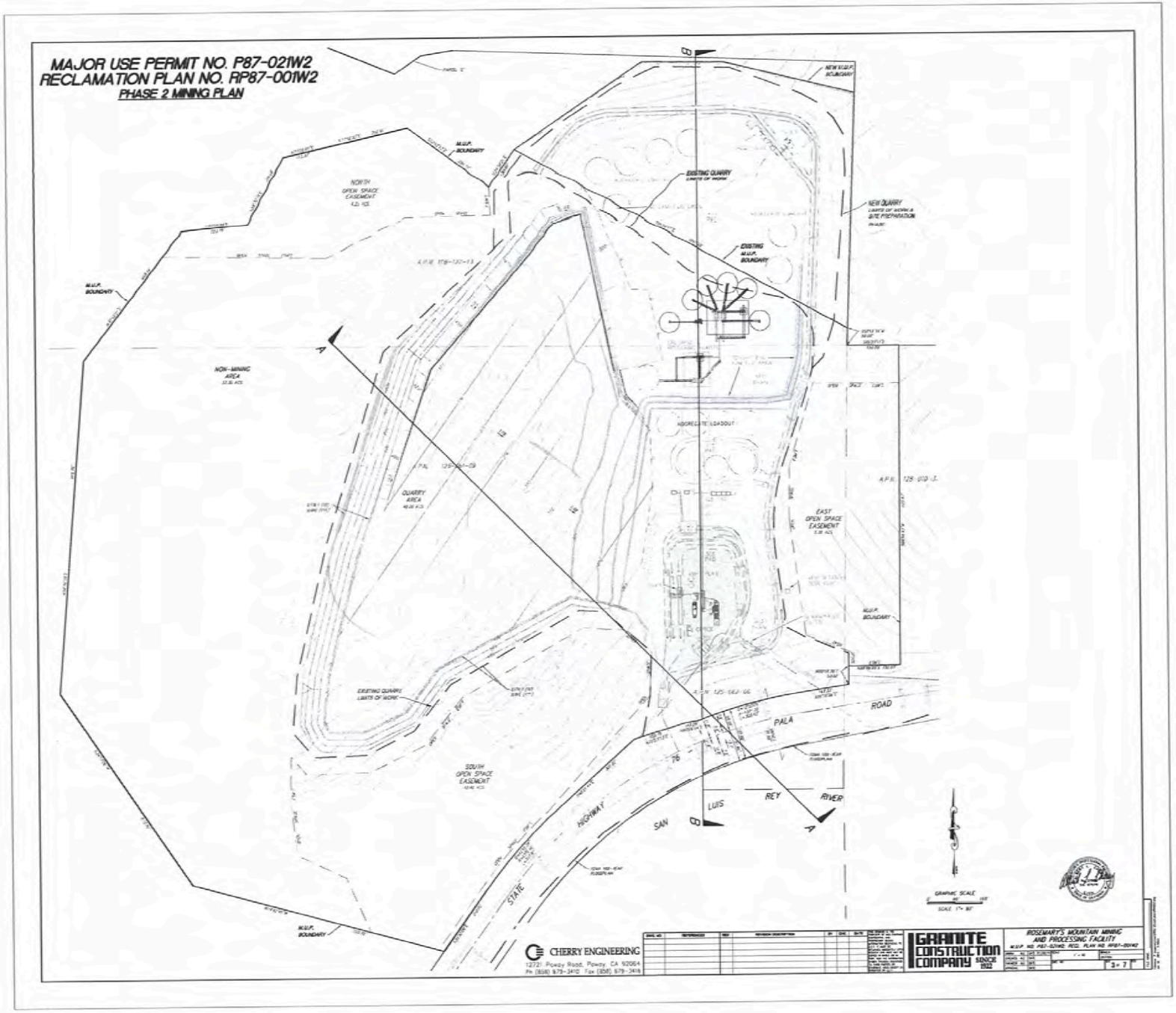
RECLAMATION PLAN NO. RP87-001W2
PHASE I MINING PLAN
SECTION C-C
ACCESS ROAD
NORTH OPEN SPACE EASEMENT
NON-MINING AREA
QUARRY AREA
SOUTH OPEN SPACE EASEMENT
EAST OPEN SPACE EASEMENT
EXISTING QUARRY LIMITS OF WORK
NEW QUARRY LIMITS OF WORK & SITE PREPARATION PHASE
EXISTING M.U.P. BOUNDARY
NEW M.U.P. BOUNDARY
M.U.P. BOUNDARY
AGGREGATE LOADOUT
PALA ROAD
SAN LUIS REY RIVER
HIGHWAY 76
CHERRY ENGINEERING
GRANITE CONSTRUCTION COMPANY
ROSEMARY'S MOUNTAIN MINING AND PROCESSING FACILITY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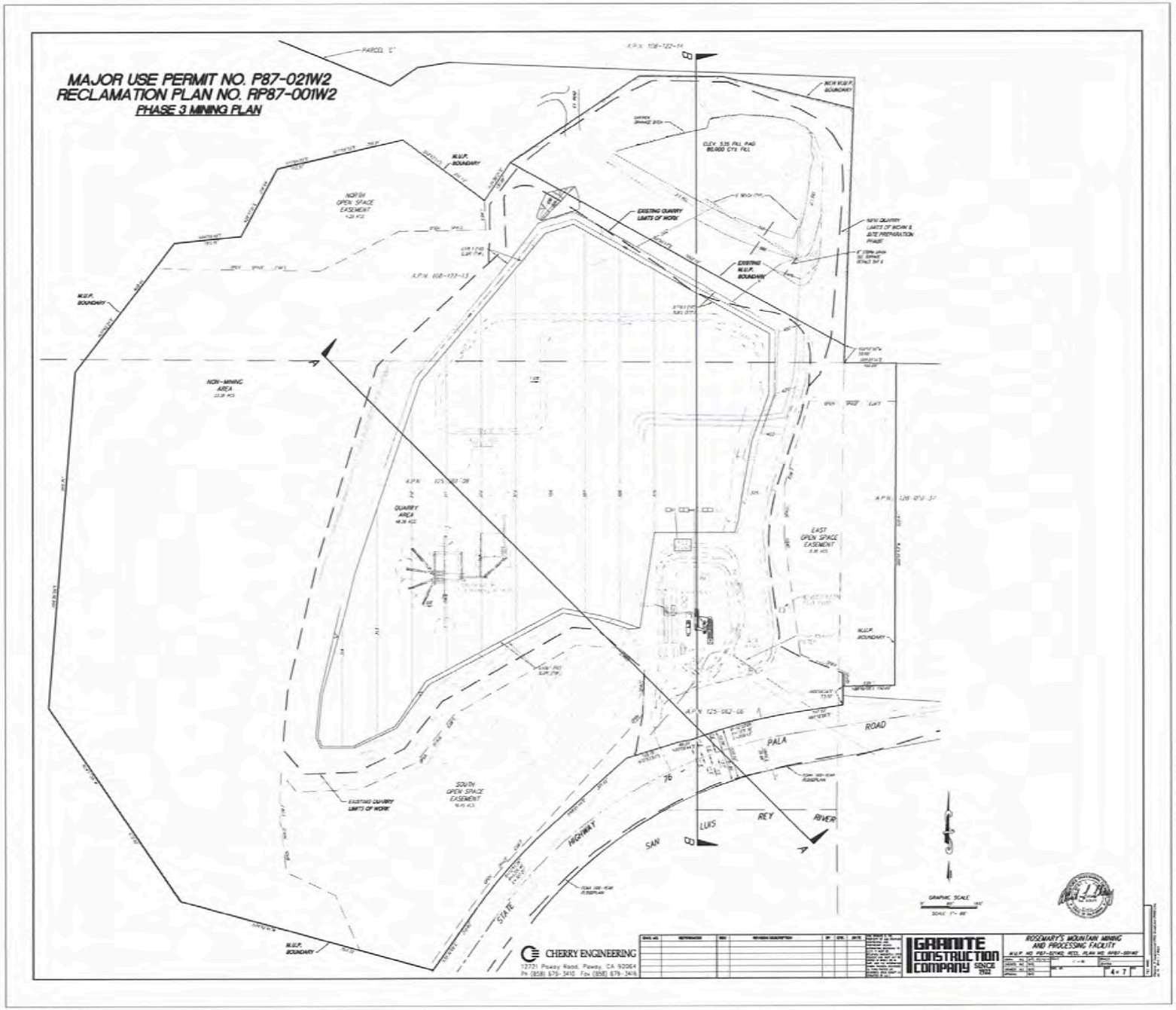
RECLAMATION PLAN NO. RP87-001W2
PHASE 2 MINING PLAN
NORTH OPEN SPACE EASEMENT
NON-MINING AREA
QUARRY AREA
SOUTH OPEN SPACE EASEMENT
EAST OPEN SPACE EASEMENT
EXISTING QUARRY
NEW QUARRY
EXISTING M.U.P. BOUNDARY
NEW M.U.P. BOUNDARY
M.U.P. BOUNDARY
AGGREGATE LOADOUT
SAN LUIS REY RIVER
PALA ROAD
STATE HIGHWAY 76
GRAPHIC SCALE
CHERRY ENGINEERING
12721 Poway Road, Poway, CA 92064
GRANITE CONSTRUCTION COMPANY SINCE 1922
ROSEMARY'S MOUNTAIN MINING AND PROCESSING FACILITY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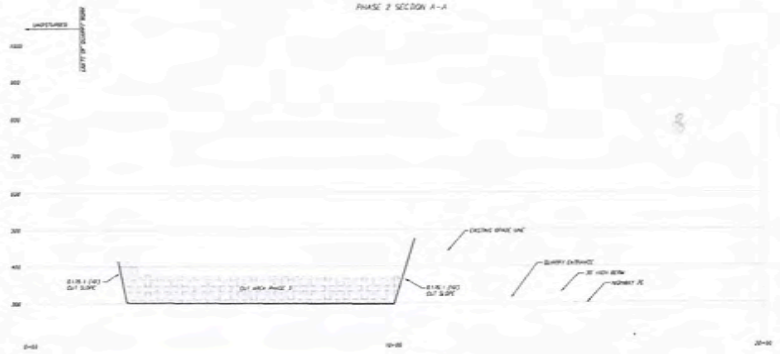
RECLAMATION PLAN NO. RP87-001W2
PHASE 3 MINING PLAN
NORTH OPEN SPACE EASEMENT
NON-MINING AREA
QUARRY AREA
SOUTH OPEN SPACE EASEMENT
EAST OPEN SPACE EASEMENT
EXISTING QUARRY LIMITS OF WORK
NEW QUARRY LIMITS OF WORK & SITE PREPARATION PHASE
EXISTING M.U.P. BOUNDARY
M.U.P. BOUNDARY
PARCEL "C"
PALA ROAD
SAN LUIS REY RIVER
STATE HIGHWAY 76
CHERRY ENGINEERING
12721 Pomey Road, Pomey, CA 92064
Ph (858) 679-3410 Fax (858) 679-3416
GRANITE CONSTRUCTION COMPANY SINCE 1922
ROSEMARY'S MOUNTAIN MINING AND PROCESSING FACILITY
GRAPHIC SCALE

MAJOR USE PERMIT NO. P87-021W2
RECLAMATION PLAN NO. RP87-001W2
CROSS SECTIONS 1 MINING PLAN

PHASE 1 SECTION A-A

PHASE 2 SECTION A-A



PHASE 3 SECTION A-A

GRAPHIC SCALE

SCALE: 1" = 80'

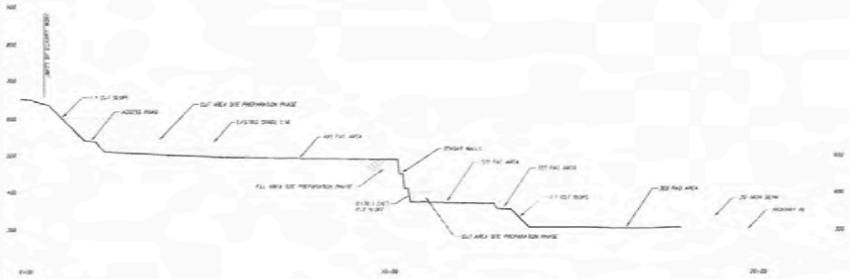
CHERRY ENGINEERING
12721 Poway Road, Poway, CA 92064
Ph (858) 679-3410 Fax (858) 679-3416

GRANITE CONSTRUCTION COMPANY SINCE 1902

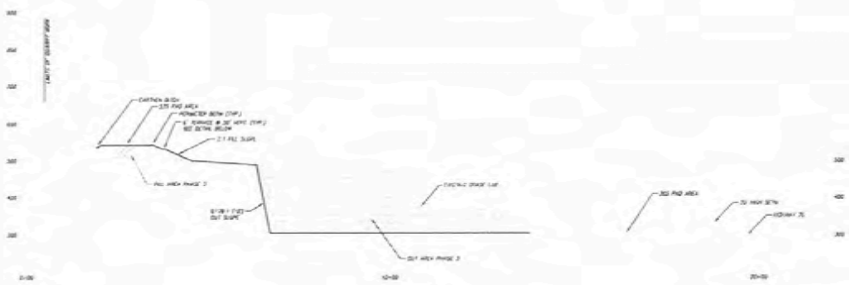
ROSEMARY'S MOUNTAIN MINING AND PROCESSING FACILITY
M.U.P. NO. P87-021W2 RECL. PLAN NO. RP87-001W2

S-7

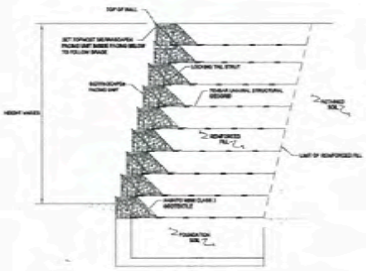
MAJOR USE PERMIT NO. P87-021W2
RECLAMATION PLAN NO. RP87-001W2
CROSS SECTIONS 2 MINING PLAN



SECTION B-B SITE PREPARATION THRU PHASE 2

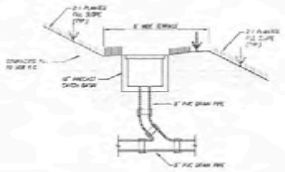


PHASE 3 SECTION B-B



TENSAR WALL SECTION

TERRACE DITCH DETAIL (TYP.)



TERRACE DITCH DETAIL WITH CATCH BASIN @ LOWPOINT (TYP.)

GRAPHIC SCALE

SCALE 1" = 80'

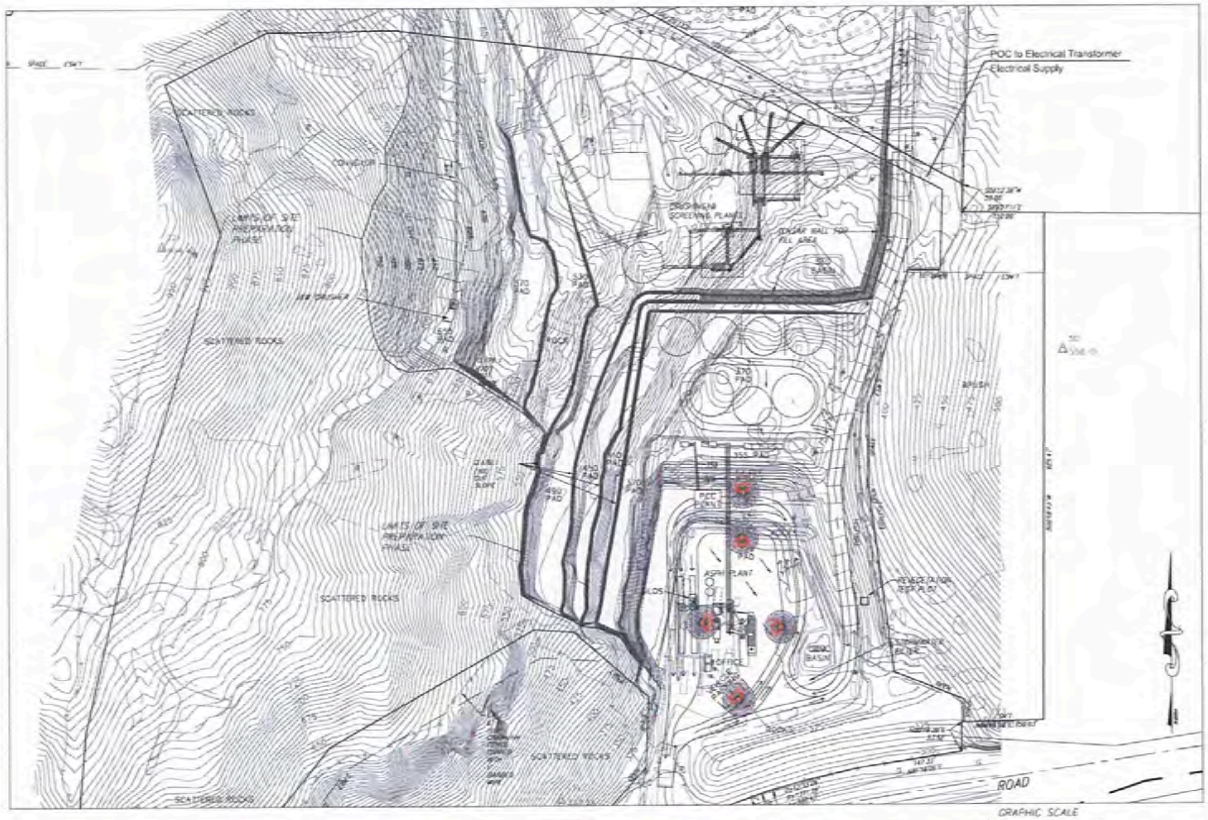
CHERRY ENGINEERING
12721 Poway Road, Poway, CA 92064
Ph (858) 679-3412 Fax (858) 679-3416

GRANITE CONSTRUCTION COMPANY SINCE 1902

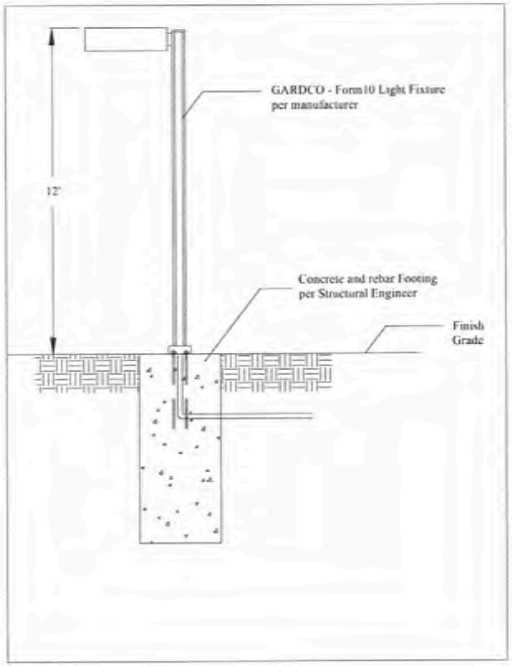
ROSEMARY'S MOUNTAIN MINING AND PROCESSING FACILITY
M.U.P. NO. P87-021W2 REC. PLAN NO. RP87-001W2

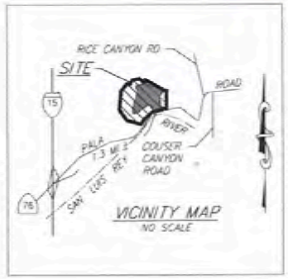
6 of 7

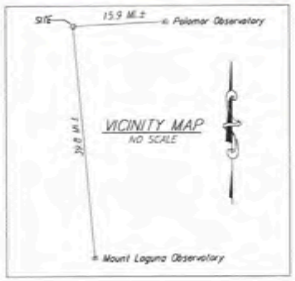
Site Plan View



Construction Detail







LEGEND:

GARDCO Form 10 Low Pressure Sodium Luminaire
Photometrics

LIGHT FIXTURE:
GARDCO Form 10 Low Pressure Sodium Luminaire
Side Arm Mount Single Assembly @12ft.
Area Distribution 90w 240v
Classified as Zone B

FULL CUTOFF PERFORMANCE: Full cutoff performance means a luminaire distribution where zero candela intensity occurs at an angle at or above 90 degrees above nadir. Additionally, the candela per 1000 lamp lumens does not numerically exceed 100 (10 percent) at a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.

NOTE: All work shall conform to the County of San Diego's Zoning Ordinance (Section 6322 Outdoor Lighting), the County's Light Pollution Code and Section A.8 (Site Lighting) within the Fallbrook Design Guidelines

Plans Prepared By:

KRIZAN ASSOCIATES
Landscape Architecture
11050 Dutton Drive
La Mesa, Ca 91941

John Krizan
Registered Landscape Architect
California License #2326 expires March, 2012

ROSEMARY'S MOUNTAIN MINING AND PROCESSING FACILITY

Major Use Permit # P87-021 W1
Reclamation Plan # RP87-001 W1

APPLICANT: GRANITE CONSTRUCTION CO.
38000 MONROE STREET
INDIO, CA 92203
CONTACT: GARY NOLAN
TEL.: 760-578-6654

OWNER: PANKEY RANCH LP
5328 HIGHWAY 76/PALA ROAD
FALLBROOK, CA 92028

SITE ADDRESS: 5606 HIGHWAY 76/PALA ROAD
FALLBROOK, CA 92028

ASSESSOR'S PARCEL NO'S.: PORTIONS OF 108-122-13, 125-061-09, 125-062-06, & 128-010-37

Site Lighting Photometric Plan

June 6, 2011 revised 9/22/11
revised 1/05/14

Sheet 7

Attachment B – Form of Decision Approving P87-021W2 & RP87-001W2

MARK WARDLAW
Director

DARREN GRETLER
Assistant Director

County of San Diego
PLANNING & DEVELOPMENT SERVICES

5510 OVERLAND AVENUE, SUITE 110, SAN DIEGO, CALIFORNIA 92123
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcounty.ca.gov/pds

COMMISSIONERS

Peder Norby (Chairman)
Bryan Woods (Vice Chairman)
Michael Beck
Leon Brooks
Adam Day
David Pallinger
Michael Seiler

October 10, 2014

PERMITEE:	Granite Construction, Inc.
MAJOR USE PERMIT:	PDS2013-MUP-87-021W2 (P87-021W^2)
E.R. NUMBER:	PDS2013-ER-87-020-13B
PROPERTY:	5606 Pala Road (Highway 76), Fallbrook, CA 92028
APN(S):	125-061-09, 125-062-06, 128-010-03, and 108-122-03

DECISION OF THE PLANNING COMMISSION

GRANT, a Major Use Permit per revised plot plan dated September 12, 1996, pursuant to Section 2705 of The Zoning Ordinance, for a mining and processing facility for a period of 20 years.

Modification #2~~1~~: This Major Use Permit Modification for a mining and processing facility consists of 7~~6~~ sheets including a site preparation plan, phases 1, 2, and 3 mining plan ~~dated September 26, 2011~~, site cross sections~~ dated September 15, 2011~~, and a Site Lighting Photometric Plan dated August 7, 2014~~September 22, 2011~~. This permit authorizes mining and processing pursuant to Section 1810 of the Zoning Ordinance until October 9, 204~~2~~8. The Director of Planning & Development Services ~~and Land Use~~ shall perform a compliance audit of the Major Use Permit and Reclamation Plan every ten years on the following dates: October 10, 2024, October 10, 2034, and October 10, 2044. If, after the compliance audit has been completed and it has been found that the mining operation is not in compliance with its Major Use Permit or Reclamation Plan, the Director shall notify the mining operator in writing of the non-compliance and shall give the mining operator a reasonable time, not to exceed 180 days, to comply. If at the end of this time the mining operation still does not comply, the Director may choose to pursue the remedies specified in San Diego County Code Section 87.710(e) and any other legally available remedy. ~~can authorize up to two 10-year extensions of the permit to October 9, 2038 and October 9, 2048 if the mine reserves are not totally extinguished. The Director would only extend the permit for an additional 10 years if the mine operation is found to be in compliance with the permit, Reclamation Plan, and the Surface Mining and Reclamation Act of 1975. Prior to Director approval of extension of the permit, the project would be subject to a 30 day public review period.~~

DESCRIPTION OF PROJECT

1. Mining would take place over a period of approximately 3~~6~~4 years. Movable uses include a hydraulic excavator, front end loader, rock and water trucks, a bulldozer, metal storage containers, small offices, and equipment storage yards.

   The project will occur in three generally defined phases after the initial site preparation. The initial site preparation will involve the relocation and widening of Highway 76, and includes the removal of overburden to be utilized in the construction of Highway 76. It also includes the preparation of the three pad areas ~~site~~ for the construction of permanent aggregate, asphalt, and concrete plants, and the use of necessary portable equipment to process this material. Portable equipment is permitted for use throughout the site preparation phase. Fixed facilities are required to be constructed before commencing with the first phase of mining. Four, custom designed and built storage silos that are 90 feet tall will be part of the asphalt batch plant. The relocation and widening of Highway 76 has been completed and construction of the fixed facilities is scheduled to begin in 2014 and be completed in 2015.

   The first phase of the quarry operation will include excavating the initial cut of the Mountain beginning at 915 feet above mean sea level down to approximately 825 feet above mean sea level. Once the final rock face is to be blasted, the reclamation will begin and continue as each increment is completed. The second phase will continue mining down to approximately 375~~340~~ feet above mean sea level, near the elevation of the highway. The third phase will involve excavation below the surface of the road to approximately 305~~268~~ feet above mean sea level.

2. Mining operations shall be contained within the 48.32~~37.97~~-acre portion of the 103.63~~96~~-acre site shown on the plot plan.

3. This permit authorizes the removal of an estimated 24,000,000 tons of aggregate. The use permit includes: excavation, processing, and distribution of decomposed granite and crushed rock, concrete and asphalt batch plant products; import of sand, cement products, soil, and amendments; truck and equipment maintenance; and office and storage areas.

MAJOR USE PERMIT MODIFICATION EXPIRATION: This Major Use Permit Modification shall expire on October 10, 2016 at 4:00 p.m. (or such longer period as may be approved pursuant to Section 7376 of The Zoning Ordinance of the County of San Diego prior to said expiration date) unless construction or use in reliance on this Major Use Permit Modification has commenced prior to said expiration date.

.....

SPECIFIC CONDITIONS: Compliance with the following Specific Conditions (Mitigation Measures when applicable) shall be established before the property can be used in reliance upon this Major Use Permit. Where specifically indicated, actions are required prior to approval of any grading, improvement, building plan and issuance of grading, construction, building, or other permits as specified:

The following conditions are imposed with the granting of this Major Use Permit Modification:

A. Prior to obtaining any building or other permit pursuant to this Major Use Permit, and prior to commencement of construction or use of the property in reliance on this Major Use Permit, the applicant shall:

1. Payoff all deficit accounts associated with processing this application to the satisfaction of the Department of Planning & Development Services and the Department of Public Works. (PDS)

2. A survey plan showing all the relevant information for each phase of the operation shall be prepared, dated, and signed by a licensed land surveyor. This plan shall be submitted and filed with the County in triplicate to the Zoning Enforcement Section. The surveyor shall not commence the on-site work until after having met with the County Engineer to agree to the surveyor's intended method of approach. The plan shall include the following information and/or shall be implemented as stated:

   a. Each phase of the operation shall be surveyed, plotted and identified.

   b. Each designated mining phase shall be staked, however, survey stakes need only be placed at each phase during the particular mining of that phase.

   c. The stakes shall be marked to show elevations and offsets, if any, at their respective locations. They shall be numbered and identified on the survey plan.

   d. Marking of the boundaries of the property, areas and phases to be excavated, as well as the open space easement boundaries, shall be as follows, all to the satisfaction of the Director of Planning & Development Services:

      (1) At all angle points.

      (2) At the beginnings, endings, and midpoints of all curves.

      (3) At equal intervals of 500 feet maximum along long curves and tangents plus or minus 3 feet.

      (4) At the intersections of the limits of the property and along the open space easement boundaries.

      (5) Offset markers shall be used and properly identified as such, in place of markers that would be an obstruction in traveled way.

      (6) Markers must be Portland cement concrete (PCC) or steel posts firmly embedded into the ground with a minimum above ground height of two feet. The applicant shall maintain these markers to the satisfaction "of the Department of Planning & Development Services while the Major Use Permit remains in force.

      (7) All phases designated for mining shall be initially surveyed for such configurations as length, width, setbacks from property lines and elevations at various locations, so as to depict accurately the existing conditions.

(8) This initial survey, once submitted to and accepted by the County, shall serve as the datum from all future topographic comparisons following the start-up of the operations.

e. The applicant's engineering consultant shall establish the available quantity of material designated for mining in each phase of the three phases. This calculation shall be based on the information gathered in the above-described survey and using normally accepted engineering practices for volume computation.

f. Furnish to the Director of Public Works current aerial photographs of the area to be mined.

g. Engineering drawing, review fees and bonding for public improvements will be required for the proposed construction. This shall be determined at the appropriate time during the permit process.

h. The applicant shall obtain and maintain current all relevant permits for the storage of fuel, flammable liquids, and other hazardous materials to be placed on the site from the appropriate authorities having jurisdiction over the area. These agencies include but are not limited to the Fire and Health Departments. **(Condition satisfied with exception of marking boundaries within the 10.35-acre expansion area)**

3. Obtain permits and/or agreements from the California State Department of Fish and Game (Section 1603 Agreement) as required. (PDS) **(Condition Satisfied)**

4. Grant and cause to be granted real property for public highway to County major road standards with bike routes on both sides of the ultimate centerline plus slope rights and drainage easements for Pala Road (State Route [SR] 76) from Interstate 15 ramps easterly to the easterly project boundary plus transitions to the existing right-of-way to the satisfaction of CalTrans and the Director of Public Works. Rights-of-way widths may be adjusted depending on the right-of-way needs of the Project Study Report (PSR). The ultimate centerline is to be determined with the PSR.

   The grant of right-of-way shall be free of all encumbrances or subordinated at the time of recordation. **(Condition Satisfied)**

5. Require the applicant to prepare a Project Study Report/Project Report (PSR/PR) and associated environmental documentation for CalTrans review and approval for the proposed realignment and construction of State Route 76 (SR 76) from Interstate 15 (I 15) through the project frontage, with the taper and transitions to CalTrans satisfaction. **(Condition Satisfied)**

6. Execute a secured agreement to improve Pala Road (SR 76), per the PSR, from the project entrance west to Interstate 15, by constructing four lanes with a median and bike routes and improve with asphaltic concrete pavement over approved base, with asphaltic concrete dike and provide asphaltic concrete acceleration/deceleration lanes and a left turn lane eastbound on SR 76 at the project entrance, and construct lane transitions from four lanes to two lanes from the project entrance to the east boundary and existing pavement. At the project entrance, the second westbound lane can serve

as the westerly acceleration lane, the median can become the left turn pocket and the second eastbound lane can taper off in the area of the project entrance. All improvements are to be to the satisfaction of CalTrans, the County Water Authority and the Director of Public Works. **(Condition Satisfied)**

7. Execute a secured agreement to construct intersection improvements for the northbound ramps at SR 76 and Interstate 15 (including signalization of the ramps) to the satisfaction of the Director of Public Works and as approved by CalTrans in the PSR. **(Condition Satisfied)**

8. The applicant may request from the Director of Public Works a reimbursement agreement for a portion of the cost of constructing Pala Road (SR 76) off-site westerly of the project for the widening beyond a standard forty foot (40') improved two lane highway and the Interstate 15 ramps. **(Condition Satisfied)**

9. Participate in the cost of traffic signal installations at the intersections of (a) Gird Road at Pala Road (SR 76), (b) Pala Road (SR 76) at Old Highway 395, and (c) Couser Canyon Road at Pala Road (SR 76). The amount of the developer's portion of the entire cost of the signals shall be $560.00, $1,100.00, and $1,500.00, respectively, for a total of $3,160.00. The Board of Supervisors hereby determines that:

   a. The fees are to assist in financing the construction of traffic signals to mitigate the impact of this project on traffic safety;

   b. The fees will be used to contribute towards the installation of traffic signals at the intersections of (1) Gird Road at Pala Road (SR 76), (2) Pala Road (SR 76) at Old Highway 395, and (3) Couser Canyon Road at Pala Road (SR 76);

   c. The traffic signals will help mitigate the impact of additional traffic on these intersections caused by the project;

   d. This project will contribute additional traffic to the intersections of (1) Gird Road at Pala Road (SR 76), (2) Pala Road (SR 76) at Old Highway 395, and (3) Couser Canyon Road at Pala Road (SR 76);

   e. The fees of $560.00, $1,100.00, and $1,500.00, respectively, for a total of $3,160.00, are based on an estimate of the percentage of traffic this project will contribute to these intersections. **(Condition Satisfied)**

10. A registered geologist shall prepare a rockfall potential analysis and perform the appropriate mitigation measures to the satisfaction of the Director of Public Works. **(Condition Satisfied)**

11. Prior to any grading, an approximately 6.7 acre area of Southern willow scrub shall be preserved in open space at the mitigation site west of Shearer Crossing. Although a portion of the mitigation area west of Shearer Crossing may not be suitable for vireo breeding because it is within the 1-15 60 dB(A) noise contour, it has been approved as mitigation area based on its local and regional importance for vireo migration and dispersal. **(Condition Satisfied)**

12. Erect a six ~~ten~~-foot high chainlink fence ~~topped with one foot of barbed wire~~ along the perimeter of the mining site in the location shown on the approved plot plan. This fence is intended to serve as both a.safety feature to restrict access and as a protective barrier to prevent mining activities from impacting the adjacent on-site biological and archaeological resources. **(Condition satisfied with exception of erecting fence within the 10.35-acre expansion area)**

13. The applicant shall provide the Department of Planning & Development Services a blasting plan, which sets forth the methodology and safety measures to be employed during project operations. Blasting shall not occur during periods when wind speed exceeds 15 miles per hour. **(Condition Satisfied)**

    The blasting program shall include a noise study that indicates how the Bureau of Mines' noise criteria will be maintained. At the beginning of the blasting program, the blast peak over pressures shall be monitored. The monitoring shall be performed at critical locations at the project's property boundary and at representative locations along Rice Canyon Road and Couser Canyon Road. The monitoring locations must be approved by the Director of Planning & Development Services. The monitoring shall follow recommended practices set forth by the U.S. Department of Interior, Bureau of Mines. If necessary, the blasting program must be modified to maintain the blasting noise impacts within the criteria established by the Bureau of Mines for quarries. (PDS and EIR) **(Condition Satisfied)**

14. Submit to and receive approval from the Director of Planning & Development Services of a complete and detailed revegetation plan for the oft-site locations which are proposed for mitigation of impacts on riparian habitats. (EIR) This revegetation plan shall be prepared by a County certified biologist in conjunction with a qualified California licensed landscape architect. The revegetation plan and required review fee shall be submitted to the Zoning Counter. The following conditions shall apply to the plan:

    a. Bonding is required at 100 percent; cash deposit required is 10 percent.

    b. Creation of off-site riparian woodland and scrub shall include the use of riparian species native to the area.

    c. Any creation of oft-site riparian vegetation shall require a specific revegetation plan incorporating a maintenance and monitoring program into the plan design.

    d. Revegetation for Southern willow scrub shall take place at two sites: (1) in the river west of Shearer Crossing, or in an equivalent location; and (2) north of the river alongside the future realignment of SR 76, on the fill slope facing the river, to the satisfaction of the U.S. Fish and Wildlife Service, the California Department of Fish and Game, and the Director of Planning & Development Services. Cuttings from the willows in the drainage north of SR 76 shall be used as part of the revegetation plan. The recommended restoration at Site (1) shall include the revegetation of approximately 9.8 acres. This amount is derived from a 3:1 replacement (6.6 acres) for the 0.3-acre impact to riparian vegetation at the quarry site and 1.9 acres of noise impacted area along Horse Ranch Creek plus a 1:1 replacement (3.2 acres) for the

loss of vireo critical habitat and proposed Willow flycatcher critical habitat south of the road. Approximately 11.7 acres of potential Southern willow scrub restoration area will be available west of Shearer Crossing.

If the road realignment impacts any of the J.W. Sand revegetation area, then the amount of this revegetation would be increased. The area of increase would range from a 1:1 to a 3: 1 ratio based on the quality of the revegetated habitat at the time of the impact. Impacts to extant Southern willow scrub is typically replaced at a 3:1 ratio, therefore the revegetation will lower the significant cumulative impact to Southern willow scrub and the cumulative noise impact below a level of significance.

e. The revegetation plan for the off-site mitigation areas shall identify phases as follows:

(1) The initial planting shall occur prior to commencement of Phase 1 operations and excavation pursuant to this use permit.

(2) The revegetation monitoring shall be completed within five years of commencement of Phase 1 operations pursuant to this use permit.

f. Prior to any use or reliance on the Major Use Permit, the applicant shall enter into a Secured Agreement with the County of San Diego to ensure success of the revegetation plan. **(Condition Satisfied)**

15. Submit to and receive approval from the Director of Planning & Development Services an up-to-date aerial to reflect any fluctuations in the vegetative conditions. The mitigation acreage reflects current conditions at the Shearer Crossing mitigation site for both the existing vegetation and the area to be restored. Riverine systems are dynamic in nature, often scouring vegetated areas during flooding, while other areas undergo vegetative development where historically vegetation was absent. It is likely that conditions within and adjacent to the San Luis Rey River may acres will not change, there may be differences between the future acreages of both the existing vegetation and the area to be restored. **(Condition Satisfied)**

16. Prior to relocation of SR 76, a HEC-2 computer analysis shall be prepared for review by the County Department of Public Works. Provide the basis for appropriate flood control measures regarding flood hydraulics, erosion, and sedimentation (as related to the site and adjacent properties); fill bank stabilization and installation of new riparian vegetation on the fill bank for the road. If warranted by the HEC-2 analysis, an 18 inch blanket layer of riprap and a 6 inch layer of gravel filter extending from the toe of the bank about 100 feet to the river shall be constructed. If the HEC-2 study shows that the floodplain and/or floodway is located differently than as shown on the County floodplain map (Figure 77), the County and FEMA floodplain maps will be revised. **(Condition Satisfied)**

17. Obtain all required Air Pollution Control District (APCD) permits to construct and to operate including Rule 20.2. When the engineering modeling shows that emissions produced per hour by project activities will exceed 25 pounds, the applicant shall provide an air quality analysis as required by APCD Rule 20.3. **(Condition Satisfied)**

18. The applicant shall obtain a blasting permit and comply with all conditions contained within San Diego County Ordinance No. 7821 relating to blasting operations as well as those of the California Uniform Fire Code. **(Condition Satisfied)**

19. Obtain permits required (Section 404 Permit) and clear any violations cited by the U.S. Army Corps of Engineers. **(Condition Satisfied)**

20. Secure from the Director of Planning & Development Services a written determination that the final alignment of SR 76, as approved by CalTrans, substantially conforms to the alignment addressed in the Final EIR for Major Use Permit P87-021RPL^2. Should the Director find that it is not in substantial conformance, then permittee shall be required to apply for and receive approval for a modification to this Major Use Permit in order to conform to the final alignment of SR 76. **(Condition Satisfied)**

21. **FIRE SERVICES AND AVAILABILITY: [PDS, REG] [FIRE] [GP, IP] [PDS, FEE].**
INTENT: In order to assure long-term availability of adequate fire protection services, the project shall obtain fire service from a fire protection district. **DESCRIPTION OF REQUIREMENT** Obtain fire service from the San Diego County Fire Authority. Once service is provided, the project shall be required to have ongoing service throughout the life of this permit. **DOCUMENTATION:** Provide adequate evidence that the project has obtained fire service from the San Diego County Fire Authority to the satisfaction of PDS Project Planning and County Fire Authority. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, fire service shall be obtained from the San Diego County Fire Authority. **MONITORING:** The PDS Fire Marshal shall review the submitted documentation. If, upon review, PDS determines the documentation demonstrates conformance with this condition, PDS shall approve the documentation and deem the condition satisfied. **(Condition Satisfied)**

22. **EMERGENCY SERVICES CONFORMANCE: [PDS, PCC] [UO]**
INTENT: In order provide emergency access to the site, universal locks are required on the front entrance gate. **DESCRIPTION OF REQUIREMENT** Provide a CAL FIRE lock on the front entrance gate to the facility. Also provide a North County Fire Protection District lock on the front entrance gate, if the district requires it. **DOCUMENTATION:** After the CAL FIRE lock and North County Fire Protection District lock (if the district requires it) has been installed at the site, provide a letter to [PDS, PCC] stating that the locks have been installed to satisfy this condition. Provide a letter to [PDS, PCC] from the North County Fire Protection District if no lock is required. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the CAL FIRE lock and North County Fire Protection District lock (if the district requires it) shall be provided on the front entrance gate. **MONITORING:** The *[PDS, Code Enforcement Division]* is responsible for enforcement of this permit. **(Condition Satisfied)**

23. **CULT#1 ARCHAEOLOGICAL GRADING MONITORING [PDS, FEE X 2]**
INTENT: In order to mitigate for potential impacts to undiscovered buried archaeological resources in the 10.35-acre expansion area as part of P87-021W^2, a grading monitoring program and potential data recovery program shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources and the California Environmental Quality Act (CEQA). **DESCRIPTION OF**

REQUIREMENT: A County Approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform cultural resource grading monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities within the 10.35-acre expansion area in the northern portion of the site. The grading monitoring program shall include the following:

a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources, and this permit. The Contract or Letter of Acceptance provided to the County shall include an agreement that the grading monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The Contract or Letter of Acceptance shall include a cost estimate for the monitoring work and reporting.

b. The Project Archeologist shall provide evidence that a Luiseno Native American has been contracted to perform Native American Grading Monitoring for the project.

c. The cost of the monitoring shall be added to the grading bonds or bonded separately.

DOCUMENTATION: The applicant shall provide a copy of the Grading Monitoring Contract or Letter of Acceptance, cost estimate, and MOU to the *[PDS, PCC]*. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **TIMING:** Prior to the approval of any plan and issuance of any permit, the contract shall be provided. **MONITORING:** The *[PDS, PCC]* shall review the Contract or Letter of Acceptance, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to *[PDS, LDR]*, for inclusion in the grading bond cost estimate, and grading bonds and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

24. **CULT#2 CULTURAL RESOURCES REPORT [PDS, FEE X2]**
INTENT: In order to ensure that the Grading Monitoring occurred during the grading phase of the project, a final report shall be prepared for the 10.35-acre expansion area as part of P87-021W[2]. **DESCRIPTION OF REQUIREMENT:** A final Grading Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program shall be prepared. The report shall include the following items:

a. DPR Primary and Archaeological Site forms.

b. Daily Monitoring Logs

c. Evidence that all prehistoric archaeological materials collected during the grading monitoring program have been submitted to a San Diego curation facility or a culturally affiliated Native American Tribal curation facility that meets federal

standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Native American Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

or

Evidence that all prehistoric materials collected during the grading monitoring program have been repatriated to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

Historic materials shall be curated at a San Diego curation facility and shall not be repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.

d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the grading monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

DOCUMENTATION: The applicant's archaeologist shall prepare the final report and submit it to the [PDS, PCC] for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC) and the culturally-affiliated Tribe. **TIMING:** Prior to any occupancy or final grading release, the final report shall be prepared. **MONITORING:** The [PDS, PCC] shall review the final report for compliance this condition and the report format guidelines. Upon acceptance of the report, [PDS, PCC] shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PCC] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.

B. Prior to issuance of building permits for construction of the asphalt and concrete batch plants and prior to excavation of materials for any purpose other than site preparation and improvement of SR 76 between 1-15 and the eastern end of the project site, the applicant shall:

1. Submit evidence to the Department of Planning & Development Services that Conditions A.1., A.2., A.12., A.23., and A.24. have been accomplished.

2. Install or arrange to install a safety light at the entrance on SR 76 to the satisfaction of the Director of Public Works and CalTrans. **(Condition Satisfied)**

3. Obtain an encroachment permit from CalTrans for work in the State right-of-way. **(Condition Satisfied)**

4. Complete all improvements on SR 76 and at the intersection of the northbound ramps and Interstate 15 to the satisfaction of the Director of Public Works and CalTrans. **(Condition Satisfied)**

5. Apply for and process a Vacation of the right-of-way for the existing alignment of SR 76 on-site and off-site after the construction and approval of the realignment and widening of SR 76 to the satisfaction of the Director of Public Works and CalTrans. **(Condition Satisfied)**

6. Construct a rip-rap bank protection along the south side of the realigned Pala Road/SR 76 to the satisfaction of the Department of Public Works and CalTrans consisting of a 30 inch blanket of rip-rap with a median size of 18 inches and a 12 inch layer of gravel filter with a sheet of filter fabric underneath along the alignment of Pala Road/SR 76. **(Condition Satisfied)**

7. Install appropriate warning signs east and west of the project's access onto SR 76 to warn motorist of slow moving vehicles prior to the commencement of quarry operations. **(Condition Satisfied)**

8. Intersectional sight distance along Pala Road (SR 76) from the proposed driveway entrance shall be five hundred fifty feet (550') to the satisfaction of CalTrans. **(Condition Satisfied)**

9. Erect a six-foot high chainlink fence topped with one foot of barbed wire from the Pankey Ranch entry road eastward along the north side of SR 76 to join the required perimeter fence in Condition A.12. **(Condition Satisfied)**

10. Prior to operation all the loose rock ("floaters") facing the realigned portion of SR 76 shall be removed or tied down. Although the potential for blasting to induce rockfall along the highway is not anticipated provided blasting is properly executed, removal or tie-down of the floaters above SR 76 prior to blasting within 200 feet would further reduce the risk of rockfall from blasting. **(Condition Satisfied)**

11. Overburden removed or excavated for site preparation and/or improvement of SR 76 shall be taken only from the site preparation as depicted on the approved plot plan.

12. Prior to the issuance of building permits, the applicant shall provide evidence, to the satisfaction of the Director of Planning & Development Services, that a Notice of Intent to comply with the Statewide General Stormwater Permit and an application for Waste Discharge Requirements have been filed with the State Water Resources Control Board. **(Condition Satisfied)**

13. Submit to and receive approval from the Director of Planning & Development Services a complete and detailed Landscape Plan in conformance with the concept Landscape Plan, Figure 15 of the Environmental Impact Report. Landscape Plans shall be prepared by a California licensed landscape architect and shall fulfill the requirements of

the Landscape Water Conservation Ordinance and Design Manual. The Landscape Plan shall apply to the earthen berm and the cut slope along the eastern project boundary, which will be planted with native vegetation. The Landscape Plans and review fee shall be submitted to the Community Planning Division, Zoning Counter. Plans shall include:

a. Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit from the Department of Public Works approving the variety, location and spacing of all trees proposed to be planted within said right(s)-of-way. A copy of this permit and a letter stating that all landscaping within the said right(s)-of-way shall be maintained by the landowner(s) shall be submitted to the Department of Planning & Development Services.

b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.

c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure and non-pressure water lines, valves, and sprinkler heads in those areas requiring permanent irrigation system. For areas of native or naturalizing plant material, the Landscape Plan shall show a method of irrigation adequate to assure establishment and growth of plants through two growing seasons.

d. Additionally, the following items shall be addressed as part of the Landscape Plans:

The landscaping on the 30 foot high berm shall include at a minimum the following tree container size by percentage: 24 inch box (25 percent); 15 gallon (25 percent); and 5 gallon (50 percent). Shrub container sizes shall be according to the following proportions: 5 gallon (20 percent); and 1 gallon (80 percent). The final Landscape Plan shall also provide for specific performance
standards to be assessed by a five-year monitoring and maintenance program to assure that the goals of the Landscape Plan are met. A survival rate of 80 percent shall be maintained for all container stock during the life of the five-year monitoring period. Combined vegetative cover milestones of 40 percent (after 1 year), 60 percent (after year 3), and 100 percent (after year 5) shall be met. Remedial measures such as replanting or modifying irrigation
shall be conducted annually as necessary to meet performance standards. Monitoring and maintenance shall continue until the conditions specified at the end of year five are met. **(Condition Satisfied)**

14. TENSAR WALL (OR EQUIVALENT) & UNIAXIAL STRUCTURAL GEOGRID
INTENT: In order to ensure that improvements for the Crushing & Screening Plant equipment pads comply with County of San Diego (County) and California Building Standards Codes, approved retaining wall plans and specifications will be obtained and implemented. **DESCRIPTION OF REQUIREMENT:** Approval of retaining wall plans

shall be obtained from the County for all proposed walls included on the Major Use Permit Plot Plan. **DOCUMENTATION:** The applicant shall show compliance with County of San Diego and California Building Standards Codes including but not limited to, construction documents, plans, specifications, builder or installer certification, and inspection reports for the wall(s). The plan shall be completed pursuant to the current IBC Section 1704.5 for Special Inspection and shall include, but not be limited to the following (1) Modular unit dimensions; (2) Foundation preparation; (3) Unit Placement, including alignment and inclination; Geosynthetic reinforcement type (manufacturer and model number) and placement; (4) Backfill placement and compaction; (5) Drainage provisions; (6) Foundation preparation shall be inspected for compliance with the retaining wall design parameters and geotechnical engineer of record recommendations once per wall prior to placement of controlled fill; (7) Unit alignment and inclination shall be verified as shown on retaining wall plans; Geosynthetic reinforcement type shall be verified prior to construction with an inspection of the geosythetic reinforcement delivered to the site for wall construction. Placement of geosythetic reinforcement shall be continually observed during wall construction for compliance with the retaining wall plans; (8) Backfill soil shall be verified in compliance with the retaining wall plans and soil design parameters prior to and periodically during construction. Backfill soil compaction shall be continuously verified to the geotechnical engineers design criteria; and (9) All drainage provisions shall be verified in compliance with the retaining wall plans and recommendations of the geotechnical engineer of record as constructed and prior to backfill. It is the responsibility of the general contractor/developer to inform the special inspector at least one working day prior to performing any work that requires special inspection. Soils special inspections shall be performed by project geotechnical engineer of record who has prepared the approved geotechnical investigation report. **TIMING:** Prior to start of any work on the Tensar walls shown on MUP 87-021W2. **MONITORING:** The [*PDS, LDR*] shall review the special inspection reports for consistency with the plans relevant State and County Codes and Standards.

15. PHOTOSIMULATION [PDS, FEE]

INTENT: In order to verify that the site complies with the approved plot plans and photosimulations. **DESCRIPTION OF REQUIREMENT:** The site shall be built to substantially comply with the approved photosimulations dated June 4, 2014 to ensure that the site was built and designed in order not have a visual impact to a scenic roadway, or if so, can be mitigated.

a. The tensar wall (or equivalent) shall be designed to have colors, topography, and visual characteristics of the surrounding hills and landscape.

b. The asphalt batch plant silo shall be painted a non-reflective color, such as gray or earth tone.

DOCUMENTATION: The applicant shall build the tensar wall and paint the asphalt batch plant silo to comply with the approved plans and the photosimulations. Upon completion, the applicant shall provide the photographic evidence to the [*PDS, PCC*] for review. **TIMING:** Prior to approval of final tensar wall design, the wall shall be designed to match the approval. Prior to use of the asphalt batch plant, the silo shall be painted to match the approved color palette. **MONITORING:** The [*PDS, PCC*] shall review the photos and photosimulations for compliance with this condition.

C. Prior to any occupancy or use of the asphalt and batch plants, and prior to excavation of materials for uses other than site preparation and improvement of SR 76 between 1-15 and the eastern end of the project site, the applicant shall:

1. Submit evidence to the Department of Planning & Development Services that Conditions B.2. through B.13., and B15.b. have been accomplished.

2. Allow transfer of the property subject to Major Use Permit P87-021RPL[2] into Zone A of the San Diego County Street Lighting District without notice or hearing, and pay the cost to process such transfer.

3. The color of structures, buildings, and processing equipment shall blend with the color of the graded slopes and pads. Flat colors, with low refractivity, shall be used, excluding white and orange. (PDS)

4. At a minimum of six months before operation of the asphalt and concrete batch plants, construct and install landscaping for an earthen berm 30 feet in height to screen views of the processing plant from Pala Road/SR 76 in the location shown on the revised plot plan and in accordance with the approved Landscape Plan. The berm shall be measured from pad elevations of the batch plant. **(Condition Satisfied)**

5. Submit to the Director of Planning & Development Services a statement from the project California licensed landscape architect that all landscaping has been installed as shown on the approved landscape planting and irrigation plans. **(Condition Satisfied)**

6. A sedimentation basin capable of handling a minimum of 6.3 cfs shall be designed and constructed to the satisfaction of the San Diego County Water Authority (SDCWA), the Department of Public Works, and the Regional Water Quality Control Board (RWQCB) prior to commencement of quarry operations. It shall be at least two feet in depth with an overall depth of four feet, and be lined with concrete. Design of the sedimentation pond shall include an emergency spillway to divert drainage during heavy rainfall beneath SR 76 to the San Luis Rey River. **(Condition Satisfied)**

7. Construct necessary surface and subsurface drainage systems for the processing area. **(Condition Satisfied)**

8. Obtain all required RWQCB permits to operate and construct. **(Condition Satisfied)**

9. Install to the satisfaction of the Department of Health Services, a standard grease trap at the sedimentation basin to remove contaminants. **(Condition Satisfied)**

10. Improve all parking areas, driveways, and haul roads within the processing area as shown on the approved plot plan with asphaltic concrete or PCC concrete, and delineate parking spaces. (PDS)

11. Provide for approval, an estimate of the amount required to maintain the wire mesh annually and establish a permanent fund for wire mesh maintenance.

12. Screens and secondary crushers shall be fully enclosed except for the openings necessary to accommodate the conveyor belts and doors. The enclosures shall be designed so that the screens and cone crushers, as well as their support structures, shall not contact the enclosure walls or ceilings. ~~Also, the screens and crushing units shall have resilient materials, most likely rubber pads, installed and maintained on the impact surface areas.~~

~~13. The material used for enclosing the secondary crushers and screens shall have a minimum surface density of approximately 2.0 lb/W.~~

~~14. Sound absorbing materials on the inside surfaces of the enclosures shall be installed and maintained throughout the life of the permit.~~

~~13. The permittee shall demonstrate by photographic record and letter to the Department of Planning and Land Use that all moving parts on batch plant facilities are enclosed in bag houses.~~

~~17. The enclosures shall be designed so that the screens and cone crushers, as well as their support structures, shall not contact the enclosure walls or ceilings. All wall to wall, wall to roof, wall to floor joints, and holes cut for control and power lines shall be sealed.~~

~~18. Enclosure doors shall be metal with an insulating foam core. Door frames shall have gaskets and seals to provide a tight seal.~~

13. Excavation of the first phase area, as shown on Figure 5 of the Environmental Impact Report, beginning at 915 feet above mean sea level down to approximately 825 feet above mean sea level shall be completed within 6 months.

14. Riparian plantings shall be completed along the SR 76 slope bank and adjacent streambed. Revegetation shall include 12 tree and shrub species and a hydroseed mix of 5 species that would be planted at various elevations within the channel. The riparian planting along SR 76 will mitigate for impacts from the realignment of SR 76 to the individual riparian trees (Figure 31 of the draft EIR). The terms of the replacement measures shall be negotiated through consultation with the California Department of Fish and Game and the Army Corps of Engineers, and subject to a Federal 404 Permit of the Clean Water Act and, possibly, State "1601" or "1603" Streambed Alteration Agreements.

15. Prior to plant operation, standard roadside warning signs indicating potential rockfall area to the approaching motorist shall be installed. The project civil engineer for the Highway 76 realignment shall incorporate these public safety measures on a plan to be submitted for review and recommendation by the County Department of Public Works, and for approval by CalTrans.

16. Scarify the pavement on the old SR 76 road alignment as required by CalTrans.

17. Prior to operation of the processing facilities, revegetation for Southern willow scrub shall be completed in substantial conformance with the Palomar Aggregates

Revegetation Plan (Appendix G of the draft EIR) approved and adopted pursuant to Condition A.14. herein.

18. Prior to any use or reliance on the Major Use Permit, the applicant shall enter into a Secured Agreement with the County of San Diego to ensure success of the revegetation plan.

19. Prior to any use or reliance on the Major Use Permit, the loss of 1.3 acres of oak woodland shall be mitigated with off-site mitigation at a ratio of 5.7:1 by dedicating a hillside south of the San Luis Rey River that supports oak woodland to open space (7.4 acres) (Figure 30 of the draft EIR). The woodland outside the mining area (1.7 acres) but within the Major Use Permit shall also be placed in open space. **Condition Satisfied**

20. Prior to use or reliance on the Major Use Permit, most of the chaparral at the quarry site (5.1 acres) not impacted by the mining shall be dedicated as open space (Figure 31 of the draft EIR). **Condition Satisfied**

21. Prior to any use or reliance on the Major Use Permit, 54.6 acres of sage scrub (Table 4 of the draft EIR) shall be preserved both on- and off-site providing approximately a 2:1 mitigation ratio for this habitat. Approximately 29.8 acres have been identified on the project site, adjacent to the site and south of the San Luis Rey River (Figures 25, 28, and 29 of the draft EIR). The yet to be identified 24.8 acres required to mitigate impacts to the California gnatcatcher also shall mitigate potential impacts to the arroyo southwestern toad. That is, the property shall be contiguous to potential river habitat of the arroyo southwestern toad, accessible to the arroyo toad and acceptable to the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG). Two methods suggested by CDFG staff that may enhance connectivity between the river habitat to the yet to be identified 24.8 acre sage scrub mitigation parcel, include minor grading of riverbanks and conversion of adjacent existing agricultural land to native habitat. The property should be located in the project vicinity and shall be maintained in perpetuity as open space through a transfer fee title, the applicant's voluntary dedication of a conservation easement, or open space easement dedication to an organization acceptable to the USFWS and CDFG. Final approval of the location of the mitigation area will be by the Department of Planning & Development Services, the USFWS and the CDFG. **Condition Satisfied**

22. Prior to construction, obtain required building permits for all fencing, structures, or office trailer approved by this permit.

23. Prior to operation of the batch plants, the applicant shall demonstrate that the intensity of the lights, as well as the number for safety purposes, have been kept to a minimum.

24. Provide evidence to the satisfaction of the Director of Planning & Development Services that all appropriate permits have been obtained from the Regional Water Quality Control Board relating to industrial discharges associated with this permit.

25. **OUTDOOR LIGHTING: [PDS, PCC] [OG]**
INTENT: In order to comply with the County Lighting Ordinance 59.101 et seq. and Zoning Ordinance Sections 6322, 6324, and 6326, onsite lighting shall comply with approved Site Lighting Photometric Plan. **DESCRIPTION OF REQUIREMENT** Outdoor lighting needed for night-time operations shall be in conformance to the Site Lighting Photometric Plan dated June 6, 2011 (revised September 22, 2011 and revised January 9, 2014, sheet 7 of the approved Plot Plan) which allows for five 12-foot tall light fixtures in fixed locations as shown on the Site Plan. **DOCUMENTATION:** Upon installation of permanent light fixtures, provide an as-built plan to the County [PDS, PCC] which provides all details necessary to show conformance to the approved Site Lighting Photometric Plan. **TIMING:** Prior to any occupancy or use of the asphalt and batch plants, and prior to excavation of materials for uses other than site preparation and improvement of SR 76 between 1-15 and the eastern end of the project site, the applicant shall install permanent light fixtures and submit as-built plans to the County. **MONITORING:** The County [PDS, PCC] shall review the as-built plan to determine whether the facility's lighting has been installed in conformance with the Site Lighting Photometric Plan.

26. Submit evidence to the Department of Planning & Development Services that Conditions C.2., C.3. through C.18., and C.22. through C.25. have been accomplished.

D. Upon certification by the Director of Planning & Development Services for occupancy or establishment of use allowed by this Major Use Permit, the following conditions shall apply:

1. The perimeter fencing and fence along the north side of SR 76 shall be maintained in good repair throughout the period of operation.

2. **ON-GOING HOURS OF OPERATIONS: [PDS, CODES] [OG]**
Intent: In order to comply with the applicable sections of Title 3, Division 6, Chapter 4 (County of San Diego Noise Ordinance), the site shall comply with the requirements of this condition. **Description of Requirement:** The project shall conform to the following requirements:

a. Hours of operation for the aggregate plant shall be from 7:00 a.m. to 6:00 p.m. Monday thru Friday.

b. Hours of operation for the asphalt plant and aggregate sales shall be from 7:00 a.m. to 10:00 p.m. Monday thru Friday and 7:00 a.m. to 1:00 pm on Saturdays.

c. The asphalt plant may operate between 10:00 p.m. to 7:00 a.m. on an as-needed basis for public projects as long has these operations comply with the County Noise Ordinance, Section 36.404.

d. Hours of operation for blasting shall be from 11:00 a.m. to 3:00 p.m. Monday thru Friday.

e. Major Use Permit Modification associated activities shall comply with the one-hour average sound level limit property line requirement pursuant to the County Noise Ordinance, Section 36.404.

Documentation: The property owner(s) and applicant shall conform to the ongoing requirements of this condition. Failure to conform to this condition may result in disturbing, excessive or offensive noise interfering with a person's right to enjoy life and property and is detrimental to the public health and safety pursuant to the applicable sections of Chapter 4. **Timing:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **Monitoring:** The [PDS, CODES] is responsible for enforcement of this permit.

3. **NOISE MONITORING: [PDS, PPD] [PDS, PCO] [OG].**
INTENT: In order to monitor the project's groundwater production, and to comply with the County of San Diego Noise Ordinance and County of San Diego General Plan Noise Element), a Noise Mitigation Monitoring Program (MMP) shall be shall be continued for the life of this permit. **DESCRIPTION OF REQUIREMENT:** Implement the MMP for the proposed project to the satisfaction of the Director of Planning & Development Services. The implementation shall be substantially consistent with the approved noise mitigation and monitoring plan in the Noise Report prepared by ICF International on file under Case No. 3301 87-021-03 (MUP MOD). Implementation shall include the following:

   a. **Semi-Annual Submittals and Funding:** Every six months (semi-annual), a noise testing and monitoring shall be conducted along the project property line to ensure design noise levels are maintained during on-going operations. The results of the noise tests and monitoring shall be submitted in a written report to the County Department of Planning & Development Services. The quarry operator shall fund the noise testing and County's staff time and material to review the results of the noise tests and monitoring report.

   b. **Minimum 30 Minute Measurement Periods:** The noise measurements and testing shall be taken for a minimum period of 30 minutes during normal mining and processing operating hours while most on-site equipment is in operation, including but not limited to: drilling, asphalt plant operations, etc.

   c. **Approved Noise Consultant:** The noise testing and monitoring protocol shall be conducted in accordance with the County's Noise Ordinance and County General Plan Noise Element and performed by a County approved acoustical consultant.

   d. **Noise Monitoring Locations:** The noise monitoring report shall demonstrate the following locations:

      i. The noise monitoring/receptor locations shall be conducted at existing single family residences (and 65 dBA CNEL exterior noise levels for multi-family) not be exceeded by the project as measured at any exterior residential building site or other noise sensitive location which may be developed in the future pursuant to the County General Plan Noise Element. Locations would be similar to areas identified within the Noise Report prepared by ICF International on file under case no. P87-021-03.

      ii. The noise monitoring locations shall be conducted in accordance with the County's Noise Ordinance and shall be taken at the project property lines (similar

to the monitor locations specified within the Noise Report prepared by ICF International on file under case no. P87-021-03).

e. **Noise Level Exceedance:** If the design noise levels are not met, the quarry operator would have 60 days to correct the problem. If after 60 days the problem has not been corrected, the quarry operator would only be allowed to operate equipment which will meet the design noise levels pursuant to the County Noise Ordinance and County Noise Element. Additional or more frequent noise monitoring may also be required by the County.

f. **New Off-Site Residential Development:** If new residential development occurs and is occupied in close proximity to the project site, and noise levels from on-site activities exceed the Noise Element requirement of 60 dBA CNEL for single family residences (and 65 dBA CNEL for multi-family), a supplemental noise report shall be prepared and mitigation recommended. Requirements of the County for implementation of additional noise attenuation measures shall be adhered to for continued mining and processing operations until the 60/65 dBA CNEL standard is met at the exterior of a residential unit(s). Additional or more frequent noise monitoring may also be required by the County.

DOCUMENTATION: The property owner and permittee shall comply with the requirements of the MMP and this condition. If the permittee or property owner chooses to modify or deviate from the MMP in any away, they must obtain approval from the County [PDS, County Noise Specialist], or apply for a Modification of this permit pursuant to the County of San Diego Zoning Ordinance.. **TIMING:** Upon establishment of the use, the MMP shall be complied with for the term of this permit. **MONITORING:** The [PDS, County Noise Specialist] shall review all MMP reports shall ensure that the project complies with on-going noise conditions. The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

4. No blasting shall take place when wind velocity equals or exceeds 15 miles per hour. A licensed blasting contractor shall determine wind speed through the use of a recording anemometer located a minimum of ten feet above ground level near the on-site project office.

5. Dust emissions from all crushing and screening operations shall be controlled by venting to a fabric filter system.

6. Stockpiles of crushed rock shall be kept moist or shall be watered before loading.

7. Visible emissions from transfer points shall not exceed 20 percent opacity at any time. This is a Statewide requirement enforced and monitored by the Air Pollution Control District (APCD).

8. Unpaved haul roads will be chemically stabilized to minimize dust emissions to below the requirements of APCD Rule 50 (20 percent opacity). In lieu of chemical stabilization, haul roads shall be watered at least every two hours and shall be wet swept at least twice a day.

9. Initial clearing of areas to be mined, including removal and stockpiling of topsoil, shall be accompanied by surface watering to control dust generation.

10. Maximum speed of all vehicles on unpaved roads shall be ten miles per hour.

11. All crushing, screening, and batching equipment used at the site must receive a permit to operate from the APCD, which would regulate the operation and maintenance of such equipment to control dust generation.

12. Other dust control methods, as necessary, must be applied to any dust producing condition which may develop at the borrow pit, which would result in a nuisance from this operation (APCD Rule 51).

13. Transfer of cement shall be only by pneumatic conveying. There shall be no leaks of cement dust to the atmosphere anywhere within the transfer system. (APCD)

14. The hot-mix asphalt plant shall have a fabric filter, (baghouse) system.

15. Covers for hot-oil storage tanks must be kept in place unless the tanks are being filled. The condenser system for fugitive blue-smoke emissions shall be fully operational.

16. The temperature of batched hot-mix asphalt shall not exceed 330 degrees Fahrenheit.

17. Loading bins shall be enclosed.

18. Water sprays shall be used during the loading/unloading operations for aggregate and stockpile materials.

19. Quarry operations shall shut down when wind speed exceeds 20 miles per hour as determined by an on-site anemometer.

20. Only unleaded gasoline and diesel fuel containing less than 0.5 percent sulphur shall be used in the on-site equipment.

21. The sedimentation basin shall be maintained. Twice a year it shall be cleaned out and the resulting sediment recycled into the concrete and asphalt production process to the extent possible. Silt material shall be cleared from the basin following each storm event.

22. The concrete lined pond located near the northern portion of the project site shall be monitored after blasting each week for potential leakage and drained as the mining operation is advanced to within 400 feet of the pond, unless advised otherwise by the inspecting blasting engineer.

    Records and recommendations of such inspections shall be maintained at the mining site and a copy provided to the County Department of Planning & Development Services.

23. All runoff from the mined area shall pass through the sedimentation basin and grease trap.

24. As a condition of operation, mining shall be conducted from the top down and from south to north or north to south along the face being worked. The working face shall be a maximum of approximately 33 feet in height with a flat working bench below it. The flat working bench shall be 66 feet wide whenever possible. This will result in an interim benched slope configuration as mining proceeds downward at 33-foot intervals. A Registered Engineering Geologist (REG) or Geotechnical Engineer (GE) shall map the exposed rock surface on a quarterly basis. Inspection and mapping of the mining face may be more frequent as needed, depending on the field conditions. Each 33 foot vertical by 66 foot horizontal bench may only be removed following on-site inspection and in accordance with written recommendations of the REG or GE. No finished slope greater than 2:1 (horizontal to vertical) shall be established except in compliance with the recommendation of the REG or GE. The engineer or geologist shall record all inspections on a form satisfactory to the Department of Planning & Development Services and send a copy to the Codes Enforcement Division within one week of any inspection. The review of the reports associated with this condition will be considered a cost chargeable to the annual inspection deposit.

25. As part of the on-going Reclamation Plan, the following mitigation shall be implemented: as the mining reaches the surface area which is to be the final reclaimed surface, the method of blasting hole placement and gradient will change. The final blasting pattern of this 33 foot high mining face shall consist of a random pattern of drill holes at variable depths and angles which would result in sculpting or irregular slopes surfaces with ledges of 2 to 12 foot wide, no greater than 66 feet long with no greater than 120 feet of vertical separation. This, in effect, will be a "sculpted" rock surface with ledges, nooks, and crannies designed to trap and hold soil (see Figure 8 of the Final Environmental Impact Report [FEIR)). The ledges shall also be angled towards the rock face so that 6-12 inches of soil can be installed. The resulting mining face shall have irregularly shaped ledges at varying height locations. After the sculpting blast but prior to the beginning of the reclamation process, the resulting mining face shall be inspected by a design professional (Le., landscape architect) to determine that the resulting mining face is natural looking consistent with the intent of the FEIR. The design professional shall then submit a letter to the Department of Planning & Development Services, with photographs, that the mining face does meet the intent of the FEIR. The Department of Planning & Development Services shall have final approval of the design of the resultant rock face.

26. Prior to blasting of the next working bench, the REG or GE shall decide if the final "sculpted" rock face is safe. If it is determined to be safe, the 33 foot freshly exposed face will be draped with anchored wire mesh prior to blasting of the next level as recommended by Cal/OSHA and the Mining Safety and Health Administration. Benching and/or rock anchors will be required where unfavorable stability conditions are encountered. The engineer or geologist shall record all inspections on a form satisfactory to the Department of Planning & Development Services and send a copy to the Code Enforcement Division within one week of any inspection. The wire mesh will be used and maintained as long as any mining activity is conducted at the base of the cut face. The applicant will be responsible for maintenance during the time the mining project is in existence. Any required subsequent maintenance would be the responsibility of the then current land user using a perpetual fund established by the

applicant. If the area is used for a reservoir, as proposed, the mesh would no longer be required and could be removed as part of reclamation.

27. After the completion of rock sculpting and the hanging of mesh on each 240 foot horizontal section of the final face, and after a sufficient distance of 240 feet is obtained from the adjacent working area, Permeon, a nontoxic rock stain consisting of iron salts, magnesium salts, and other trace elements shall be applied by a manufacturer trained professional. Rock staining products equivalent to Permeon are allowable for use with prior approval from the Department of Planning & Development Services.

    Additional staining may be required to be modified on completed sections of the final face in both vertical and horizontal directions to assure a natural looking face.

28. Soil shall be placed in the nooks and crannies and on the ledges, and hydroseeded. This method allows for the mining face to be in constant reclamation. Table 1 of the draft Environmental Impact Report shows the hydroseed mix that shall be applied for reclamation of the mining face after soil is located to the ledges, nooks, and crannies.

29. As part of the on-going reclamation, an engineering geologist and a landscape architect shall determine the project's conformance with rock sculpting and determine the project's conformance with structural safety mitigation measures as identified in the Environmental Impact Report after the completion of the first section of final face consisting of 240 horizontal feet by 33 vertical feet. This inspection of the final face will continue every 240 feet along the first 2 working benches, and after it is determined the rock-sculpting program is in conformance with the Environmental Impact Report mitigation measures, additional inspections will occur on an annual basis in conjunction with the annual engineering report. If it is determined that sculpting and on-going reclamation is not in conformance with the Environmental Impact Report, changes will be required in the blasting, excavation design, and sequence of other reclamation components to achieve mitigation.

30. As part of the on-going reclamation, an oblique aerial photograph shall be taken on an annual basis and submitted to the Department of Planning & Development Services in conjunction with the annual engineering report to determine conformance with visual mitigation measures.

31. If after the first rainy season the hydroseeding has not germinated, a temporary irrigation system shall be installed to assist the vegetative growth on the reclaimed face. The system shall be an overhead spray and shall be attached to the wire mesh that will be draped over the rock face.

32. As part of the on-going reclamation, the cut slope along the eastern project boundary shall be planted with native vegetation, including a hydroseed mixture of native plants as the mining proceeds.

33. The heavy gauge wire mesh canopy dropped over the exposed rock face shall be inspected and maintained to ensure adequate safety protection is provided. The maintenance shall be the responsibility of the mining operation and permittee for duration of the Major Use Permit, and thereafter the then current landowner.

34. A quarterly rockfall potential inspection shall be performed and documented by a REG, and appropriate mitigation measures applied, if necessary. Inspections shall be more frequent if determined to be needed, depending on the field conditions. A copy of the inspection report shall be kept at the mining site and a copy shall be provided to the County Department of Planning & Development Services.

35. All light fixtures shall be designed and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises, and shall otherwise conform to Section 6324 of The Zoning Ordinance.

36. All on-site lighting shall consist of LPS lamps, be fully shielded, and conform with the County Light Pollution Ordinance No. 7155.

37. All on-site lighting shall conform to the Site Lighting Photometric Plan within the project's approved Plot Plan.

38. Blasting operations shall also be monitored on an annual basis and shall comply with the 75 dB(A) noise level (corrected to the A-weighted noise scale) at the property line. Blasting operations shall be monitored and submitted in a report to the County Department of Planning & Development Services on an annual basis by July 1 of each year.

39. The area to be blasted shall be cleared of all personnel prior to blasting at a distance to be determined by the on-site licensed blasting contractor. This requirement will be included on the mining and blasting plan. A copy of the plan shall be kept at the mining site and a copy shall be provided to the County Department of Planning & Development Services.

40. The operator of the Major Use Permit shall arrange for an annual engineering report to be prepared and submitted to the County by a registered civil engineer, no later than July 1 of each year. The annual engineering report shall include, but not be limited to the following information:

    a. A summary of the overall progress and the status of the project.

    b. A survey to include an update of all the measurements submitted in the initial survey. This information shall be gathered, collated, prepared, stamped, and dated by a licensed land surveyor and shall form part and parcel of the annual engineering report.

    c. Proper area plans and cross-sections showing the side slopes, depth of excavation, and locations of the excavation.

    d. The operator shall arrange for annual color aerial photographs of the site (phase of excavation). These photographs shall be usable for viewing stereoptically. These photographs shall be taken no longer than one month prior to submittal of the annual engineering report and shall be included in the annual report.

e. The annual engineering report shall identify any areas that have been excavated contrary to conditions of the permit and shall make the recommendations on how best to remedy such violations. Upon approval of the Director of Planning & Development Services, the operator shall implement any required mitigation measures.

41. During quarry operations, Average Daily Trips (ADT) generated by the proposed project shall not exceed a monthly average of 514 ADT and shall not exceed 1,028 ADT for more than 5 consecutive days. The project proponent (Palomar Aggregates, Inc.) shall keep a daily log of truck and automobile trips and make it available to the Department of Planning & Development Services on an on-call basis.

42. The applicant shall contribute an annual payment to the Fallbrook Unified School District's DeLuz Ecology Center of five cents per each ton of aggregate material removed from the site during each year. The payment shall be increased annually with inflation according to the consumer price index. Documentation of the payment shall be submitted to the Director of Planning & Development Services along with the annual report.

43. The operator shall keep a current copy of the plot plan, Reclamation Plan, Major Use Permit, and all other agency permits relating to this operation. These documents must be conspicuously displayed in the office trailer onsite, and readily available to the inspecting authorities at all times.

44. Provide on-site bottled water for employees under written contract with a copy to the Department of Environmental Health. Usage is authorized for the life of the permit or until permanent plumbing is connected to an approved sewage disposal system.

45. Provide chemical toilet(s) of commercial type construction under written contract from a licensed septic tank/chemical toilet contractor with a copy to the Department of Environmental Health. Usage is authorized for the life of the permit or until permanent plumbing is connected to an approved sewage disposal system.

46. If at any time during the mining operation groundwater is encountered and cannot be sealed to the satisfaction of the Director of Planning & Development Services, all mining operations shall be discontinued.

47. As a condition of operation, comply with all mitigation measures as set forth in the Mitigation Monitoring Plan in the EIR.

48. Daily and annual material throughputs (in tons) shall be limited to those quantities which, when used in the following formulas, result in calculated particulate matter (PM10) emissions of less than 100 pounds per day and 30,000 pounds (15 tons) per year.

Daily Material Throughput Calculation:

100 > [1.3688] +
[Aggregate Plant *(w/* Quarry) throughput (in tons) * 0.0092717] +
[Asphalt Plant throughput (in tons) * 0.0132439] +

[Concrete Plant throughput (in tons) * 0.0024701] +
[Aggregate Shipped (in tons) * 0.0025518] +
[Material) (sand) Imported (in tons) * 0.0009011]

Annual Material Throughput Calculation:

30,000 > [499.6] +
[Aggregate Plant *(w/* Quarry) throughput (in tons) * 0.0097240] +
[Asphalt Plant throughput (in tons) * 0.0132439] +
[Concrete Plant throughput (in tons) * 0.0024701] +
[Aggregate Shipped (in tons) * 0.0025518] +
[Material (sand) Imported (in tons) * 0.0009011]

Applicant shall keep a daily log of aggregate plant, asphalt plant and concrete plant throughputs; the amount of aggregate shipped; and the amount of material (sand) imported to the site, to the satisfaction of the Director of Planning & Development Services. The log shall remain at the project site and be made available within twenty-four hours of a written request for such log from the Director of Planning & Development Services. Applicant shall also make available for review, within twenty-four hours of a written request from the Office of County Counselor District Attorney, all business records that include information regarding quantities of material produced, including, but not limited to, billing records.

This permit limits the removal of aggregate to a total of 24,000,000 tons.

49. Violation of any condition of this permit is grounds for a stop work order to be placed on a portion or all of the operation.

50. ON-GOING SOUND LEVEL COMPLIANCE: [PDS, CODES] [OG]
Intent: In order to have crushing and screening operations comply with the applicable sections of Title 3, Division 6, Chapter 4 (County of San Diego Noise Ordinance), the site shall comply with the requirements of this condition. **Description of Requirement:** The project shall conform to the following requirements:

a. Major Use Permit associated activities shall comply with the one-hour average sound level limit property line requirement pursuant to the County Noise Ordinance, Section 36.404(e).

b. The location of the crushing and screening plant shall be setback approximately a minimum distance of 700 feet from the northern property line where an existing residence is located (as shown on Figure 3, within the Noise Letter Report prepared by Dudek).

c. If new information is provided to prove and certify that the equipment being used is different then what was proposed in the noise report, then a new noise analysis maybe reviewed to the satisfaction of the *[PDS, PCC].* The supplemental noise analysis shall be prepared by a County Approved Noise Consultant and the report shall comply with the Noise Report Format and Content Requirements. Any proposed alternative methods, or the addition,

reduction, or elimination of any noise measures maybe approved if the mining activities do not create noise greater than 75 dB at the property line as indicated above.

Documentation: The property owner(s) and applicant shall conform to the ongoing requirements of this condition. Failure to conform to this condition may result in disturbing, excessive or offensive noise interfering with a person's right to enjoy life and property and is detrimental to the public health and safety pursuant to the applicable sections of Chapter 4. **Timing:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **Monitoring:** The [PDS, CODES] is responsible for enforcement of this permit.

E. This Major Use Permit Modification expires on August 15, 2016 (two years from the date of approval) at 4:00 p.m. (or such longer period as may be approved pursuant to Section 7376 of The Zoning Ordinance) unless construction or use in reliance on this Major Use Permit Modification has commenced prior to said expiration date.

F. **MITIGATION MONITORING OR REPORTING PROGRAM (MMRP):** Public Resources Code Section 21081.6 requires the County to adopt a Mitigation Monitoring or Reporting Program for any project approved with the adoption of a Mitigated Negative Declaration or with the certification of an Environmental Impact Report, for which changes in the project are required in order to avoid significant impacts. Section 21081.6(a)(1) states, in part:

The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.

Section 21081(b) further states:

A public agency shall provide {that] the measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures.

As indicated above, a Mitigation Monitoring or Reporting Program is required to assure that a project is implemented in compliance with all required mitigation measures. The Mitigation Monitoring or Reporting Program (MMRP) for this project is incorporated into the mitigation measures adopted as project conditions of approval. Each mitigation measure adopted as a condition of approval (COA) includes the following five components.

Intent: An explanation of why the mitigation measure (MM) was imposed on the project.
Description: A detailed description of the specific action(s) that must be taken to mitigate or avoid impacts.
Documentation: A description of the informational items that must be submitted by the applicant to the Lead Agency to demonstrate compliance with the COA.
Timing: The specific project milestone (point in progress) when the specific required actions are required to implemented.
Monitoring: This section describes the actions to be taken by the lead agency to assure implementation of the mitigation measure.

The following conditions of approval required to mitigate or avoid significant impacts on the environment are listed below and constitute the MMRP for this project:

1. Subsequent Project Permits

   Compliance with the following conditions is assured because specified subsequent permits or approvals required for this project will not be approved until conditions have been satisfied:

   Conditions A.1 through A.24 and B1 through B.15.

2. Annual inspections

   Compliance with the following conditions is assured because the annual inspections will evaluate the status of compliance and, if necessary, pursue the remedies specified in the project permits or available under local or state law:

   Conditions D.3, D.7, D.22, D.24, D.25, D.26, D.30, D.38, D.39, D.40, D.41. D.42, D.49, D50.

3. Enforcement

   Compliance with the following conditions is assured because complaints on non-compliance may be provided by the public to the County which may then investigate the status of compliance and pursue enforcement:

   Conditions D.1 through D.50.

4. Ongoing Mitigation

   Compliance with the following conditions is assured because County staff will monitor the on-going requirements and, if necessary, pursue the remedies specified in the project permit, the security agreement, or the mitigation monitoring agreement:

   Conditions D.1 through D.50.

AMENDED RECLAMATION PLAN PDS2013-RP-87-001W2 (RP87-001W^2)

PERMITEE:	Granite Construction, Inc.
RECLAMATION PLAN:	PDS2014-RP-87-021W2 (RP87-001W^2)
E.R. NUMBER:	PDS2013-ER-87-030-13B
PROPERTY:	5606 Pala Road (Highway 76), Fallbrook, CA 92028
APN(S):	125-061-09, 125-062-06, 128-010-03, and 108-122-03

DECISION OF THE PLANNING COMMISSION

IS HEREBY GRANTED, as per Reclamation Plan dated September 12, 1996, amended July 17, 2014 consisting of a text and plan, a Reclamation Plan pursuant to Section 6556 of the Zoning Ordinance and Section 87.701 et seq. of the County Code of Regulatory Ordinances (County Code), for a mining and processing facility, related activities and site reclamation to a suitable condition in compliance with the State Mining and Reclamation Act of 1975 (SMARA). The project site will be reclaimed for the use as open space. The reclamation shall occur in phases as the extraction permit is implemented. The first phase will involve the completion of the site preparation. The second phase shall be implemented continually during extraction and will require the following: 1) sculpting and staining of the final rock face; 2) placement of soil and hydroseed on the ledges and nooks created on the final rock face; and 3) placement of wire mesh over the final rock face to prevent hazards from rockfall. The third phase will occur after material has been completely extracted and will require clean-up of the site to prepare the site for its end use as open space.

The following conditions are imposed with the granting of this modification to the Reclamation Plan:

Conditions A.4. through A.10. and B.5. through B.13., below, are intended to implement the minimum requirements of the State of California SMARA, as well as local requirements. Should conflict arise between the provisions of these conditions and the minimum requirements of SMARA, the SMARA requirements shall take precedence.

A. Prior to commencing any operation herein authorized, the applicant shall, to the satisfaction of the Director of Planning & Development Services:

   1. Fund a deposit account with the Department of Planning & Development Services in the sum of $2,000.00. This deposit will be used for inspections to ensure compliance with the conditions of this permit as well as P87-021 RPL^2. This account will continue to be funded as determined by annual review. **(Condition Satisfied)**

   2. Prepare a single, cohesive Reclamation Plan document which includes all information relating to site preparation. This document shall include all reclamation materials in the draft Environmental Impact Report and appendices, comments and responses to those documents, and this Form of Reclamation Plan. This single, cohesive document shall be acceptable to the Director of the Department of Planning & Development Services. **(Condition Satisfied)**

   3. No surface mining shall be conducted pursuant to the Major Use Permit unless prior to commencement Reclamation Plan Site Plans and specifications for the grading of the

property have been prepared, or approved, and signed by staff of a California Registered Civil Engineer or Landscape Architect, and shall include all information required in County of San Diego Regulatory Ordinances Section 87.203 and any other information required by the Director of Planning & Development Services. **(Condition Satisfied)**

4. The Reclamation Plan shall, in addition to all other requirements, provide in designated phases for the progressive rehabilitation of the mining site landform so that, when reclamation is complete, it shall contain stable slopes, be readily adaptable for alternate land uses, and be free of derelict machinery, waste materials, and scrap to the satisfaction of the Director of Planning & Development Services. The proposed mining site landform, to the extent reasonable and practical, shall be revegetated for soil stabilization, free of drainage problems, coordinated with present and anticipated future land use, and compatible with the topography and general environment of surrounding property. **(Condition Satisfied)**

5. No surface mining shall be conducted pursuant to the Major Use Permit unless prior to commencement a Right of Entry Agreement has been recorded allowing the County to enter the property to correct any landscaping or irrigation system deficiencies, any unsafe condition, or breach of provisions of the Major Use Permit and/or Reclamation Plan. **(Condition Satisfied)**

6. The Agreement shall authorize the County or any person authorized by the County to enter the property at a mutually agreeable time and after having given the mining operator or permittee a minimum 24 hour notice to perform an annual inspection, as mandated by the State, or follow-up inspections as a result of the annual inspection. The Agreement shall also authorize the County or any person authorized by the County to enter the property at any reasonable times to investigate any suspected violation of any condition of the Major Use Permit or Reclamation Plan and/or for emergency abatement of hazardous conditions. Said Agreement shall be executed by the permittee, the owner of the property, and by holders of any lien upon the property which could ripen into a fee. The permittee shall provide acceptable evidence of title showing all existing legal and equitable interest in the property. The Director of Planning & Development Services will execute and accept the agreement on behalf of the County of San Diego. **(Condition Satisfied)**

7. Within 120 days after the granting of the Major Use Permit and approval by CalTrans of final road design and by July 1 of each year thereafter, the operator or permittee shall provide an estimate of the costs of reclamation in order to prepare the secure financial assurance. The assurance shall be made payable to the Director of Planning & Development Services and the California Department of Conservation and may take the form of surety bonds, irrevocable letters of credit, trust funds, or other forms of financial assurance adopted by the State Mining and Geology Board, which the County reasonably determines shall be readily available to pay for reclamation in accordance with the surface mining operation's approved Reclamation Plan.

   a. The financial assurance shall be in an amount equal to the estimated cost to reclaim, in accordance with the requirements of the approved Reclamation Plan, all disturbed, unreclaimed lands, and all acreage expected to be disturbed in the

forthcoming year. If a mining operation's Reclamation Plan provides for exhaustion of all mineral resources before beginning reclamation, the required assurance shall be the estimated cost to restore all disturbed, unreclaimed lands, and all acreage expected to be disturbed in the forthcoming year to a condition that will not constitute a danger to the public health or safety and that will provide for the type of reclamation required in the Reclamation Plan. The surface mining operator or permittee shall provide an estimate of the cost of reclamation prepared by a State of California Registered Civil Engineer or Landscape Architect. All financial assurances and reclamation cost estimates will be forwarded to the California Department of Conservation for review a minimum of 45 days prior to County approval. The County shall review and approve the financial assurance estimates if they are deemed sufficient. If the operator or permittee does not submit this estimate by the required deadline, the County will calculate an estimate of assurance. The staff time spent calculating this estimate will be charged against the inspection deposit. The financial assurance shall be provided to the County within 60 days of notification of the Director of Planning & Development Services's approval of the financial assurance amount.

b. The financial assurance amount shall be adjusted annually to account for new lands disturbed or expected to be disturbed in the forthcoming year by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan. In no event shall the amount of assurance required be construed as a limitation on the liability of the permittee.

c. The permittee and the surety executing such bond or person issuing such instrument of credit or making such cash deposit shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the County in causing any and all such work to be done. Financial assurances shall no longer be required of a surface mining operation, and shall be released, upon written notification by the County, which shall be forwarded to the operator and the Department of Conservation ~~State Geologist~~, that reclamation has been completed in accordance with the approved Reclamation Plan. In the case of a cash deposit, any unused portion thereof shall be refunded to the permittee.

B. The following conditions shall apply to the permittee while the Reclamation Plan is in force and effect pursuant to Section 87.701 et seq. of the County Regulatory Ordinance:

1. Whenever any surface mining operation or portion of an operation is sold, assigned, conveyed, exchanged, or otherwise transferred, the successor-in- interest shall be bound by the provisions of the Major Use Permit, and this Reclamation Plan.

2. If property ownership is transferred, the new owner shall meet all provisions of Section 87.701 et seq. of the County Regulatory Ordinance, including the requirement to sign an agreement with the County as required, by Condition A.5. of this Reclamation Plan. Notice of such sale, assignment, conveyance, exchange, or transfer shall be provided to the Director of Planning & Development Services within 30 days of such.

3. All final grades established pursuant to the Reclamation Plan shall comply with the "Design Standards-Performance Requirements" contained in Section 87.401 et seq. and Section 87.712 of the County Regulatory Ordinance.

4. Neither the issuance of the Major Use Permit or the Reclamation Plan, nor compliance with any provisions or conditions thereof, shall relieve any person from liability or responsibility resulting from grading operations, pursuant to Section 87.713 of the County Regulatory Ordinance.

5. The County shall be notified no less than 180 days prior to cancellation of any financial assurance. The County may seek the forfeiture of such financial assurance if new assurance is not posted at least 30 days prior to the expiration of the financial assurance.

6. If a mining operation is sold or ownership is transferred to another person, the existing financial assurances shall remain in force and shall not be released by the County until new financial assurances are secured from the new owner and have been approved by the State and County.

7. The mining operator or permittee shall file a copy of the mining operation's annual report with the State pursuant to Public Resources Code Section 2207.
8. The mining operator or permittee shall provide to the Director of Department of Planning & Development Services by each July 1, aerial photographs of the mining site taken in the same month of the second quarter of each year. The aerial photographs shall consist of:

   a. Defined, marked, and permanent ground controls.

   b. Planimetric map of the mining site based on the aerial models with5 foot contours and drawn to a scale of 1 inch = 200 feet.

   Upon the written request of a mining operator or permittee, the Director of Department of Planning & Development Services may, for just cause and at his or her discretion, waive the requirement for the aerial photographs on an annual case-by-case basis, or may adjust the quarter of each year in which the aerial photographs are taken. Such request is required a minimum of 30 days prior to the required aerial photography.

9. The surface mining operator or permittee shall open a work authorization account with the Department of Planning & Development Services to pay for the County's expenses of performing the annual inspection and State reporting. The initial amount of the deposit shall be $2000.00, as established by the Board of Supervisors. Thereafter, the County shall notify the mining operator or permittee by billing, as required, of the amount of the charges incurred. The amount of the deposit required herein shall not be construed as a limitation of financial liability of the operator or permittee. If the Director of the Department of Planning & Development Services determines that the annual inspection should include volumetric calculations or a boundary survey, the cost for this work shall be charged against the work authorization account. Failure to pay any deficits of the work authorization account within 180 days will constitute a violation of this condition.

10. If, after inspecting the mining operation, the County determines that it does not comply with the Reclamation Plan, the County will notify the mining operator in writing of the non-compliance. The County shall give the mining operator a reasonable time, not to exceed 180 days, to comply. If at the end of this time the mining operation still does not comply with the Reclamation Plan, the County may require the mining operator to stop all or a part of the mining operation. Failure to comply with the Reclamation Plan shall be considered a violation of The Zoning Ordinance and Major Use Permit in accordance with the County of San Diego Regulatory Ordinance Section 87.106 and shall be deemed unlawful and a public nuisance. The County's finding of non-compliance with the Reclamation Plan may be appealed pursuant to Zoning Ordinance Sections 7200-7205.

11. All soil engineer's reports relative to the grading and compaction of the property shall be maintained and be made available to the Director of Planning & Development Services for review and approval prior to placement of any permanent structure on the property.

12. An annual inspection for compliance shall be conducted by the Director. The inspection must comply with Section 87.710 of Chapter 7 of Division 7 of Title 8 of the San Diego County Code of Regulatory Ordinance.

13. **TENSAR WALL (OR EQUIVALENT) REMOVAL [PDS:PPD]**
INTENT: In order to ensure the tensar wall does not remain at the site, the tensar wall shall be removed from the site prior to final reclamation. **DESCRIPTION OF REQUIREMENT:** The tensar wall shall be dismantled prior to final reclamation. All manufactured wall materials shall be removed from the site. **DOCUMENTATION:** No documentation is required. **TIMING:** Prior to final reclamation, the wall shall be dismantled and materials removed from the site. **MONITORING:** Site inspection by PDS personnel will be required to confirm the wall has been dismantled.

C. During mining of the rock face, the following continual reclamation requirements shall be in force and effect:

1. As a condition of operation, mining shall be conducted from the top down and from south to north or north to south along the face being worked. The working face shall be a maximum of 33 feet in height with a flat working bench below it. The flat working bench shall be 66 feet wide whenever possible. This will result in an interim benched slope configuration as mining proceeds downward at 33-foot intervals. A Registered Engineering Geologist (REG) or Geotechnical Engineer (GE) shall map the exposed rock surface on a quarterly basis. Inspection and mapping of the mining face may be more frequent as needed, depending on the field conditions. Each 33 foot vertical by 66 foot horizontal bench may only be removed following on-site inspection and in accordance with written recommendations of the REG or GE. No finished slope greater than 2:1 (horizontal to vertical) shall be established except in compliance with the recommendation of the REG or GE. The engineer or geologist shall record all inspections on a form satisfactory to the Department of Planning & Development Services and send a copy to the Codes Enforcement Division within one week of any inspection. The review of the reports associated with this condition will be considered a cost chargeable to the annual inspection deposit account.

2. As part of the on-going Reclamation Plan, the following mitigation shall be implemented: as the mining reaches the surface area which is to be the final reclaimed surface, the method of blasting hole placement and gradient will change. The final blasting pattern of this 33 foot high mining face shall consist of a random pattern of drill holes at variable depths and angles which would result in sculpting or irregular slopes surfaces with ledges of 2 to 12 foot wide, no greater than 66 feet long with no greater than 120 feet of vertical separation. This, in effect, will be a "sculpted" rock surface with ledges, nooks, and crannies designed to trap and hold soil (see Figure 8 of the Final Environmental Impact Report [FEIR)). The ledges shall also be angled towards the rock face so that 6-12 inches of soil can be installed. The resulting mining face shall have irregularly shaped ledges at varying height locations. After the sculpting blast but prior to the beginning of the reclamation process, the resulting mining face shall be inspected by a design professional (Le., landscape architect) to determine that the resulting mining face is natural looking consistent with the intent of the FEIR. The design professional shall then submit a letter to the Department of Planning & Development Services, with photographs, that the mining face does meet the intent of the FEIR. The Department of Planning & Development Services shall have final approval of the design of the resultant rock face.

3. Prior to blasting of the next working bench, the REG or GE shall decide if the final "sculpted" rock face is safe. If it is determined to be safe, the 33 foot freshly exposed face will be draped with anchored wire mesh prior to blasting of the next level as recommended by Cal/OSHA and the Mining Safety and Health Administration. Benching and/or rock anchors will be required where unfavorable stability conditions are encountered. The engineer or geologist shall record all inspections on a form satisfactory to the Department of Planning & Development Services and send a copy to the Code Enforcement Division within one week of any inspection. The wire mesh will be used and maintained as long as any mining activity is conducted at the base of the cut face. The applicant will be responsible for maintenance during the time the mining project is in existence. Any required subsequent maintenance would be the responsibility of the then current land user using a perpetual fund established by the applicant. If the area is used as open space, as proposed, the mesh would no longer be required and could be removed as part of reclamation.

4. After the completion of rock sculpting and the hanging of mesh on each 240 foot horizontal section of the final face, and after a sufficient distance of 240 feet is obtained from the adjacent working area, Permeon, a nontoxic rock stain consisting of iron salts, magnesium salts, and other trace elements shall be applied by a manufacturer trained professional. Additional staining may be required to be modified on completed sections of the final face in both vertical and horizontal directions to assure a natural looking face. Rock staining products equivalent to Permeon are allowable for use with prior approval from the Department of Planning & Development Services.

5. Soil shall be placed in the nooks and crannies and on the ledges, and hydroseeded. Wire mesh shall then be placed over the rock face and bolted down with rock bolts. This method allows for the mining face to be in constant reclamation. Table 1 of the Environmental Impact Report shows the hydroseed mix that shall be applied for reclamation of the mining face after soil is located to the ledges, nooks, and crannies.

6. As part of the on-going reclamation, an engineering geologist and a landscape architect shall determine the project's conformance with rock sculpting and determine the project's conformance with structural safety mitigation measures as identified in the Environmental Impact Report after the completion of the first section of final face consisting of 240 horizontal feet by 33 vertical feet. This inspection of the final face will continue every 240 feet along the first 2 working benches, and after it is determined the rock-sculpting program is in conformance with the Environmental Impact Report mitigation measures, additional inspections will occur on an annual basis in conjunction with the annual engineering report. If it is determined that sculpting and on-going reclamation is not in conformance with the Environmental Impact Report, changes will be required in the blasting, excavation design, and sequence of other reclamation components to achieve mitigation.

Irrespective to the conditions and approval of this Reclamation Plan, the applicant must comply with the County Code and the SMARA and any amendments thereto which pertain to this operation.

MAJOR USE PERMIT FINDINGS

MAJOR USE PERMIT P87-021RPL[2] FINDINGS

Pursuant to section 7358 of The Zoning Ordinance, the following findings in support of the granting of the Major Use Permit are made:

(a) The location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures with consideration given to

1. Harmony in scale, bulk, coverage, and density

The facts supporting Finding (a-1) are as follows:

Scale and Bulk - The project is located in an area comprised of heavy agricultural uses and a few residences. The surrounding topography includes steep slopes on either side of the San Luis Rey River. The steep slopes are covered with either natural vegetation and rock outcroppings, or groves. The proposed processing buildings will be similar in scale and bulk to agricultural buildings, such as barns and storage buildings. They will be painted in earthtone colors to reduce the plant's visibility. Intervening topography and a 30-foot high landscaped berm will screen the processing operations from the view of traffic on State Route 76 ("SR 76"), adjacent uses, residents, buildings, and structures. In regard to the scale and bulk of the proposed 700 foot high mining face, the continual reclamation process will ensure that it is visually compatible and in harmony with the surrounding natural features. The rock sculpting of the eastern face will provide irregularly shaped ledges at varying height and locations. This in turn allows for plantings to visually soften the excavated portions and the use of Permeon (non-toxic rock stain) will match variation of colors of adjoining rock surfaces.

Coverage - The 96-acre project site is completely surrounded by the 800 acre Pankey Ranch. It is located between two hills that form a small box canyon that provides isolation and separation from other land uses on the Ranch. This provides virtually total buffering of the processing facility from surrounding areas as well. The buffering is enhanced by the fact that actual mining and processing operations will take place on only 36 acres (or less than 38 percent) of the 96-acre project site. In the broader perspective, then, less than five percent of the entire Pankey Ranch will be subject to the mining and processing operation.

Density - The finding regarding "density" is not directly applicable to this type of project because no residential use is proposed.

2. The availability of public facilities, services and utilities.

   The facts supporting Finding (a-2) are as follows:

   The project site is near Interstate Highway 15 ("1-15") and accessible to it via SR 76. Access will be improved to the project and surrounding area as a result of the applicant's widening and improvement of 1.25 miles of SR 76 from 1-15 to the project entrance. Water is available through the San Luis Rey Municipal Water District and through the use of wells on the Pankey property. These resources historically have provided 1,000 to 1,800 acre-feet of groundwater per year. Sewage disposal will be through portable toilets, unless septic systems are approved by the Department of Environmental Health at a later date. Fire protection will be through the North County Fire Protection District.

3. The harmful effect, if any, upon desirable neighborhood character

   The facts supporting Finding (a-3) are as follows:

   The areas surrounding the project site are separated into four neighborhoods:
   a) the 800 acre Pankey Ranch property, including the project site and the San Luis Rey River; b) 1-15 Corridor to the west, including Lake Rancho Viejo, Pala Mesa, and Via Monserate residential neighborhoods; c) Rice Canyon to the northeast, with agriculture and scattered residences; and d) Couser Canyon to the east, with agricultural and scattered residences. The project impacts that could affect the character of these areas are noise, dust/air pollution, traffic, and visual quality. The effects of each of these impacts on the four neighborhoods are discussed below.

   Noise - The proposed project site is located on a steep hillside covered with rock outcroppings interspersed with chaparral. The project area is best characterized as rural and undeveloped. Many of the surrounding hillsides are planted with grove crops, and houses are scattered among the hillsides and flatter areas. Three of the houses are located in close proximity to SR76 between the project site and Interstate 15. One home is located on top of a knoll approximately 1,000 feet east of Interstate 15 and 400 feet south of SR76, and two existing farm worker homes are located on Pankey Ranch approximately 50 feet north of SR76 between the project site and Interstate 15. The primary source of noise in the project site vicinity is vehicular traffic along SR 76. The existing unattenuated noise levels due to traffic on SR 76 were calculated to be 70 dB(A) CNEL, at 50 feet from centerline (conditions are described in detail on page 158 of the EIR). The proposed project will increase vehicular traffic along SR 76. As part of the project, the applicant is proposing to expand and realign SR 76 from the site to Interstate 15. The alignment would primarily affect two existinq farm houses west of the project site. After the realignment, the distance from the farm houses to the highway would increase from approximately 50 feet to 135 feet for one house and to 250 feet for the other. Based upon an analysis of project generated increases in roadway noise (as described on page 161 of the EIR), the existing 70 dB(A) CNEL at 50 feet from the centerline of SR 76 would increase approximately 1 dB(A) to 71 dB(A) between the project site and Interstate 15. In community noise assessment, noise level increases greater than 3 dB(A) CNEL are often identified as significant, while changes less than 1

dB(A) are not discernible to local receptors. Therefore, an increase. of 1.0 dB(A) CNEL is not considered significant.

An increase in noise levels generated by the proposed mining operations would result from various sources, including excavation equipment, drilling, blasting, rock crushing and aggregate sizing operations, asphalt plant and concrete batch plant operations. Cumulative on-site noise levels were determined at the permit boundary (worst case noise levels were calculated at the north, south, east, and west Major Use Permit boundaries - see page 164 of the EIR). The project will comply with the average hourly 75-decibel (dBA) CNEL criteria. At the north, south and west permit boundary locations the noise would primarily be the result of excavation and drilling activities occurring in close proximity to the boundaries. The noise level at the eastern boundary would be primarily associated with the concrete batch plant, which located adjacent to the eastern boundary. The noise levels at the north, south and east permit boundary locations would exceed the currently allowed daytime hourly sound level limits of 50dB(A) Leqduring the entire life expectancy of the project. If, however, the project is approved as an extractive industry, then the applicable sound level limit would be 75 dB(A)Leq. There are lands zoned for residential development adjacent to the site which are under separate ownership than that of the mining property (more fully described on page 167 of the EIR). The noise level at this first potential residential site was calculated for cumulative on-site operations. The worst-case noise level would be an hourly LeqOf40dB (see Table 10 on page 167 of the EIR). This noise level would comply with the County's noise ordinance sound level limit for extractive industries, and would meet the County's Noise Element guidelines (60 dB(A) CNEL) for future residential development. Another property where future residential development may occur is to the northeast of the processing plant area. Noise levels from on-site operations could exceed the 60 dB(A) CNEL limit on this property. Should this remote area be developed prior to the completion of mining activities, additional noise mitigation measures could be required to meet County guidelines. The owners of this property understand this potential impact and have written a letter supporting this project (found at Appendix J to the EIR).

The EIR identifies one existing residence owned by William Pankey. This property will be significantly impacted on a short-term basis from initial mining operations. Mr. Pankey is the owner and lessor of the mining property and can affect the conduct of mining operations (e.g., hours of operation or equipments used) while this initial cut is being made. The resident of the home has indicated that they have no objection to this short-term noise impact. After the initial excavation is made, operations would be below grade and the worst-case conditions at the residence would no longer occur. The average hourly noise level after the initial excavation is made would be less than 60 dB(A) CNEL. As the excavation continues noise levels would eventually be below 50 dB CNEL. In sum, impacts from on-site operations are considered significant but mitigable. Noise sensitive receptors which would be significantly impacted during worst-case conditions include the Pankey residence and the vacant residential land located adjacent to the northeastern corner of the site. Mitigation for on-site noise consists of three general measures. The measures required would include the installation of noise control treatments, conducting noise tests on the equipment prior to start-up to ensure successful implementation a noise monitoring plan for the ongoing operation. With the

implementation of the ten mitigation measures set forth (found on page 169 of the EIR) the impacts from this project will be reduced to a level below significance.

Air Pollution/Dust - The project will generate emissions of dust particles during excavation, processing, and hauling and will generate gaseous pollutants in the preparation of asphalt and by combustion engines from vehicles involved in the process. The dust emissions will be mitigated by the operating conditions imposed on the project, including, but not limited to, fabric filtering systems, watering, and full enclosure of screens and secondary crushers. Gaseous pollutants emanating from the project site are minimal and do not exceed APCD standards for point source emissions. The utilization of Best Available Control Technology and compliance with all required County APCD measures will cause the combined PM10 emissions, including process emissions, fugitive emissions and haul road emissions, to fall below the applicable threshold of significance (100 pounds per day of 15 tons per year). The project will therefore, not result in any unmitigated significant impact on air quality. The determination by Environmental Management Associates, Inc. that the combined PM10 emissions from the project will be below the applicable threshold of significance (100 pounds per day or 15 tons per year) is supported by the Supplemental Information document in conjunction with the Final EIR. Accordingly, there will be no harmful effect on desirable neighborhood character due to dust particles or gaseous pollutants.

Traffic - The project is located on the north side of SR 76, approximately 1.25 miles east of 1-15. Both facilities are adequate to serve the project related traffic. The proposed project will add 514 Average Daily Trips (ADT) on SR 76, east to Interstate 15. The Level Of Service (LOS) will continue at acceptable levels (LOS 'C') with the additional project trips. Nevertheless, the project will realign and improve SR 76 from the project entrance west of 1-15. The improvements to SR 76 will be in accordance with CalTrans long-range plans for that highway. Conditions of project approval require that the improvements be completed before the project can commence commercial building operations. The project also will participate in the cost of traffic signalization at the intersections of: a) Gird Road at Pala Road (SR 76); b) Pala Road (SR 76) at Old Highway 395; and c) Couser Canyon Road at Pala Road (SR 76). Any cumulative impacts to traffic circulation contributed by this project will be fully mitigated by these improvements.

Visual Quality - The visual effects of the project vary depending on the neighborhood areas. Within the Pankey properties, views will be buffered by intervening topography, the 3D-foot high landscaped berm, and substantial setbacks from existing residences. Views of the processing plant and the mining face from the 1-15 Corridor will be blocked by the western and southwest-facing slopes of Rosemary's Mountain which will be retained. The mining face will be partially visible from Rice Canyon and fully visible from Couser Canyon. Agricultural activities are not dependent on preserving visual quality; therefore, the agricultural areas in the floodplain of Couser Canyon and Rice Canyon will not be impacted. The views from the residential portions of these neighborhoods will also not be harmful to the neighborhood character due to the following:

a. The mining face will be continually reclaimed in a manner that simulates other steep hillsides in the area through the use of rock sculpting, benching, revegetation, and the application of Permeon to the face of the excavation area.

b. Views of the mining face will be from a distance ranging from .25 mile to over 1.25 miles.

c. Views of the processing facility will be blocked by the 30-foot high landscaped berm.

4. The generation of traffic and the capacity and physical character of surrounding streets.

The facts supporting Finding (a-4) are as follows:

The project is located on the north side of SR 76, approximately 1.25 miles east of 1-15. Both facilities are adequate to serve project related traffic, which is 514 ADT. Nevertheless, the project will realign and improve SR 76 from the project entrance west to 1-15. The improvements to SR 76 will be in accordance with CalTrans' long-range plans for that highway. Conditions of project approval require that the improvements be completed before the project can commence commercial building operations. The project also will participate in the cost of traffic signalization at the intersections of: a) Gird Road at Pala Road (SR 76); b) Pala Road (SR 76) at Old Highway 395; and c) Couser Canyon Road at Pala Road (SR 76). Any cumulative impacts to traffic circulation contributed by this project will be fully mitigated by these improvements.

5. The suitability of the site for the type and intensity of use or development that is proposed.

The facts supporting Finding (a-5) are as follows:

The site has been found to be suitable for the type and extent of mining proposed due to the following factors:

a. The project site has immediate access to SR 76, which will eliminate potential impacts to residential roads from hauling of mined products.

b. The project site is within close proximity to 1-15 (1.25 miles), which allows ease of access to developing areas in North County.

c. The mining area and processing operation is buffered from a majority of the surrounding areas by a small box canyon and the 800-acre Pankey Ranch.

d. The project site has been classified by the California Department of Conservation, Division of Mines and Geology, as MRZ-2, an area of high quality mineral resource deposit (aggregate).

e. The processing area is large enough to accommodate the maximum number of trucks needed to meet demand. The project will have 514 ADT based on a monthly average. Under worst-case conditions, the ADT would be 966 (483 trucks loaded). Up to 12 trucks could be accommodated in a queue at the site. Based on the traffic studies as explained in the project Environmental Impact Report, the truck loading capacity would be twice the truck arrival capacity. This, coupled with the radio-

controlled truck dispatching which exists for the project, ensures that there would be no lineup of trucks awaiting access to the project site.

6. Any other relevant impact of the proposed use

   The facts supporting Finding (a-6) are as follows:

   No other relevant impacts have been identified.

(b) The impacts, as described in paragraph (a) of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.

The facts supporting Finding (b) are as follows:

Open Space Element - The project will retain 19.6 acres of the site as undisturbed open space and provide 74.6 acres of off-site open space as mitigation, in accordance with the Open Space Element.

Conservation Element - A significant percentage of the water used in the mining operations can be continuously recycled for use on the site. This will efficiently manage and reduce the amount of water that will be needed for the project. Runoff from the mining areas will be collected in a sedimentation pond within the property to prevent sedimentation in downstream areas. After the silt within the runoff has settled, the water will be available for reuse within the mining process. The project implements Mineral Policy 1 of the Conservation Element. When fully operational, the project will contribute 1.1 million tons annually to the supply of construction aggregate.

Land Use Element - The (18) Multiple Rural Land Use Designation of the Land Use Element indicates that no development should occur other than a single family home on an existing lot unless "the proposed development has been carefully examined to assure that there will be no significant adverse environmental impacts, erosion, and fire problems will be minimal, and no urban levels of service will be required." This finding can be made based on the following facts:

1. A Final EIR has been certified which, along with the Supplemental Information, indicate that all significant environmental impacts identified for the project, including erosion and fire impacts, will be mitigated.

2. No urban levels of services will be required. The estimated 51.4 acre-feet per year of groundwater demand by the project will be adequately provided by existinq resources within Pankey Ranch. Connection to a public sewer system is not proposed. A portion of the proposed improvements to SR 76 are offered by the applicant in response to existing safety concerns for the community and are consistent with CalTrans' long-range improvement plans. The project will create no demand for school facilities and can be adequately served by the North County Fire Protection District.

Fallbrook Communitv Plan - The project is consistent with the Fallbrook Community Plan.

a. The Fallbrook Community Plan includes an "Industrial Goal." It provides as follows:

"Fallbrook does not lend itself to large general industrial development due to large acreage, transportation and utility requirements. Also, the major goal of keeping this area as rural as possible is not compatible with increased *industrial* zoning.

"IT IS THE GOAL OF THE COUNTY OF SAN DIEGO TO LIMIT FUTURE INDUSTRIAL DEVELOPMENT TO THOSE AREAS ALREADY DESIGNATED FOR INDUSTRY AND TO KEEP THE DEVELOPMENT OF THIS LAND TO INDUSTRIES WHICH SERVE THE COMMUNITY AND ARE COMPATIBLE WITH THE COMMUNITY'S GENERAL GOAL OF PRESERVING RURAL CHARM AND VILLAGE ATMOSPHERE."

"Industrial Policies:

"1. Discourage the establishment of heavy or 'obnoxious' industries which create noise, dirt, air pollution or create congestion .... "

Facts supporting this Finding.

The Community Plan's Industrial Goal focuses on limiting "industrial zoning." The County's Zoning Ordinance, however, defines the Project as an Extractive Use Type, not an Industrial Use Type. (San Diego County Zoning Ordinance, §§ 1600-1630, 1800-1820.). Additionally, this policy only "discourages" the establishment of heavy or obnoxious industries; the policy in no way prohibits such industry. The Project does not involve the type of "industry" to which these policies relate ("heavy" or "obnoxious"), because numerous conditions of approval and mitigation measures have been imposed on the Project that will reduce to levels of insignificance the "noise, dirt, air pollution or "congestion" that the Project might have otherwise caused. Specifically, these conditions of approval and mitigation measures are:

a. The 60 decibel noise level will be exceeded only within the project site and surrounding properties owned by the applicant.

b. The existing 45-decibel noise levels in the surrounding areas will not be exceeded outside of the properties owned by the applicant by either plant operation or truck activity.

c. The batch plant operations will be enclosed.

d. All haul roads within the batch plant will be paved.

e. All stockpiles and conveyors will be watered.

f. Blasting will not create large dust clouds since blasting will be performed in solid rock using numerous low level charges to fracture rock instead of exploding material away from the hillside.

g. Traffic from the proposed project will be accommodated and the safety of the roadway upgraded as a result of the project's proposed realignment and improvement of SR 76.

b. The Fallbrook Community Plan also includes a "Circulation Element": "Policy 9.3 - Road shall be aligned to follow natural contours with minimum grading and minimum disturbance to the natural amenities of the community. *As an example:* roads through environmentally sensitive areas and areas of natural scenic beauty shall be avoided."

Facts supporting this Finding.

The overall" objective of the Community Plan's Circulation Element to "guide and encourage the development of a logical and balanced transportation network which will allow safe and efficient travel. .. "(Community Plan, p. 8 [emphasis added]). Another goal of the Community Plan's Circulation Element is to design roads to follow "existing alignments where *possible."* (Community Plan, p. 8 [emphasis added]).

The Project is consistent with the overall objectives of the Community Plan to "guide" and "encourage" the development of safe and efficient travel. The proposed road realignment will enter into environmentally sensitive lands, the EIR makes clear that these impacts, as mitigated, are not significant.

c. The Fallbrook Community Plan also includes a Floodplain and Open Space Goal:

"Preserve Natural Creek Channels

"Because:

"Preservation of areas in open space that are recognized as, valuable for conservation resources, open space type recreation, safety purposes, inappropriate for urbanization or required as buffers for urban development will also enhance physical, mental and spiritual well-being by providing opportunities for outdoor recreation and appreciation."

"IT IS THE GOAL OF THE COUNTY OF SAN DIEGO TO *ENCOURAGE* PRESERVATION, AS PERMANENT OPEN SPACE AREAS UNSUITABLE FOR INTENSE DEVELOPMENT."

"Open Spaceand Floodplain Policies:

"1. Floodplains and natural stream courses should be preserved in permanent open space and uses limited to recreational or light agricultural uses ... "

Facts supporting this Finding.

The Project is consistent with this discretionary policy of "encouraging" preservation of open space because the Project will retain 19.6 acres of the site as undisturbed open space and provide 74.6 acres of off-site open space as mitigation.

The Project is consistent with the FCP objective of preserving floodplains and natural stream courses because the project was determined by an HEC-2 analysis to result in an insignificant impact to the floodplain even during a 100-year flood event.

d. "General Goal:

A. General Goal

"Because:

"1) Fallbrook currently has a unique village atmosphere characterized by predominantly low density residential and agricultural uses ....

* * *

"IT IS THE GOAL OF THE COUNTY OF SAN DIEGO TO PERPETUATE THE EXISTING RURAL CHARM AND VILLAGE ATMOSPHERE WHILE ACCOMMODATING GROWTH IN SUCH A MANNER THAT IT WILL COMPLIMENT THE ENVIRONMENT OF FALLBROOK."

Facts supporting this Finding.

The Project is located in the easternmost reaches of the Fallbrook Community Plan Area, and is isolated from the balance of the Community Plan Area by 1-15, an eight-lane highway slightly over one mile west of the Project site. The Fallbrook "town center" is approximately ten miles from the Project site over mountainous terrain. The community character section of the Final EIR concludes that the Project's impacts on Fallbrook are fully mitigated.

e. Residential Goal:

"IT IS THE GOAL OF THE COUNTY OF SAN DIEGO TO PROVIDE THE ENABLING REGULATIONS NECESSARY TO PERMIT A VARIETY OF HOUSING TYPES TO ACCOMMODATE THE FORECAST POPULATION INCREASE WHILE RETAINING THE RUSTIC CHARM OF THE PRESENT LIVING ENVIRONMENT:

"Residential policies

"2. The use of open space architecture and building materials which are in harmony with the natural environment. ..

"3. Grading, for residential development, should not unduly disrupt the natural terrain, or cause problems associated with runoff, drainage, erosion or siltation.

"6. Planned developments which are sensitive to topographical restraints, and permit a more creative or imaginative development design that is generally possible through standard subdivisions should be encouraged."

Facts supporting this Finding.

These "residential" goals and policies are inapplicable to the Project because it is not residential in character. The Project, however, would not violate these policies even if they were applicable. The Project does not propose unduly disruptive grading, which is discouraged, though not prohibited by the policies. The mining plan and reclamation

strategy call for working below the ridgeline in order to minimize visual impacts, and for a combination of rock sculpting, benching, revegetating the mine face, and staining the face of the extraction areas with Permeon as described in the Final EIR.

f. "Business Goal:

"3. Commercial development should not be allowed to interfere either functionally or visually with adjacent non-commercial land uses."

Facts supporting this Finding.

The County has imposed specific mitigation measures to ensure that the Project's impacts will not interfere with, and will be compatible with, adjacent uses, residents, buildings and structures. will not interfere with, and will be compatible with, adjacent uses, residents, buildings and structures.

g. "Communitv Beautification and Design Goal:

"Because on-going community beautification and sensitive design will enhance the total living environment through physical and aesthetic improvement of the community image and quality of life;

"IT IS THE GOAL OF THE COUNTY OF SAN DIEGO TO ENCOURAGE SENSITIVE DESIGN FOR ALL NEW DEVELOPMENT WITHIN FALLBROOK, AS WELL AS ENCOURAGE THE UPGRADING AND BEAUTIFICATION OF EXISTING DEVELOPMENT.

"Policies

* * *

"9. Development which impacts the ridgeline silhouettes should be *discouraged.* "

Facts supporting this Finding.

The County as well as Palomar Aggregates, Inc., has made overwhelming efforts to design the Project in as environmentally sensitive a manner as possible. The Project has been modified to preserve the mountain's entire west-facing slope. Additionally, there will be no development on the ridgeline of the mountain; therefore, the Project will not "impact" any "ridgeline silhouettes."

h. "1-15 Corridor Scenic Preservation Guidelines:

"I. SITE DESIGN

"A. Site Planning Standards

"1. Individual projects shall reinforce the character of the sites, the attributes of adjacent project and preserve the viewsheds, natural topographic features, and natural watercourses.

* * *

"5. Ridgeline projects can be highly sensitive and are generally *discouraged;*

"a. Ridgeline project shall maintain a low profile appearance and the natural physical character of the ridgeline shall be substantially maintained;

"B. Parking and Circulation Design Standards:

* * *

"2. Project entries shall provide for safe and efficient circulation;

"a. Project entries and the transition from major circulation routes into the project interior shall be accomplished through the use of landforms, open space, landscaping plantings and architectural elements (Le., walls, signs, etc.);

* * *

"F. Development Standards for Steep Topography and Natural Features:

"1. Extensive grading of slope areas within viewsheds shall be minimized;

* * *

"7. Natural *watercourses* shall be *protected* and existing watershed and groundwater resources shall be conserved."

Facts supporting this Finding.

The 1-15 Corridor Design Review Board took into consideration the whole aesthetic and design and environmental effects of the Project. The Review Board unanimously found that the Project conformed to all of the design guidelines because, among other things, the Project would retain the entire western- and southwestern-facing slopes of Rosemary's Mountain, resulting in no significant visual impacts to the 1-15 Corridor, noise and dust will be controlled in a comprehensive manner, and significant steps have been taken to screen the operation from the SR 76 Corridor by berming.

(c) That the requirements under the California Environmental Quality Act have been complied with.

The facts supporting Finding (c) are as follows:

1. A Draft EIR has been prepared for the revised project and advertised on April 16, 1996 (45 days). The EIR concludes that with the revised project and proposed mitigation measures all of the significant environmental impacts can be mitigated.

2. Letters and responses to public and other agency comment have been included in the EIR and Supplemental Information document, which is part of the Addendum to the final EIR.

3. A Final EIR, along with the Addendum, have been prepared and included in the staff report which makes the necessary environmental findings. The Board of Supervisors has reviewed and considered the information contained therein prior to approving the project.

MAJOR USE PERMIT MODIFICATION P87-021W[1] FINDINGS

Pursuant to Section 7358 (see Section 7359 for findings required for permits filed pursuant to Regional Land Use Element 3.8) of The Zoning Ordinance, the following findings in support of the granting of the Major Use Permit Modification #1 are made:

(a) The location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures with consideration given to

1. Harmony in scale, bulk, coverage, and density

The fact supporting Finding (a-1) is as follows:

This modification to the permit will result in slightly larger footprint of mining (37.97 acres compared to the originally approved 36 acres) and slightly more permitted materials to be excavated (24,000,000 tons compared to the originally approved 22,000,000 tons). The scale, bulk, coverage, and density findings are as follows:

Scale and Bulk - The project is located in an area comprised of agricultural uses and a few residences. The surrounding topography includes steep slopes on either side of the San Luis Rey River. The steep slopes are covered with either natural vegetation and rock outcroppings, or groves. The proposed processing buildings will be similar in scale and bulk to aqricultural buildings, such as barns and storage buildings. They will be painted in earthtone colors to reduce the plant's visibility. Intervening topography and a 30-foot high landscaped berm has been installed to screen the processing operations from the view of traffic on State Route 76 ("SR 76"), adjacent uses, residents, buildings, and structures. In regard to the scale and bulk of the proposed 700 foot high mining face, the continual reclamation process will ensure that it is visually compatible and in harmony with the surrounding natural features. The rock sculpting of the eastern face will provide irregularly shaped ledges at varying height and locations. This in turn allows for plantings to visually soften the excavated portions and the use of Permeon (non-toxic rock stain) will match variation of colors of adjoining rock surfaces.

Coverage - The 96-acre project site is completely surrounded by the 800 acre Pankey Ranch. It is located between two hills that form a small box canyon that provides

isolation and separation from other land uses on the Ranch. This provides virtually total buffering of the processing facility from surrounding areas as well. The buffering is enhanced by the fact that actual mining and processing operations will take place on only 37.97 acres (or less than 40 percent) of the 96-acre project site. In the broader perspective, then, less than five percent of the entire Pankey Ranch will be subject to the mining and processing operation.

Density - The finding regarding "density" is not directly applicable to this type of project because no residential use is proposed.

2. *The availability of public facilities, services, and utilities*

The fact supporting Finding (a-2) is as follows:

The project site is near Interstate Highway 15 (1-15) and is accessible to it via SR 76. Access has been improved to the project and surrounding area as a result of the applicant's widening and improvement of 1.25 miles of SR 76 from 1-15 to the project entrance. Water is available through the use of wells on the Pankey property. These resources historically have provided 1,000 to 1,800 acre-feet of groundwater per year. Sewage disposal will be through portable toilets, unless septic systems are approved by the Department of Environmental Health at a later date. Fire protection will be through the North County Fire Protection District.

3. *The harmful effect, if any, upon desirable neighborhood character:*

The fact supporting Finding (a-3) is as follows:

This modification to the permit would consist of extending the quarry's hours of operation on weekdays to include night-time operations and Saturdays (it should be noted that although the hours of operation are being extended, no additional trips or activity are expected on a daily basis, rather operations would be spread out over the course of the day). The modification of the permit also includes the use of traditional heavy-duty construction equipment in lieu of an electric shovel and conveyor during project operations. The modification would not increase traffic or visual impacts. Air quality and noise impacts were evaluated to take into consideration these changes and are discussed below.

Air Quality: An Air Quality Evaluation was prepared to provide analysis of the emissions resulting from additional heavy-duty construction equipment that was not included in the previous EIR. The Air Quality Evaluation concludes that the project's operational emissions with these changes would be below the County of San Diego PDS's screening level thresholds for volatile organic compounds (VOC), oxides of nitrogen (NO_X), carbon monoxide (CO), oxides of sulfur (SO_X), respirable particulate matter (PM_{10}), and fine particulate matter ($PM_{2.5}$). The impact to regional air quality would be less than significant. Therefore, no new environmental impacts associated with air quality would occur and no revisions to the previous EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required.

Noise: A Noise Study was prepared to provide analysis of the noise impacts resulting from additional heavy-duty construction equipment that was not included in the previous EIR. Existing noise sensitive land uses (NSLU) surround the project site with the nearest residence located approximately 500 feet from the newly proposed limit of work. This residence is denoted as N6 Pankey Residence. The Pankey Residence is considered the worst-case existing noise sensitive receptor closest to the project site. The residence would be exposed to project related noise levels of 48 dBA CNEL which is well below the 60 dBA CNEL Noise Element requirement.

The project is also subject to the County Code Noise Ordinance which regulates noise levels at the project property line to 75 dBA. The northern and western project boundary lines were evaluated as the worst-case locations associated with the project and on-site operations. The operational activities associated with the project would produce a noise level of 55 dBA at the northern property line and 67 dBA at the western property line. Both of these property line noise levels are well below the 75 dBA requirement. The project changes from the previously analyzed environmental document are considered less than signification and the project currently demonstrates consistency with the County Noise Element and County Noise Ordinance.

4. *The generation of traffic and the capacity and physical character of surrounding streets:*

The fact supporting Finding (a-4) is as follows:

This modification of the permit will not increase the generation of traffic from what was previously analyzed in the certified EIR. The project is located on the north side of SR 76, approximately 1.25 miles east of 1-15. Both facilities are adequate to serve project related traffic, which is 514 ADT. Nevertheless, the project realigned and improved SR 76 from the project entrance west to 1-15. The improvements to SR 76 were in accordance with CalTrans' long-range plans for that highway. Conditions of project approval required that the improvements be completed before the project could commence commercial building operations. The project also will participate in the cost of traffic signalization at the intersections of: a) Gird Road at Pala Road (SR 76); b) Pala Road (SR 76) at Old Highway 395; and c) Couser Canyon Road at Pala Road (SR 76). Any cumulative impacts to traffic circulation contributed by this project will be fully mitigated by these improvements.

5. *The suitability of the site for the type and intensity of use or development, which is proposed:*

The fact supporting Finding (a-5) is as follows:

No increase in the type or intensity of use or development is being proposed with this modification to the permit. The site has previously been found to be suitable for the type and extent of mining proposed due to the following factors:

a. The project site has immediate access to SR 76, which will eliminate potential impacts to residential roads from hauling of mined products.

b. The project site is within close proximity to 1-15 (1.25 miles), which allows ease of access to developing areas in North County.

c. The mining area and processing operation is buffered from a majority of the surrounding areas by a small box canyon and the 800-acre Pankey Ranch.

d. The project site has been classified by the California Department of Conservation, Division of Mines and Geology, as MRZ-2, an area of high quality mineral resource deposit (aggregate).

e. The processing area is large enough to accommodate the maximum number of trucks needed to meet demand. The project will have 514 ADT based on a monthly average. Under worst-case conditions, the ADT would be 966 (483 trucks loaded). Up to 12 trucks could be accommodated in a queue at the site. Based on the traffic studies as explained in the project Environmental Impact Report, the truck loading capacity would be twice the truck arrival capacity. This, coupled with the radio-controlled truck dispatching which exists for the project, ensures that there would be no lineup of trucks awaiting access to the project site.

6. *Any other relevant impact of the proposed use:*

The facts supporting Finding (a-6) are as follows:

This modification to the permit will allow night-time operations which will include outdoor lighting. A Site Lighting Photometric Plan was prepared which was found to comply with the County Lighting Ordinance 59.101 et seq. and Zoning Ordinance Sections 6322, 6324, and 6326.

(b) The impacts, as described in Findings (a) above, and the location of the proposed use will be consistent with the San Diego County General Plan:

The Rosemary's Mountain Quarry operations are consistent with the A70 and A72 zoning of the site through the Major Use Permit process, and the A70 and A72 zoning is in turn consistent with the Rural Lands (RL-40) Designation of the San Diego County General Plan.

(c) That the requirements of the California Environmental Quality Act have been complied with:

The facts supporting Finding (c) are as follows:

1. An EIR for Rosemary's Mountain Quarry, Major Use Permit P87-021 and Reclamation Plan RP87-001 was certified by the Board of Supervisors on March 5, 1997. The certified EIR found significant effects to traffic/circulation, biology, visual/aesthetics, noise, air quality, hydrology/erosion control, land use/community character, public safety, dark skies, and cumulative impacts. These effects were determined to be mitigated or avoided to a level below significance.

2. An Addendum to the EIR for the Palomar Aggregates Quarry project was certified by the Board of the Supervisors on October 9, 2012. The Addendum was completed in

compliance with CEQA and the California Court of Appeal, Fourth Appellate District, Division One decision dated December 22, 1999 (San Diego Superior Court Case Number 709480). The EIR and Addendum are on file in the Department of Planning & Development Services as Log No. 87-2-13.

3. An Addendum to the EIR has been prepared and included in the staff report which makes the necessary environmental findings for this modification.

MAJOR USE PERMIT MODIFICATION P87-021W^2 FINDINGS

Pursuant to Section 7358 (see Section 7359 for findings required for permits filed pursuant to Regional Land Use Element 3.8) of The Zoning Ordinance, the following findings in support of the granting of the Major Use Permit Modification #2 are made:

(a) The location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures with consideration given to

1. Harmony in scale, bulk, coverage, and density

The fact supporting Finding (a-1) is as follows:

This modification to the permit will result in slightly larger footprint of mining (48.32 acres compared with the the existing approved 37.97 acres). However, the amount of material to be excavated from the site remains the same (24,000,000 tons). The scale, bulk, coverage, and density findings are as follows:

Scale and Bulk - The project is located in an area comprised of agricultural uses and a few residences. The surrounding topography includes steep slopes on either side of the San Luis Rey River. The steep slopes are covered with either natural vegetation and rock outcroppings, or groves. The proposed processing buildings will be similar in scale and bulk to agricultural buildings, such as barns and storage buildings. Intervening topography and a 30-foot high landscaped berm has been installed to screen the processing operations from the view of traffic on State Route 76 ("SR 76"), adjacent uses, residents, buildings, and structures. In regard to the scale and bulk of the proposed 600-foot high mining face, the continual reclamation process will ensure that it is visually compatible and in harmony with the surrounding natural features. The rock sculpting of the eastern face will provide irregularly shaped ledges at varying height and locations. This in turn allows for plantings to visually soften the excavated portions and the use of Permeon (non-toxic rock stain) will match variation of colors of adjoining rock surfaces. The portion of the modification which would make a noticeable aesthetic change is the addition of an 80-foot tall tensar wall and 90-foot tall batching silo. The tensar wall shall be designed to have colors, topopography, and visual characteristics of the surrounding hills and landscape. The batch plant will be painted a non-reflective earth tone color. The wall and silo would be visible from State Route 76 when driving towards the east, which is designated as a Scenic Highway per the County of San Diego General Plan. However, with the berm and mountainous topography at the entrance of the site, visibility is limited to less than 3 seconds when driving the posted speed limit.

Coverage - The 103.63-acre project site is completely surrounded by the 800 acre Pankey Ranch. It is located between two hills that form a small box canyon that provides isolation and separation from other land uses on the Ranch. This provides virtually total buffering of the processing facility from surrounding areas. The buffering is enhanced by the fact that actual mining and processing operations will take place on only 48.32 acres (or less than 50 percent) of the 103.63-acre project site. In the broader perspective, then, approximately six percent of the entire Pankey Ranch will be subject to the mining and processing operation.

Density - The finding regarding "density" is not directly applicable to this type of project because no residential use is proposed.

2. *The availability of public facilities, services, and utilities*

The fact supporting Finding (a-2) is as follows:

The project site is near Interstate Highway 15 (1-15) and is accessible to it via SR 76. Access has been improved to the project and surrounding area as a result of the applicant's widening and improvement of 1.25 miles of SR 76 from 1-15 to the project entrance. Water is available through the use of wells on the Pankey property. These resources historically have provided 1,000 to 1,800 acre-feet of groundwater per year. Sewage disposal will be through portable toilets, unless septic systems are approved by the Department of Environmental Health at a later date. Fire protection will be through the North County Fire Protection District.

3. *The harmful effect, if any, upon desirable neighborhood character:*

The fact supporting Finding (a-3) is as follows:

The modification of the permit includes an increase in the surface area of the site preparation phase of mining and inclusion of an 80-foot tall tensar wall and 90-foot tall batching silo. The modification would result in an increase of on-site grading but not an increase of excavated material leaving the site. The modification would not increase traffic impacts. Aesthetics, air quality and noise impacts were evaluated to take into consideration these changes and are discussed below.

Aesthetics: Based on photo simulations provided by the applicant of the proposed tensar wall and batching silo, the project has been determined to be compatible with the existing visual environment in terms of visual character and quality for the following reasons: the tensar wall would be textured and designed to mimic the natural topography of the surrounding landform, and the silo would be painted in earth tone color to match the background. The wall and silo can only be seen by motorists traveling east bound along State Route 76, due curvature of the roadway, angle of the entryway, the existing berm on-site adjacent to the roadway, and the setback of the wall and silo. The amount of time the wall and silo would be visible to motorists traveling east bound is less than 3 seconds based on the posted speed limit of 55 miles per hour. Additionally, the quarry has been in operation for 6 years, and the use is established

along this section of State Route 76. The project has been conditioned that the tensar wall and batch plant silo would be removed prior to final reclamation of the site.

Air Quality: An Air Quality Evaluation was prepared to provide analysis of the emissions resulting from the increase of the on-site grading activities associated with the increase in the mine footprint of 10.35 acres. The Air Quality Evaluation concludes that the project's operational emissions with these changes would be below the County of San Diego PDS's screening level thresholds for volatile organic compounds (VOC), oxides of nitrogen (NO_X), carbon monoxide (CO), oxides of sulfur (SO_X), respirable particulate matter (PM_{10}), and fine particulate matter ($PM_{2.5}$). The impact to regional air quality would be less than significant. In fact, due to limitations on equipment numbers and equipment operators, grading/excavation activities onsite would result in a reduction in air emissions compare to the previously adopted EIR. More specifically, the EIR assumed that all activities (e.g., materials processing, material hauling, grading, material movement, and stockpiling) would take place simultaneously. But due to the nature and location of these activities and the amount of equipment available they would not occur simultaneously and therefore would be reduced. Therefore, no new environmental impacts associated with air quality would occur and no revisions to the previous EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required.

Noise: A Noise Study was prepared to provide analysis of the noise impacts resulting from expansion of the additional extraction boundary by 10.35 acres to relocate crushing/screening equipment and plant operations.

The noise activities associated with grading and site preparation are subject to the temporary construction noise requirement of 75 dBA eight hour average (Leq) at the nearest occupied property line. Operational noise associated with the project is subject to the same 75 dBA at the nearest property line however with a one-hour average Leq. Both scenarios have been assessed based on the worst-case property line located to the north where an existing residential dwelling unit is located. Both requirements for temporary construction preparation and on-going operational activities with the crushing and screening plant would demonstrate compliance with the 75 dBA property line standard along the northern boundary line. To ensure the project would continue to comply with County noise standards, the crushing and screening operations would be conditioned to setback operations by specified distances from these occupied property lines. The project changes associated with this Major Use Permit Modification is not significant. The noise operations associated with this Modification would be less than significant with the appropriate noise measure incorporated. The project changes to increase the MUP boundary foot print and relocate the crushing/screening plant would not result in a substantially more severe noise condition as the project would continue to demonstrate noise ordinance compliance.

4. *The generation of traffic and the capacity and physical character of surrounding streets:*

The fact supporting Finding (a-4) is as follows:

This modification of the permit will not increase the generation of traffic from what was previously analyzed in the certified EIR. The project is located on the north side of SR 76, approximately 1.25 miles east of 1-15. Both facilities are adequate to serve project

related traffic, which is 514 ADT. Nevertheless, the project realigned and improved SR 76 from the project entrance west to 1-15. The improvements to SR 76 were in accordance with CalTrans' long-range plans for that highway. Conditions of project approval required that the improvements be completed before the project could commence commercial building operations. The project also will participate in the cost of traffic signalization at the intersections of: a) Gird Road at Pala Road (SR 76); b) Pala Road (SR 76) at Old Highway 395; and c) Couser Canyon Road at Pala Road (SR 76). Any cumulative impacts to traffic circulation contributed by this project will be fully mitigated by these improvements.

5. *The suitability of the site for the type and intensity of use or development, which is proposed:*

The fact supporting Finding (a-5) is as follows:

No increase in the type or intensity of use or development is being proposed with this modification to the permit. The site has previously been found to be suitable for the type and extent of mining proposed due to the following factors:

a. The project site has immediate access to SR 76, which will eliminate potential impacts to residential roads from hauling of mined products.

b. The project site is within close proximity to 1-15 (1.25 miles), which allows ease of access to developing areas in North County.

c. The mining area and processing operation is buffered from a majority of the surrounding areas by a small box canyon and the 800-acre Pankey Ranch.

d. The project site has been classified by the California Department of Conservation, Division of Mines and Geology, as MRZ-2, an area of high quality mineral resource deposit (aggregate).

e. The processing area is large enough to accommodate the maximum number of trucks needed to meet demand. The project will have 514 ADT based on a monthly average. Under worst-case conditions, the ADT would be 966 (483 trucks loaded). Up to 12 trucks could be accommodated in a queue at the site. Based on the traffic studies as explained in the project Environmental Impact Report, the truck loading capacity would be twice the truck arrival capacity. This, coupled with the radio-controlled truck dispatching which exists for the project, ensures that there would be no lineup of trucks awaiting access to the project site. Additionally, with expansion of the site preparation area of 10.35 acres in the northern portion of the site would allow for additional trucks beyond the 12 trucks that could already be accommodated.

6. *Any other relevant impact of the proposed use:*

The facts supporting Finding (a-6) are as follows:

This modification to the permit will allow night-time operations which will include outdoor lighting. A Site Lighting Photometric Plan was prepared which was found to comply with the County Lighting Ordinance 59.101 et seq. and Zoning Ordinance Sections 6322, 6324, and 6326.

(b) The impacts, as described in Findings (a) above, and the location of the proposed use will be consistent with the San Diego County General Plan:

The Rosemary's Mountain Quarry operations are consistent with the A70 and A72 zoning of the site through the Major Use Permit process, and the A70 and A72 zoning is in turn consistent with the Rural Lands (RL-40) Designation of the San Diego County General Plan.

(c) That the requirements of the California Environmental Quality Act have been complied with:

The facts supporting Finding (c) are as follows:

1. An EIR for Rosemary's Mountain Quarry, Major Use Permit P87-021 and Reclamation Plan RP87-001 was certified by the Board of Supervisors on March 5, 1997. The certified EIR found significant effects to traffic/circulation, biology, visual/aesthetics, noise, air quality, hydrology/erosion control, land use/community character, public safety, dark skies, and cumulative impacts. These effects were determined to be mitigated or avoided to a level below significance.

2. An Addendum to the EIR for the Palomar Aggregates Quarry project was certified by the Board of the Supervisors on October 9, 2002. The Addendum was completed in compliance with CEQA and the California Court of Appeal, Fourth Appellate District, Division One decision dated December 22, 1999 (San Diego Superior Court Case Number 709480). The EIR and Addendum are on file in the Department of Planning & Development Services as Log No. 87-2-13.

3. An addendum to the EIR prepared for modification to Major Use Permit P87-021 and Reclamation Plan RP87-001 for the Rosemary's Mountain Quarry was certified by the Planning Commission on August 24, 2012. The Addendum is on file with the Department of Planning & Development Services as Log No. 87-020-13A.

4. An Addendum to the EIR has been prepared and included in the staff report which makes the necessary environmental findings for this second modification of Major Use Permit P87-021 and Reclamation Plan P87-001.

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ORDINANCE COMPLIANCE AND NOTICES: The project is subject to, but not limited to the following County of San Diego, State of California, and US Federal Government, Ordinances, Permits, and Requirements:

DEFENSE OF LAWSUITS AND INDEMNITY: The applicant shall: (2) defend, indemnify and hold harmless the County, its agents, officers and employees, from any claim, action or proceeding against the County, its agents, officers or employees to attack, set aside, void or

annul this approval or any of the proceedings, acts of determination taken, done or made prior to this approval; and (2) reimburse the County, its agents, officers and employees for any court costs and attorney's fees which the County, its agents or officers or employees may be required to pay as a result of this approval. At its sole discretion, the County may participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any obligation imposed by this condition. The County shall notify the applicant promptly of any claim or action and cooperate fully in the defense.

LIGHTING ORDINANCE COMPLIANCE: In order to comply with the County Lighting Ordinance 59.101 et seq. and Zoning Ordinance Sections 6322, 6324, and 6326, the onsite lighting shall comply with the approved plot plan(s), specific permit conditions and approved building plans associated with this permit. All light fixtures shall be designed and adjusted to reflect light downward, away from any road or street, and away from adjoining premises, and shall otherwise conform to the County Lighting Ordinance 59.101 et seq. and Zoning Ordinance Sections 6322, and 6324. The property owner and permittee shall conform to the approved plot plan(s), specific permit conditions, and approved building plans associated with this permit as they pertain to lighting. No additional lighting is permitted. If the permittee or property owner chooses to change the site design in any away, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance.

COMPLIANCE INSPECTION: In order to comply with Zoning Ordinance Section 7362.e the County shall inspect the Use Permit property for compliance with the terms of this Use Permit. The County Permit Compliance Officer will perform a site inspection and review the on-going conditions associated with this permit. The inspection shall be scheduled no later than the six months subsequent to establishing the intended use of the permit. If the County determines the applicant is not complying with the Major Use Permit terms and conditions the applicant shall allow the County to conduct follow up inspections more frequently than once every twelve months until the County determines the applicant is in compliance. The Property Owner/Permitee shall allow the County to inspect the property for which the Major Use Permit has been granted, at least once every twelve months, to determine if the Property Owner/Permitee is complying with all terms and conditions of the Use Permit. This requirement shall apply during the term of this permit.

CONSTRUCTION PERMIT REQUIRED: A Construction Permit and/or Encroachment Permit for any and all work within the County road right-of-way. Contact DPW Construction/Road right-of-way Permits Services Section, (858) 694-3275, to coordinate departmental requirements. In addition, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove plant or trim shrubs or trees from the Permit Services Section.

ENCROACHMENT PERMIT REQUIRED: An Encroachment Permit from the Department of Public Works for any and all proposed/existing facilities within the County right-of-way. Pala Road (SR 76) is shown as a Major Road with Bike Lanes on the Circulation Element of the County General Plan. At the time of construction of future road improvements, the proposed facilities shall be relocated at no cost to the County, to the satisfaction of the Director of Public Works.

EXCAVATION PERMIT REQUIRED: Obtain an excavation permit from the County Department of Public Works for undergrounding and/or relocation of utilities within the County right-of-way.

NOTICE: The subject property contains an existing Biological Opinion (BO) issued by the Fish and Wildlife Service on July 27, 2007. One of the biological conditions concerning least Bell's vireo is proposed to be removed. This condition is required to be removed from the BO. It is the applicant's responsibility to consult the following agencies; U.S. Army Corps of Engineers and Fish and Wildlife Service to amend the BO and remove the condition.

NOTICE: The subject property contains wetlands, lakes, streams, and/or waters of the U. S. which may be subject to regulation by State and/or federal agencies, including, but not limited to, the Regional Water Quality Control Board, U.S. Army Corps of Engineers and the California Department of Fish and Game. It is the applicant's responsibility to consult each agency to determine if a permit or agreement is required and to obtain all necessary permits and/or agreements prior to commencement of any activity which could impact State and federally regulated wetlands, lakes, streams, and/or waters of the U.S.

NOTICE: THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.

NOTICE - This subject property is known to contain Coastal sage scrub plant community. Such plant community is habitat for the coastal California gnatcatcher. The Federal government recently listed the gnatcatcher as a threatened species under the Federal Endangered Species Act of 1973 (16 U.S. C. Section 1531 et seq.). THE LISTING MAY RESULT IN AN APPLICANTS INABILITY TO PROCEED WITH HIS/HER PROJECT WITHOUT A PERMIT FROM THE FEDERAL GOVERNMENT IF THE SPECIES OR ITS HABITAT ARE PRESENT ON THE PROJECT SITE. It is advisable to contact the United States Fish and Wildlife Service to determine the applicability of the prohibitions under the Act to each applicant's property. THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE OR COUNTY LAWS, ORDINANCES, REGULATIONS OR POLICIES INCLUDING, BUT NOT LIMITED TO THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.

EXPLANATION OF COUNTY DEPARTMENT AND DIVISION ACRONYMS			
Department of Planning & Development Services	**PDS**	**Department of Public Works**	**DPW**
Project Planning Division	PPD	Land Development Project Review Teams	LDR
Permit Compliance Coordinator	PCC	Project Manager	PM
Building Plan Process Review	BPPR	Plan Checker	PC
Building Division	BD	Map Checker	MC
Building Inspector	BI	Private Development Construction Inspection	PDCI
Landscape Architect	LA	Environmental Services Unit Division	ESU
Zoning Counter	ZO		
Department of Environmental Health	**DEH**	**Department of Parks and Recreation**	**DPR**
Land and Water Quality Division	LWQ	Trails Coordinator Group Program Manager Parks Planner	TC GPM PP
Vector Control	VCT	**Department of General Service**	**DGS**
Local Enforcement Agency	LEA	Real Property Division	RP
Hazmat Division	HMD		

APPEAL PROCEDURE: Within ten calendar days after the date of this Decision of the Planning Commission, the decision may be appealed to the Board of Supervisors in accordance with Section 7366 of the County Zoning Ordinance. An appeal shall be filed with the Director of Planning & Development Services or by mail with the Secretary of the Planning Commission within TEN CALENDAR DAYS of the date of this notice AND MUST BE ACCOMPANIED BY THE DEPOSIT OR FEE AS PRESCRIBED IN THE DEPARTMENT'S FEE SCHEDULE, PDS FORM #369, pursuant to Section 362 of the San Diego County Administrative Code. If the tenth day falls on a weekend or County holiday, an appeal will be accepted until 4:00 p.m. on the following day the County is open for business. Filing of an appeal will stay the decision of the Director until a hearing on your application is held and action is taken by the Planning Commission. Furthermore, the 90-day period in which the applicant may file a protest of the fees, dedications or exactions begins on the date of approval of this Decision.

COUNTY OF SAN DIEGO PLANNING COMMISSION
MARK WARDLAW, SECRETARY

BY:
Sami Real, Chief
Project Planning Division
Department of Planning & Development Services

cc: Gary Nolan, Granite Construction, Inc. 5606 Pala Road (Highway 76), Fallbrook, California 92028
Dennis Fransway, EnviroMINE, Inc. 3511 Camino Del Rio South, Suite 403, San Diego, CA 92108

email cc:
Ed Sinsay, Team Leader, Department of Public Works
Donna Beddow, Planning Manager, Department of Planning & Development Services

Attachment C – Environmental Documentation

County of San Diego

MARK WARDLAW
DIRECTOR
PHONE (858) 694-2962
FAX (858) 694-2555

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
www.sdcounty.ca.gov/pds

DARREN GRETLER
ASSISTANT DIRECTOR
PHONE (858) 694-2962
FAX (858) 694-2555

AN ADDENDUM TO THE PREVIOUSLY ADOPTED NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT FOR PALOMAR AGGREGATES QUARRY 3300 87-021 (MUP), 3310 87-001 (RP) FOR PURPOSES OF CONSIDERATION OF ROSEMARY'S MOUNTAIN QUARRY MAJOR USE PERMIT MODIFICATION AND RECLAMATION PLAN MODIFICATION PDS2013-MUP-87-021W2, PDS2013-RC-001W2

OCTOBER 10, 2014

CEQA Guidelines, Section 15164 (a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 or 15163 calling for the preparation of subsequent or supplemental EIR have occurred.

Discussion:

There are some changes and additions, which need to be included in an Addendum to the previously certified EIR to accurately cover the new project. The additions are underlined and deletions are struck out. The changes and additions consist of the following:

1. To the Project Name add: Rosemary's Mountain Quarry Major Use Permit Modification and Reclamation Plan Modification

2. To the Project Number(s) add: PDS2013-MUP-87-021W2, PDS2013-RC-87-001W2.

To the project description add as indicated:

The following provides a detailed discussion of each of the project's changes:

A. **Expanded Mine Boundary.** Similar to the original project, the project would be implemented in phases including a Site Preparation phase and three phases of mining. The project would increase the MUP boundary by 10.21 acres and the RP boundary by 10.35 acres in order to reconfigure and expand the site processing area. The expansion is to the north and will disturb approximately 10.35 acres of an abandoned lemon orchard. The expanded area will be a pad that would be utilized for aggregate processing and material stockpiling. The expanded 10.35 acres to the north would change the amount of grading to occur during the Site Preparation phase of the project. The earthwork summary for the site preparation phase indicates there would be an increase in total site preparation grading of 811,000 tons of cut and 816,000 tons of fill material as compared with the previously approved P87-021W[1]. However, quantities of excavated materials to be removed during Phases 1 through 3 have been reduced to keep the total excavated materials to leave the site at 24,000,000 tons which is the same amount in the previously approved P87-021W[1]. The expanded northern pad will have slopes to the north of the pad at 1Horizontal:1 Vertical (1:1) in grade. Additionally, there is a small area on the western portion of the Site Preparation phase that would include slopes that would be 1:1 in grade until mined out in Phase 2 of mining. The haul road would be extended into the expanded 10.35 acre area and up the mountain to a pad at an elevation of 655 feet above mean sea level. A geotechnical investigation indicates the proposed slopes meet factors of safety for both global and surficial stability.

B. **Mechanically Stabilized Earth Wall.** The expanded northern pad area requires a mechanically stabilized earth wall on the southern and eastern boundary of the pad. The wall would consist of two separate 40 foot tall walls for a total of height of 80 feet. The wall would be approximately 300 feet long along the southern perimeter and 400 feet long along the eastern perimeter. The wall will require retaining wall plans and specifications which would be reviewed and approved by the County. The applicant will be required to show compliance with the County of San Diego and California Building Standards Codes including but not limited to, construction documents, plans, specifications, builder or installer certification, and inspection reports for the wall(s). The plan shall be completed pursuant to the current IBC Section 1704.5 for Special Inspection. With these requirements, the wall will be constructed to meet applicable building codes and regulations.

C. **Expanded Mine Footprint and Second De-siltation Basin:** The expanded upper northern pad would include a second de-siltation basin to augment storm water runoff control. A CEQA Preliminary Hydrology/Drainage Study was prepared for the modification. The study contained CEQA-level hydrologic analysis to determine the 100-year flow rates from the expanded site preparation phase as well as reconfigured mining Phases 1, 2, and 3. The study concludes the project site is capable of conveying the 100-year storm event under the site preparation phase and each of the three mining phases using the existing and proposed storm drain system.

D. **Redesign of Project Phases and Final Pad Elevations:** The project includes revised interior road re-alignments in the Site Preparation Phase and revisions to grading in each of the phases. Total earthwork as a result of these changes will consist of removal of an estimated 24,000,000 tons of aggregate which is the same as what was previously permitted. The project was conditioned to not exceed a monthly average of 514 daily truck trips and not to exceed 1,028 average daily truck trips for more than 5 consecutive days. There is also a condition limiting the amount of material throughput on a daily and annual basis that limits the amount of material that can be processed at the site. There is no increase in the intensity of environmental impacts since there are limitations as to the rate of removal of materials from the mine site. Therefore, there are no new impacts from this modification.

E. **Change in Type of Material for Enclosures:** The original project required enclosures for the rock crushers and screening equipment used in the mining operation. The modification would modify several C. Conditions of the Major Use Permit to allow the mine operator the flexibility to choose the type of material used to construct the enclosures while retaining the intent and purpose of the enclosures. The mine operator would like to use newer construction materials, such as High Density Polyethylene (HDPE) rather than traditional building materials. The modification would also remove the requirement of sound absorbing materials to be installed on the inside surfaces of the enclosures. The noise and air quality studies conducted for this project do not include the use of enclosures to limit noise and air quality impacts and therefore the enclosures are not necessary to reduce noise and air quality impacts. Additionally, enclosures are not required at any other mine in San Diego County. The applicant also contacted several large, statewide companies along with construction aggregate associations. None of the operators or the association was aware of any site where enclosures were required or utilized in the State. Lastly, the C Condition that requires the batch plant facilities to be enclosed in bag houses would be removed as the bag house is an Air Pollution Control Board requirement.

F. **Compliance Audits of Major Use Permit.** The previous modification extended mining to October 9, 2028. The conditions of approval also included two additional 10 year time extensions that could be approved by the Director of PDS which would extend the life of the mine operation to October 9, 2038 and October 9, 2048. The extension was contingent upon the mine operation being in compliance with its Major Use Permit and Reclamation Plan and prior to each extension, the project would be subject to a 30 day public review period. This modification would remove the two 10 year time extensions and replace them with compliance audits to be completed every 10 years in 2024, 2034, and 2044. If through the compliance audit the mining operation is not in compliance with its Major Use Permit or Reclamation Plan, the Director shall require the the mine operator to comply or the Director may choose to pursue the remedies specified in San Diego County Code 87.710(e) and/or any other legally available remedy. No new environmental impacts were anticipated as the result of changing the Director 10-Year time extensions to compliance audits.

County of San Diego

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October 10, 2014

Environmental Review Update Checklist Form For projects with Previously Approved Environmental Documents

FOR PURPOSES OF CONSIDERATION OF ROSEMARY'S MOUNTAIN QUARRY PDS2013-MUP-87-021W2 (P87-021W^2), PDS2013-RP-87-001W2 (P87-001W^2)

The California Environmental Quality Act (CEQA) Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration (ND) or a previously certified environmental impact report (EIR) covering the project for which a subsequent discretionary action is required. This Environmental Review Update Checklist Form has been prepared in accordance with CEQA Guidelines Section 15164(e) to explain the rationale for determining whether any additional environmental documentation is needed for the subject discretionary action.

1. Background on the *previously certified EIR*:

   An EIR for Rosemary's Mountain Quarry, Major Use Permit P87-021 and Reclamation Plan RP87-001 was certified by the Board of Supervisors on March 5, 1997. The certified EIR found significant effects to traffic/circulation, biology, visual/aesthetics, noise, air quality, hydrology/erosion control, land use/community character, public safety, dark skies, and cumulative impacts. These effects were determined to be mitigated or avoided to a level below significance.

   An Addendum to the EIR for the Palomar Aggregates Quarry project was certified by the Board of the Supervisors on October 9, 2002. The Addendum was completed in compliance with CEQA and the California Court of Appeal, Fourth Appellate District, Division One decision dated December 22, 1999 (San Diego Superior Court Case Number 709480). The EIR and Addendum are on file in the Department of Planning and Land Use as Log No. 87-2-13.

   An addendum to the EIR prepared for modification to Major Use Permit P87-021 and Reclamation Plan RP87-001 for the Rosemary's Mountain Quarry was certified by the Planning Commission on August 24, 2012. The Addendum is on file with the Department of Planning & Development Services as Log No. 87-020-13A.

2. Lead agency name and address:
   County of San Diego, Planning & Development Services
   5510 Overland Avenue, Suite 110
   San Diego, CA 92123

   a. Contact: Jim Bennett, Project Manager
   b. Phone number: (858) 694-3820
   c. E-mail: Jim.Bennett@sdcounty.ca.gov

3. Project applicant's name and address:

   Mr. Gary Nolan
   Granite Construction Company
   5606 Pala Road (Highway 76)
   Fallbrook, CA 92028

4. Summary of the activities authorized by present permit/entitlement application(s):

   The present permit/entitlement includes a Major Use Permit (P87-021) and Reclamation Plan (RP87-001) which has authorized a construction aggregate quarry and materials processing site. Mining was approved to take place over a period of 20 years beginning on October 9, 2002 and expiring October 9, 2022. Movable uses include portable jaw crushers, track mounted electric shovels, metal storage containers, small offices, and equipment storage yards. The permit authorized the removal of an estimated 22,000,000 tons of aggregate. The use permit includes (1) excavation, processing, and distribution of decomposed granite and crushed rock, and concrete and asphalt batch plant products; (2) import of sand, cement products, soil, and amendments; (3) truck and equipment maintenance; and (4) office and storage areas. Mining operations were approved for 36 acres of the 96-acre site as shown on the approved plot plan.

   The project was approved to have four phases including an initial site preparation phase and three additional mining phases. The initial site preparation phase involves the relocation and widening of Highway 76 and excavation to provide space for the processing facilities. This part of the operation also includes removal of overburden to be utilized in the construction of Highway 76 and utilization of the necessary portable equipment to process material for the road. The first phase of the quarry operation includes excavating the initial cut of the mountain beginning at 915 feet above mean sea level down to approximately 825 feet above mean sea level. Once the final rock face is to be blasted, the reclamation will begin and continue as each increment is completed. The second phase will continue mining down to approximately 340 feet above mean sea level, near the elevation of the highway. The third phase will involve excavation below the surface of the road to approximately 200 feet above mean sea level.

   A Minor Deviation to the Major Use Permit and Reclamation Plan, which was approved on August 7, 2006, authorized an increase in the quarry processing area by 5.5 percent from 36 acres to 37.97 acres.

A Modification to Major Use Permit P87-021, which was approved on August 17, 2012, authorized incorporation of new areas outside the mining footprint into the mining footprint, change to the site preparation boundaries and slope/bench configurations, redesign of interior access road alignments and final pad elevations which increased the aggregate to be mined by approximately 2,000,000 tons to 24,000,000 tons of material, extended hours of operations, and change of expiration date of the MUP to October 9, 2048 unless a modification is processed. With the changes, the quarry processing area remained at 37.97 acres.

5. Does the project for which a subsequent discretionary action is now proposed differ in any way from the previously approved project?

YES	NO
☒	☐

The project is a Major Use Permit (MUP) Modification and Reclamation Plan (RP) Modification to an existing construction aggregate quarry and materials processing site. Details of the changes are as follows:

The project would increase the MUP boundary by 10.21 acres and the RP boundary by 10.35 acres in order to reconfigure and expand the site processing area. The expansion is to the north and will disturb approximately 10.35 acres of an abandoned lemon orchard. The expanded area will be a pad that will be utilized for aggregate processing and material stockpiling. This will result in (1) revising Site Preparation phase boundaries and grading, (2) move and extend the haul road to the north, (3) revision of slope/bench configurations, (4) addition of a mechanically stabilized wall, (5) creation of a second de-siltation basin near the newly expanded area, and (6) change in final pad elevations. The project would also change the type of material to be used to construct the enclosures around the site's crushing/screening equipment. Details of these changes are provided below.

Site Preparation Phase Boundaries, Grading and Slope Configurations. Similar to the original project, the project would be implemented in phases including a Site Preparation phase and three phases of mining. The expanded 10.35 acres to the north would change the amount of grading to occur during the Site Preparation phase of the project. The earthwork summary for the site preparation phase indicates there will be an increase in total site preparation grading of 811,000 tons of cut and 816,000 tons of fill material as compared with the previously approved P87-021W[1]. However, quantities of excavated materials to be removed during Phases 1 through 3 have been reduced to keep the total excavated materials at 24,000,000 tons which is the same amount in the previously approved P87-021W[1]. The expanded northern pad will have slopes to the north of the pad at 1Horizontal:1 Vertical (1:1) in grade. Additionally, there is a small area on the western portion of the Site Preparation phase that would include slopes that would be 1:1 in grade until mined out in Phase 2 of mining. The haul road would be extended into the expanded 10.35 acre area and up the mountain to a pad at an elevation of 655 feet above mean sea level.

Mechanically Stabilized Earth Wall. The expanded northern pad area requires a mechanically stabilized earth wall on the southern and eastern boundary of the pad. The wall would consist of two separate 40 foot tall walls for a total of height of 80 feet. The wall

would be approximately 300 feet long along the southern perimeter and 400 feet long along the eastern perimeter.

Second De-siltation Basin: The expanded upper northern pad would include a second de-siltation basin to augment storm water runoff control.

Redesign of Project Phases and Final Pad Elevations: The Site Preparation Phase contains a portion of the haul road that previously was in the Phase 1 portion of mining. Therefore, the Phase 1 portion of mining is slightly less with a portion of the haul road being already constructed up to a pad at 655 feet above mean sea level (amsl). For Phase 2, pad elevations range from 369 to 377 feet amsl. The project's last modification was approved with Phase 2 pad elevations ranging from 333 to 342 feet amsl. The final pad elevations will be modified to have a final excavated depth of approximately 305 to 314 feet asml. The project's last modification was approved with final pad elevations ranging from 268 to 280 feet amsl. Additionally, there would be an additional 651,000 tons of fill placed in two areas prior to final reclamation. This includes a fill slope in the northern portion of the site and a fill slope used to stabilize adjacent cut slopes in the southwestern corner of the excavation pit. The fill slope in the northern portion will be approximately 100 feet tall with slopes 2:1 in grade with two 6-foot benches for management of drainage. This will leave a generally, flat area on top that will be reclaimed as open space/undeveloped land. The stabilization fill slope in the southwestern portion of the site will be approximately 87 feet in height with a slope 2:1 in grade. Both fill slope areas will be hydroseeded with a native seed mix.

Change in Type of Material for Enclosures: The original project required enclosures for the rock crushers and screening equipment used in the mining operation. The modification would modify several C. Conditions of the Major Use Permit to allow the mine operator the flexibility to choose the type of material used to construct the enclosures while retaining the intent and purpose of the enclosures. The mine operator would like to use newer construction materials, such as High Density Polyethylene (HDPE) rather than traditional building materials. The modification would also remove the requirement of sound absorbing materials to be installed on the inside surfaces of the enclosures.

6. **SUBJECT AREAS DETERMINED TO HAVE NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT ENVIRONMENTAL EFFECTS COMPARED TO THOSE IDENTIFIED IN THE PREVIOUS ND OR EIR**. The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

☒ NONE

☐ Aesthetics	☐ Agriculture and Forest Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology & Soils
☐ Greenhouse Gas Emissions	☐ Hazards & Haz Materials	☐ Hydrology & Water Quality

- ☐ Land Use & Planning
- ☐ Population & Housing
- ☐ Transportation/Traffic
- ☐ Mineral Resources
- ☐ Public Services
- ☐ Utilities & Service Systems
- ☐ Noise
- ☐ Recreation
- ☐ Mandatory Findings of Significance

DETERMINATION:

On the basis of this analysis, Planning & Development Services has determined that:

☒ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously certified EIR is adequate upon completion of an ADDENDUM.

☐ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, because the project is a residential project in conformance with, and pursuant to, a Specific Plan with a EIR completed after January 1, 1980, the project is exempt pursuant to CEQA Guidelines Section 15182.

☐ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). However all new significant environmental effects or a substantial increase in severity of previously identified significant effects are clearly avoidable through the incorporation of mitigation measures agreed to by the project applicant. Therefore, a SUBSEQUENT ND is required.

☐ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND or EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, a SUBSEQUENT or SUPPLEMENTAL EIR is required.

Signature	**October 10, 2014** Date
Jim Bennett Printed Name	**Project Manager** Title

INTRODUCTION

CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted ND or a previously certified EIR for the project.

CEQA Guidelines, Section 15162(a) and 15163 state that when an ND has been adopted or an EIR certified for a project, no Subsequent or Supplemental EIR or Subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
    a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration; or
    b. Significant effects previously examined will be substantially more severe than shown in the previously adopted Negative Declaration or previously certified EIR; or
    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration or EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines, Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent or Supplemental EIR have occurred.

CEQA Guidelines, Section 15164(b) states that an Addendum to a previously adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary.

If the factors listed in CEQA Guidelines Sections 15162, 15163, or 15164 have not occurred or are not met, no changes to the previously certified EIR or previously adopted ND are necessary.

The following responses detail any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that may cause one or more effects to environmental resources. The responses support the "Determination," above, as to the type of environmental documentation required, if any.

ENVIRONMENTAL REVIEW UPDATE CHECKLIST

I. AESTHETICS – Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to aesthetic resources including: scenic vistas; scenic resources including, but not limited to, trees, rock outcroppings, or historic buildings within a state scenic highway; existing visual character or quality of the site and its surroundings; or day or nighttime views in the area?

YES	NO
☐	☒

The portion of the modification which would make a noticeable aesthetic change is the addition of an 80-foot tall gabion wall and four 90-foot tall asphalt batch plant silos. The wall and silos would be visible from State Route 76, which is designated as a Scenic Highway per the County of San Diego General Plan.

Based on photo simulations provided by the applicant demonstrating the proposed wall and silo, the project has been determined to be compatible with the existing visual environment in terms of visual character and quality for the following reasons: The gabion wall would be textured and designed to appear more "organic" in nature, and mimic the natural terrain of the surrounding landform, and the silo would be painted to match the background. Furthermore, views of the wall and silos cannot be seen by motorists traveling west bound along State Route 76 due to an earthen berm that was constructed as part of the project. The wall and silos can only be seen by motorists traveling east bound along State Route 76. due to the curvature of the roadway, the angle of the entryway, the existing berm along the roadway, and the setback of the wall and silo. The amount of time the wall and silo would be visible to motorists traveling east bound is less than 3 seconds based on the posted speed of 55 miles per hour. Additionally, the quarry has been in operation for 6 years, and the use is established along this section of State Route 76. The project has been conditioned that the wall and silo would be removed once the mining is complete. Therefore, the impact is less than significant.

II. AGRICULTURE AND FORESTRY RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to agriculture or forestry resources including: conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use, conflicts with existing zoning for agricultural use or Williamson Act contract, or conversion of forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public

Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

YES	NO
☐	☒

III. AIR QUALITY -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to air quality including: conflicts with or obstruction of implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP); violation of any air quality standard or substantial contribution to an existing or projected air quality violation; a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; exposure of sensitive receptors to substantial pollutant concentrations; or creation of objectionable odors affecting a substantial number of people?

YES	NO
☐	☒

The previously adopted EIR concluded that the project would result in significant but mitigable impacts associated with project construction and operation primarily due to fugitive dust emissions. Conditions of approval for the project were implemented to ensure air quality impacts would be less than significant. No changes to these conditions are necessary.

The current project has changed since the previously adopted EIR to increase the facilities boundary by approximately 10 acres. Overall production and heavy-duty equipment use would not change. In fact, due to limitations on equipment numbers and equipment operators, grading/excavating activities onsite would result in a reduction in air emissions as compared to the previously adopted EIR. More specifically, the previous EIR assumed that all activities (e.g., material processing, material hauling, grading, material movement and stockpiling) would take place simultaneously but due to the nature and location of these activities and the amount of equipment available they would not occur simultaneously and therefore daily emissions would be reduced. Further, conditions of approval in place would limit daily truck haul trips and onsite production such that San Diego County thresholds of significance would not be exceeded. No new impacts or substantial increases in impacts to air quality would occur.

IV. BIOLOGICAL RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to biological resources including: adverse effects on any sensitive natural community (including riparian habitat) or species identified as a candidate, sensitive, or special status species in a local or regional plan, policy, or regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; adverse effects to federally protected wetlands as defined by Section 404 of the Clean Water Act; interference with the movement of any native resident or migratory fish or wildlife species or with wildlife corridors, or impeding the use of native wildlife nursery sites; and/or conflicts with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional or state habitat conservation plan, policies or ordinances?

YES ☐ NO ☒

Under this Major Use Permit Modification, the applicant is proposing to expand by 10.35 acres the mining footprint to the north of the existing approved mining area. This expansion of the boundary of the quarry limits will not result in any new biological impacts as detailed in the Rosemary's Mountain Expansion Footprint and Figure Memorandum and accompanying Vegetation Map for Expansion at Rosemary's Mountain Quarry dated September 12, 2013. No other changes in the project, changes in circumstances or new information of substantial importance that may cause one or more effects to biological resources since the previous EIR was adopted have been identified with the proposed Major Use Permit Modification.

V. CULTURAL RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to cultural resources including: causing a change in the significance of a historical or archaeological resource as defined in State CEQA Guidelines Section 15064.5; destroying a unique paleontological resource or site or unique geologic feature; and/or disturbing any human remains, including those interred outside of formal cemeteries?

YES ☐ NO ☒

Since the original EIR was certified, there have been no changes in circumstances nor new information of substantial importance that cause one or more effects to cultural resources. However, there has been a change in the project that includes an expansion of the mining footprint. A survey of the expanded area was conducted and it was determined that the expanded project site is negative for cultural resources including Traditional Cultural Properties. The Native American Heritage Commission was contacted on April 23, 2013 and the NAHC Sacred Lands File failed to identify the presence of Native American Traditional Cultural Places within the project site. The NAHC provided a list of tribes to contact who may have information regarding the project site. The listed Tribes were contacted and Pechanga requested consultation. Staff met and consulted with Pechanga to address their concerns which include the near proximity of other cultural resources. During consultation, Pechanga requested that grading monitoring be made a condition of approval and the project has been

conditioned accordingly. The grading monitoring program is limited to the first five feet of native soils. Soils below the five foot level are anticipated to minimally date to pre-human occupation and monitoring would not be required. With the implementation of grading monitoring, there would not be a significant impact. The expanded area would have a very low paleontological resource potential and would not be a unique geologic feature since it is underlain by plutonic igneous rock.

VI. GEOLOGY AND SOILS -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from geology and soils including: exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic-related ground failure, including liquefaction, strong seismic ground shaking, or landslides; result in substantial soil erosion or the loss of topsoil; produce unstable geological conditions that will result in adverse impacts resulting from landslides, lateral spreading, subsidence, liquefaction or collapse; being located on expansive soil creating substantial risks to life or property; and/or having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

YES	NO
☐	☒

Since the original EIR was certified, there have been no changes in circumstances nor new information of substantial importance that cause one or more effects to geology and soils. However, there has been a change in the project that includes an expansion of the mining footprint which includes temporary mechanically stabilized earth wall to be constructed to create a pad at the 490-foot elevation pad in the central portion of the Site Preparation phase of the project, 1:1 cut slopes up to 105 feet in height in the expanded northern portion of the site, and 2:1 fill slopes up to 120 feet in height in the northern portion and southwestern portion of the site.

A geotechnical investigation for the modification included slope stability analysis of the proposed cut and fill slopes which indicate the analyzed slopes have an adequate factor of safety in respect to global and surficial stability. The report concluded that the proposed slopes exposing competent rock would be stable and will not endanger any public or private property or result in the deposition of debris on any public way or interfere with any existing drainage course. Therefore, the proposed slopes would not result in exposure of people or structures to potential adverse effects, including the loss, injury, or death, involving landslides, or produce unstable geological conditions that will result in adverse impacts from landslides.

The mechanically stabilized earth wall which is proposed to be two 40-foot high sections of wall for a total height of 80 feet will require retaining wall plans and specifications which would be reviewed and approved by the County. The applicant shall show compliance with the County of San Diego and California Building Standards Codes including but not limited to, construction documents, plans, specifications, builder or installer certification, and inspection reports for the wall(s). The plan shall be completed pursuant to the current IBC Section 1704.5 for Special Inspection and shall include, but not be limited to the following (1) Modular unit dimensions; (2) Foundation preparation; (3) Unit Placement, including alignment and inclination; Geosynthetic reinforcement type (manufacturer and model number) and

placement; (4) Backfill placement and compaction; (5) Drainage provisions; (6) Foundation preparation shall be inspected for compliance with the retaining wall design parameters and geotechnical engineer of record recommendations once per wall prior to placement of controlled fill; (7) Unit alignment and inclination shall be verified as shown on retaining wall plans; Geosynthetic reinforcement type shall be verified prior to construction with an inspection of the geosythetic reinforcement delivered to the site for wall construction. Placement of geosythetic reinforcement shall be continually observed during wall construction for compliance with the retaining wall plans; (8) Backfill soil shall be verified in compliance with the retaining wall plans and soil design parameters prior to and periodically during construction. Backfill soil compaction shall be continuously verified to the geotechnical engineers design criteria; and (9) All drainage provisions shall be verified in compliance with the retaining wall plans and recommendations of the geotechnical engineer of record as constructed and prior to backfill. Soils special inspections shall be performed by project geotechnical engineer of record who has prepared the approved geotechnical investigation report. With the above requirements in place, the mechanically stabilized earth wall would not produce unstable geologic conditions that would result in adverse effects from landslides and/or collapse.

Therefore, no new environmental impacts associated with geology and soils would occur and no revisions to the previous EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required.

VII. GREENHOUSE GAS EMISSIONS -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects related to environmental effects associated with greenhouse gas emissions or compliance with applicable plans, policies or regulations adopted for the purpose of reducing greenhouse gas emissions?

YES	NO
☐	☒

Since the previous EIR was certified, the State CEQA Guidelines were amended (March 2010) to require that the potential environmental effects of greenhouse gas (GHG) emissions be addressed in CEQA documents. However, no new environmental effects associated with GHG emissions or compliance with applicable plans, policies or regulations have been identified because grading activities are expected to generate less than 2,500 metric tons of GHG emissions (see Greenhouse Gas Emissions Quantification dated 3/31/2014)

The 2,500 metric tons Bright Line Threshold is based on the County's Guidelines for Determining Significance and Draft Report Format and Content Requirements for addressing climate change in CEQA documents1. The County has also adopted a Climate Action Plan (CAP) that includes GHG reduction measures that, if fully implemented, would achieve an emissions reduction target that is consistent with the state-mandated reduction target embodied in AB 32. A set of project-specific implementing thresholds are included in the Draft Guidelines that will be used to ensure consistency of new projects with the County's CAP and

[1] County of San Diego Department of Planning and Land Use. *Guidelines for Determining Significance And Report Format And Content Requirements – Climate Change.* http://www.sdcounty.ca.gov/dplu/advance/climateactionplan.html

the GHG emission reduction target. Development projects that could have cumulatively considerable GHG emissions impacts would need to incorporate relevant measures from the County's CAP and use one of the implementing thresholds from the Significance Guidelines – Efficiency Threshold, Bright Line Threshold, Stationary Source Threshold, or Performance Threshold-to assess significance.

Emissions would result from onsite cut/fill operations, aggregate production, and exhaust emissions from material off-haul. Based on the emissions modeling conducted for the project, maximum annual GHG emissions would be approximately 918 metric tons per year (CO2 emissions were converted to CO2e by using a conservative 5% factor to account for methane and nitrous oxide emissions consistent with guidance from the U.S. Environmental Protection Agency2). Maximum annual emissions are reported for the grading activities occurring over a full calendar year. Material export was based on current MUP conditions of approval (which would remain in place) for daily export (i.e., no more than 6,400 tons or 3,657 cubic yards) of daily material export. Water use at the site would contribute a minor amount of GHG emissions. However, total annual emissions would be below the Bright Line Threshold of 2,500 metric tons per year. Project GHG impacts would not be cumulatively considerable.

Measures in the County's CAP are not considered applicable to this action. However, emissions from heavy-duty construction activities involved in this project were included in the County CAP and GHG inventory. Thus, feasible mitigation that will be triggered by projects above the Bright Line will reduce GHG emissions at a level that is sufficient to make up for construction-related emissions, such as those associated with this project.

Therefore, no new environmental impacts associated with GHG emissions would occur and no revisions to the previous EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required.

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from hazards and hazardous materials including: creation of a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes; creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; production of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 creating a hazard to the public or the environment; location within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport; within the vicinity of a private airstrip resulting in a safety hazard for people residing or working in the project area; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or exposure of people or structures to a significant risk of loss, injury or death

[2] U.S. Environmental Protection Agency. Climate Leaders Greenhouse Gas Inventory Protocol Core Module Guidance. Direct Emissions from Mobile Combustion Sources. EPA430-K-08-004. May 2008.

involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

YES	NO
☐	☒

IX. HYDROLOGY AND WATER QUALITY -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to hydrology and water quality including: violation of any waste discharge requirements; an increase in any listed pollutant to an impaired water body listed under section 303(d) of the Clean Water Act ; cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses; substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level; substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff; place housing or other structures which would impede or redirect flood flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County Floodplain Maps; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or inundation by seiche, tsunami, or mudflow?

YES	NO
☐	☒

The previous EIR identified significant and mitigable impacts for Hydrology and Erosion Control. Impacts were anticipated from an increase in the total amount of sediment entering the San Luis Rey River, and impacts to the floodplain and floodway due to the planned relocation of SR 76. Mitigation measures included the following:

F.1. Construction of rip-rap protection along the south side of SR 76
F.2. Preparation of a HEC-2 analysis
F.3. Construction of a sedimentation basin prior to construction of the processing facilities;
P87-021W1/RP87-001W1 - 14 - August 17, 2012
Rosemary's Mountain Quarry
F.4. Maintenance of the sedimentation basin
F.5. Runoff to pass through the sedimentation basin
F.6. Installation of a standard grease trap for contaminant removal in the sedimentation basin
F.7. Removal of silt material following each storm event in the sedimentation basin
F.8. Installation of culvert pipes
F.9. Obtaining all required Regional Water Quality control board permits to operate and construct.

The project will comply with these mitigation measures.

Since the previous EIR was adopted, the County has adopted the Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO). Additionally, on January 24, 2007, the San Diego Regional Water Quality Control Board (SDRWQCB) reissued a Municipal Stormwater Permit ("Municipal Permit") under the National Pollutant Discharge Elimination System (NPDES). The reissued permit updates and expands stormwater requirements for new developments and redevelopments. Stormwater treatment requirements have been made more widely applicable and more stringent; minimum standards for Low Impact Development (LID) have been added, and criteria have been implemented for the control of runoff peaks and durations from development sites.

As required by the reissued permit, the County of San Diego has prepared an updated Countywide Model SUSMP (Standard Urban Stormwater Mitigation Plan) to replace the current countywide model SUSMP, which has been in effect since 2002. This SUSMP is consistent with the Model SUSMP and serves as the County's SUSMP. Applicable SUSMP requirements are incorporated into Priority Project plan(s) as part of the development plan approval process for discretionary projects. This SUSMP incorporates a unified LID design procedure. This design procedure integrates site planning and design measures with engineered, small-scale Integrated Management Practices (IMPs) such as bioretention. By following the procedure, a single integrated design can be developed which complies with the complex and overlapping NPDES permit LID requirements, stormwater treatment requirements, and runoff peak-and duration-control (hydromodification management) requirements.

A Storm Water Management Plan (SWMP) was not required to be prepared for this site. The County will inspect the project for compliance under the Statewide Industrial Permit (CAS000001) as required by the WPO. A requirement under the Industrial Storm Water Permit is for the project to have a Storm Water Pollution Prevention Plan (SWPPP) for its activities including any expansion of the operation.

A CEQA Preliminary Hydrology/Drainage Study was prepared by Chang Consultants. The study contained CEQA-level hydrologic analysis to determine the 100-year flow rates from the expanded site preparation phase as well as reconfigured mining Phases 1, 2, and 3. The study was reviewed by the Department of Development Services and is on file with the Department. The study concludes the project site is capable of conveying the 100-year storm event under the site preparation phase and each of the three mining phases using the existing and proposed storm drain system. Therefore, although the circumstances have changed with regard to the project scope and the regulation of water quality since the EIR was certified, information has been provided to show that the project will comply with these regulations and will not have a significant impact on hydrology and water quality.

X. LAND USE AND PLANNING -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to land use and planning including: physically dividing an established community; and/or conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

YES	NO
☐	☒

XI. MINERAL RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to mineral resources including: the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and/or loss of locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

YES	NO
☐	☒

XII. NOISE -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from noise including: exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; for projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or for projects within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

YES	NO
☐	☒

The project is a Major Use Permit Modification (MUP Mod) to expand the existing MUP boundary by approximately 10 acres and to relocate the crushing/screening equipment and plant operations. Based on the noise letter prepared for this modification, the noise activities associated with grading and/or site preparation are subject to the temporary construction noise requirement of 75 dBA eight hour average (Leq) at the nearest occupied property line. Operational noise associated with the project is subject to the same 75 dBA at the nearest property line however with a one-hour average Leq. Both scenarios have been assessed based on the worst-case property line located to the north where an existing residential dwelling unit is located. Both requirements for temporary construction preparation and on-going operational activities with the crushing and screening plant would demonstrate compliance with the 75 dBA property line standard along the northern boundary line. To ensure the project would continue to comply with County noise standards, the crushing and screening operations would be conditioned to setback operations by specified distances from these occupied property lines. The project changes associated with this Major Use Permit Modification is not significant. The noise operations associated with this Modification would be less than significant with the appropriate noise measure incorporated. The project changes to increase the MUP boundary foot print and relocate the crushing/screening plant would not result in a substantially more severe noise condition as the project would continue to demonstrate noise ordinance compliance.

XIII. POPULATION AND HOUSING -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project

is undertaken and/or "new information of substantial importance" that result in one or more effects to population and housing including displacing substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?

YES ☐ NO ☒

XIV. PUBLIC SERVICES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:fire protection, police protection, schools, parks, or other public facilities?

YES ☐ NO ☒

XV. RECREATION -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or that include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

YES ☐ NO ☒

XVI. TRANSPORTATION/TRAFFIC -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to transportation/traffic including: an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system; exceedance, either individually or cumulatively, of a level of service standard established by the county congestion management agency for designated roads or highways; a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); inadequate emergency access; inadequate parking capacity; and/or a conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

YES ☐ NO ☒

XVII. UTILITIES AND SERVICE SYSTEMS -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to utilities and service systems including: exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water

or wastewater treatment facilities, new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; require new or expanded entitlements to water supplies or new water resources to serve the project; result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and/or noncompliance with federal, state, and local statutes and regulations related to solid waste?

YES	NO
☐	☒

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE: Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in any mandatory finding of significance listed below?

YES	NO
☐	☒

Attachments

- Previously certified EIR

XVIII. REFERENCES USED IN THE COMPLETION OF THE ENVIRONMENTAL REVIEW UPDATE CHECKLIST FORM

Air Quality Report Clarification Rosemary's Quarry, prepared by Urban Crossroads, dated March 28, 2014

California Department of Fish and Wildlife. Fish and Wildlife Code, Section 1600 *et. seq.*

California Environmental Quality Act, CEQA Guidelines

California Environmental Quality Act. 2001. California Code of Regulations, Title 14, Chapter 3, Section 15382.

California Integrated Waste Management Board, Title 14, Natural Resources, Division 7

California Integrated Waste Management Board, Title 27, Environmental Protection, Division 2, Solid Waste

California Public Resources Code, CPRC, Sections 40000-41956

CEQA-Level Drainage Study for Rosemary's Mountain Mining and Processing Facility prepared by Chang Consultants dated April 3, 2014

County Code of Regulatory Ordinances, Title 3, Division 5, Chapter 3

County of San Diego Conservation/Open Space Element of the General Plan

County of San Diego Zoning Ordinance (Agricultural Use Regulation, Sections 2700-2720)

County of San Diego. Resource Protection Ordinance, Article II (16-17). October 10, 1991

County of San Diego. 1997. Multiple Species Conservation Program, County of San Diego Biological Mitigation Ordinance

County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (WPO) (Ordinance Nos. 9424 and 9426, County Codes §§ 67801 et seq.)

Cultural Resources Inventory for the Rosemary's Mountain Quarry, prepared by ASM Affiliates dated September 2013

Farmland Mapping and Monitoring Program, California Department of Conservation, Division of Land Resource Protection

Geotechnical Investigation, Planned Retaining Wall and Quarry Expansion, Rosemary's Mountain Quarry, prepared by Southern California Soil & Testing dated April 2, 2014

Noise Letter for Proposed Rosemary's Mountain Quarry Expansion, prepared by Dudek, dated January 22, 2014

Order No. 2001-01, NPDES No. CAS 0108758, California Regional Water Quality Control Board, San Diego Region

Ordinance 8334, An Ordinance to amend the San Diego County Code of Regulatory Ordinances relating to Flood Damage Prevention, Adopted by the Board of Supervisors on 12/7/93

Public Resources Code Sections 4290 and 4291

Rosemary's Mountain Expansion Footprint and Vegetation Map for Rosemary's Mountain Quarry, prepared by ICF International, dated September 12, 2013

Rosemary's Mountain Quarry MUP Amendment Air Quality Information, prepared by Urban Crossroads, dated January 21, 2014 (Revised)

San Diego County Light Pollution Code (San Diego County Code Section 59.101)

Summary Report for Annual Emissions (Tons/Year), prepared by County of San Diego Staff, dated March 31, 2014

The Importance of Imperviousness from *Watershed Protection Techniques* Vol. 1, No. 3 - Fall 1994 by Tom Schueler Center for Watershed Protection

The Resource Conservation and Recovery Act (RCRA), 1976

Uniform Fire Code, Article 9 and Appendix II-A, Section 16

Visual Simulations, EnviroMINE, Inc., October 10, 2013 (updated simulations June 4, 2014)

Water Quality Control Plan for the San Diego Basin (9), California Regional Water Quality Control Board, San Diego Region

REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF
Major Use Permit Modification, P87-021W^2
Reclamation Plan Amendment, RP87-001W^2

October 10, 2014

I. HABITAT LOSS PERMIT ORDINANCE – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES	NO	NOT APPLICABLE/EXEMPT
☐	☐	☒

While the proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program, the project site and locations of any off-site improvements do not contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

II. MSCP/BMO - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES	NO	NOT APPLICABLE/EXEMPT
☐	☐	☒

The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

III. GROUNDWATER ORDINANCE - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES	NO	NOT APPLICABLE/EXEMPT
☒	☐	☐

The project does not propose any additional groundwater use with this Major Use Permit Modification. As identified in Section 67.722B of the San Diego County Groundwater Ordinance, it has been determined that groundwater resources are adequate to meet the groundwater demands both of the project and the groundwater basin if the basin were developed to the maximum density and intensity permitted by the General Plan.

IV. RESOURCE PROTECTION ORDINANCE - Does the project comply with:

	YES	NO	NOT APPLICABLE/EXEMPT
The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?	☐	☐	☒
The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?	☐	☐	☒
The Steep Slope section (Section 86.604(e))?	☐	☐	☒
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	☐	☐	☒
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	☐	☐	☒

The project is a mineral extraction project, which is exempt from the Resource Protection Ordinance.

V. STORMWATER ORDINANCE (WPO) - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES	NO	NOT APPLICABLE
☒	☐	☐

The County will inspect the project for compliance under the Statewide Industrial Permit (CAS 000001) as required by the WPO. A requirement under the Industrial Storm Water Permit is for the project to have a Storm Water Pollution Prevention Plan (SWPPP) for its activities including any expansion of the operation. A SWPPP has been prepared for the project site (WDID # 9 37I021142). The Notice of Intent was submitted to the Regional Water Resources Control Board and the SWPPP has been in place for the project since September 11, 2007.

VI. NOISE ORDINANCE – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES	NO	NOT APPLICABLE
☒	☐	☐

Discussion:

The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

The project is a Major Use Permit Modification (MUP Mod) to expand the existing MUP boundary by approximately 10 acres and to relocate the crushing/screening equipment and plant operations. Based on the noise letter, the noise activities associated with grading and/or site preparation are subject to the temporary construction noise requirement of 75 dBA eight hour average (Leq) at the nearest occupied property line. Operational noise associated with the project is subject to the same 75 dBA at the nearest property line however with a one-hour average Leq. Both scenarios have been assessed based on the worst-case property line located to the north where an existing residential dwelling unit is located. Both requirements for temporary construction preparation and on-going operational activities with the crushing and screening plant would demonstrate compliance with the 75 dBA property line standard along the northern boundary line. To ensure the project would continue to comply with County noise standards, the crushing and screening operations would be conditioned to setback operations by specified distances from these occupied property lines.

Additionally, previous conditions within the previous Major Use Permit Modification MUP-87-021W1 would be slightly modified as the noise letter has demonstrated noise ordinance compliance with actual noise monitoring and measures on-site relating the crushing and screening operations. Therefore, revisions to the previous noise conditions and new Major Use Permit Modification noise conditions would ensure the project would comply with County noise standards.

Attachment D – Environmental Findings

ENVIRONMENTAL FINDINGS

October 10, 2014

I. CEQA FINDINGS

1. Find that the environmental impact report (EIR) on file with the Department of Planning & Development Services as Environmental Review Number 87-2-13 was completed in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines and that the Planning Commission has reviewed and considered the information contained therein and the Addendum thereto dated October 10, 2014 on file with the Department of Planning & Development Services as Environmental Review Number 87-020-13B before approving the project; and

2. Find that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously certified EIR, that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the EIR was certified as explained in the Environmental Review Update Checklist dated August 17, 2012.

3. Adopt the Mitigation and Monitoring Program as incorporated into the project conditions of approval pursuant to CEQA Guidelines section 15091(d).

II. OTHER ENVIRONMENTAL FINDINGS

1. Find that the groundwater resources are adequate to meet the groundwater demands of both the project and the groundwater basin if the basin were to be developed to the maximum density and intensity permitted by the General Plan.

2. Find that plans and documentation have been prepared for the proposed project that demonstrate that the project complies with the Watershed Protection, Stormwater Management, and Discharge Control Ordinance (County Code, section 67.801 et seq.).

Attachment E – Public Documentation

Bennett, Jim

From: Matthew A. Peterson
Sent: Thursday, August 01, 2013 10:57 AM
To: Bennett, Jim
Cc: Coffey, John (john@coffeyengineering.com)
Subject: RE: Rosemary's Mountain MUP/RP Modification

Hi Jim, Thank you. My client is Helga Fritz who is the adjacent property owner and lives next to Rosemary's Mountain directly to the east. With the limited information provided, my client has the following concerns;

1) Intensifying of the use,
2) Increased truck activity & noise (will there be blasting?), back up beepers etc.,
3) Increased dust (air quality) with the prevailing winds & visual impacts (new operations up near the ridge),
4) Hours of operation,
5) Sound attenuation of equipment.

Also, my client strongly opposes the removal of any existing permit conditions (likely a previous required CEQA mitigation measure), that addressed sound attenuation & screening of the existing, or any proposed new equipment.

Please let me know if there is other neighbor concerns or other opposition. Also please add me to the mailing/notification list re: this project, the environmental review, etc. Will this proposed amendment comply with all SMARA restrictions & requirements? Finally, can you also please email me the previous CEQA document for the original MUP and any current CEQA document under consideration. Thanks, Matt

Matthew A. Peterson
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To ensure compliance with requirements imposed by the IRS, we inform you that (a) any U.S. tax advice in this communication (including attachments) is limited to the one or more U.S. tax issues addressed herein; (b) additional issues may exist that could affect the U.S. tax treatment of the matter addressed below; (c) this advice does not consider or provide a conclusion with respect to any such additional issues; (d) any U.S. tax advice contained in this communication (including attachments) is not intended or written to be used, and cannot be used, for the purpose of promoting, marketing or recommending to another party any transaction or matter addressed herein, and (e) with respect to any U.S. tax issues outside the limited scope of this advice, and U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of avoiding tax-related penalties under the Internal Revenue Code.

Bennett, Jim

From: Bennett, Jim
Sent: Monday, September 22, 2014 4:15 PM
To: 'Matthew A. Peterson'; Helga Fritz (exaltafarms@aol.com) (exaltafarms@aol.com)
Subject: RE: P87-021W2 Rosemary's Mountain MUP/RP Modification

Good Afternoon Matt and Helga,

We are scheduled to go to hearing on Rosemary's Mountain Quarry on October 10, 2014 at 9:00 a.m. at the County Planning Commission. Earlier this year I discussed this project with you Matt and provided draft responses to your concerns. Here are final responses to the questions you posed on this project based on the final information I have from final studies.

1) Intensifying of the use,

Response: Rosemary's Mountain Quarry was permitted with the intensity of use identified and then conditioned within the Major Use Permit. The Major Use Permit has maximum production limitations within permit. This current modification of the permit does not include an increase in intensity of mining at the site. However, the project will include additional cut and fill operations on-site that were previously unpermitted to create a new pad area on-site.

2) Increased truck activity & noise (will there be blasting?), back up beepers etc.,

Response: The project is not proposing an increase in truck trips. The expansion of 10.35 acres will re-locate crushing and screening equipment to the northern portion of the site. Operational noise associated with the project has been assessed based on the closest residential property line located to the north where an existing residential dwelling unit is located (this is closer than Helga's property). To ensure the project would continue to comply with County noise standards, conditions have been incorporated to ensure the crushing and screening operations are setback by specified distances from occupied property lines to ensure compliance with the 75 dBA property line requirement. Therefore, the noise operations associated with this modification would be less than significant with the appropriate noise measures incorporated. The project changes to expand the footprint would not result in a more severe noise condition since the project would be required to continue to comply with the County Noise Ordinance.

3) Increased dust (air quality) with the prevailing winds

Response: The expansion will result in additional cut and fill activities to create a new pad that were evaluated in an air quality analysis. Conditions continue to be in place to limit daily truck trips and on-site production to ensure the air quality thresholds would not be exceeded. The previously certified EIR assumed that all activities (e.g., material processing, material hauling, grading material movement and stockpiling) would take place simultaneously. Movable

equipment permitted through the Major Use Permit at the site include one hydraulic excavator, one front end loader, rock and water trucks, and one bulldozer. Due to the nature and location of various mining activities and the amount of equipment allowed these activities do not occur simultaneously. Therefore, taking into account the limitations on the pieces of equipment, grading/excavation activities that would occur on-site would result in a reduction in air emissions as compared to the previously certified EIR.

4) Visual impacts (new operations up near the ridge)

Response: The new operations near the ridge would still be fully shielded by the top of the hill and would not be visible from Helga's property.

5) Hours of operation,

Response: No change in the hours of operation is being proposed with this modification.

6) Sound attenuation of equipment.

Response: The modification would remove the requirement of sound absorbing materials to be installed on the inside surfaces of the enclosures surrounding the rock crushers and screening equipment. The noise and air quality studies conducted for this project do not include the use of enclosures to limit noise and air quality impacts and therefore the enclosures are not necessary to reduce noise and air quality impacts. Additionally, enclosures are not required at any other mine in San Diego County. The applicant also contacted several large, statewide companies along with construction aggregate associations. None of the operators or the association was aware of any site where enclosures were required or utilized in the State. However, the site would still retain the requirement to have the enclosures without sound absorbing materials to cover the rock crushers and screening equipment.

As we approach hearing, the Pechanga Tribe is the only other entity that has expressed concern regarding cultural resource issues which have been resolved. We have not received anything from any of the other neighbors.

If you have any other questions or need anything else, please let me know.

Thanks,

Jim Bennett, P.G. #7707, C.Hg.#854
Groundwater Geologist

County of San Diego
Planning & Development Services
5510 Overland Avenue, Third Floor, San Diego, CA 92123
Phone: 858-694-3820 Fax: 858-694-3373
PDS Website http://www.sdcounty.ca.gov/pds/index.html

NATURAL RESOURCES AGENCY EDMUND G. BROWN JR., GOVERNOR

DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION
801 K STREET • MS 09-06 • SACRAMENTO, CALIFORNIA 95814
PHONE 916 / 323-9198 • FAX 916 / 445-6066 • TDD 916 / 324-2555 • WEB SITE conservation.ca.gov

February 14, 2014

VIA EMAIL: jim.bennett@sdcounty.ca.gov
ORIGINAL SENT BY MAIL

Jim Bennett
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Dear Mr. Bennett:

TECHNICAL ASSISTANCE REVIEW OF THE AMENDED RECLAMATION PLAN
ROSEMARY'S MOUNTAIN QUARRY
CALIFORNIA MINE ID# 91-37-0066, RP 87-001W2, MUP 87-0321W2

The Department of Conservation's Office of Mine Reclamation (OMR) has completed a technical assistance review of the amended reclamation plan for Rosemary's Mountain Quarry. The project site is in Fallbrook. The applicant, Granite Construction, is proposing to add an additional 10.35 acres to the existing 37.97 acre aggregate mining operation. The applicant estimates that approximately 1,100,000 tons of material will be removed annually for a total production of 24,000,000 tons over the life of the mine. OMR staff conducted a site visit on January 26, 2012 to discuss reclamation issues for a previous amendment to the reclamation plan, which apparently was approved on August 17, 2012.

The Surface Mining and Reclamation Act of 1975 (SMARA) (Public Resources Code Section 2710 et seq.) and the State Mining and Geology Board Regulations (California Code of Regulations (CCR) Title 14, Division 2, Chapter 8, Subchapter 1) require that specific items be addressed or included in reclamation plans. The following comments, prepared by a restoration ecologist and an engineering geologist, are offered to assist in your review of this project. The comments in this letter should be considered as preliminary technical assistance and do not constitute OMR's official review. The County must submit the amended reclamation plan for official review prior to approval as described in SMARA Section 2774(c).

OMR considers the proposed changes to be a substantial deviation from the approved reclamation plan. CCR Section 3502(d) states that: "An amended reclamation plan shall be approved by the lead agency prior to the commencement of activities determined to be a substantial deviation from the approved plan. For purposes of the Surface Mining and

Reclamation Act of 1975 and regulations adopted pursuant thereto, a substantial deviation shall be defined as a change or expansion to a surface mining operation that substantially affects the completion of the previously approved reclamation plan, or that changes the end use of the approved plan to the extent that the scope of the reclamation required for the surface mining operation is substantially changed. In determining whether a change or expansion constitutes a substantial deviation, the lead agency shall take into consideration the following factors:

(1) A substantial increase in the disturbance of a *surface area or in the maximum depth of mining*;
(2) A substantial extension of the *termination date* of the mining operation as set out in the approved reclamation plan;
(3) Changes that would substantially affect the approved *end use* of the site as established in the reclamation plan;
(4) The consistency of any proposed change to the operation with the previously adopted environmental determinations.
(5) *Any other changes* that the lead agency deems substantial deviations as defined in the subsection.

The current submittal for Rosemary's Mountain Quarry includes the following proposed changes, which could individually or collectively be considered to constitute a substantial deviation.

- Increasing the surface area of the mining operations by 10.35 acres from 37.97 acres to 48.32 acres;
- Extending the termination date by 24 years from 2024 to 2048;
- Increasing production by 2,000,000 tons from 22,000,000 to 24,000,000 tons;
- Change in end use to allow structures for agriculture; and
- Creation of a relatively large mining waste (i.e., overburden) dump, given that no mining waste was anticipated in the approved plan.

End Land Use

(Refer to SMARA section 2772, CCR sections 3707, 3708)

SMARA Section 2772(c)(8) requires that the reclamation plan include a description of reclamation measures adequate for the proposed end use. The approved reclamation plan states that the end use will be open space; the amended plan indicates that a future use of the site may also include agricultural development, including structures. As described below, slope stabilization measures in the amended reclamation plan may be inadequate to address slope stability with an end use that includes buildings or other structures. For SMARA purposes, it may be simpler to delete all references to agricultural end uses so that the site is reclaimed to open space, with any other end uses permitted separately at a later date.

The amended reclamation plan maps and cross sections include development of an overburden waste dump in the expansion area. The dump will permanently retain an estimated 823,000 cubic yards of mining waste (i.e., overburden) with a maximum thickness of about 100 feet. At the same time, implementation of the mining and reclamation plan will remove a large volume of rock in the main quarry area resulting in a large bedrock-floored quarry where a small amount of processing fines apparently will be spread on the bedrock prior to revegetation efforts. Depositing only a few inches of growth media over a hard bedrock surface likely will not result in successful revegetation for either end use (open space or agriculture). The County should consider reclamation efforts that include spreading out the overburden equally over the entire quarry floor prior to resoiling and revegetation efforts as a superior alternative.

Geotechnical Requirements

(Refer to CCR Sections 3502, 3704)

OMR previously reviewed and commented on the engineering-geologic studies that were used to address the stability of the final quarry wall design for the amendment approved in 2012. Of particular concern for that review was the suitability of engineering-geologic studies supporting the final slope design given that the end use contemplated the construction of structures for an agricultural-commercial end use. OMR's previous review described the inadequacies of the previous studies, especially the fact that they failed to provide factors of safety for proposed final slopes. The responses to the comments indicated that the reclamation plan incorporates measures to mitigate slope stability problems that the previous engineering studies anticipated, such as wedge and block failures. The responses further indicated that the end use would be open space only. The current submittal again allows for structures related to an agricultural end use. Given the change in end use, the comments in the previous letter (attached) addressing inadequacies in the engineering-geologic studies supporting final slope design should be addressed along with other slope design considerations that relate to the expansion as described in the subsequent comments.

The existing engineering-geologic studies fail to address the impact of surcharging a more than 200-foot-high cut slope (inclined 0.176H:1V or 80 degrees from the horizontal) with 823,000 cubic yards of mining waste. The studies must be revised to address the surcharging of the steep final slope design. Engineering-geologic studies should demonstrate that the final cut slope design is stable with factors of safety suitable for the proposed end use.

A January 10, 2014 geotechnical study was submitted to address the stability of a proposed retaining wall and the final slope design of 1.5H:1V for the overburden dump. The study acknowledges that perched water levels in the waste dump are likely; however, the study does not include stability analyses that address the presence of perched groundwater. The study should be revised to address the stability of final slopes on the waste dump under conditions of perched groundwater.

CCR Section 3502(b)(4) requires that a reclamation plan consider the impacts of settlement of filled areas on the ultimate site use and, when necessary, requires that backfill be compacted in conformance with good engineering practice. Although not described in the text, maps and cross sections (i.e., sheets 4 of 6 and 6 of 6) indicate that overburden will be disposed of in a waste dump in the expansion area. The end use of the mine is given as open space with future uses of agriculture, including structures. CCR Sections 3704(a) and (b) describe performance standards for compaction for developments sensitive to settlement and for resource conservation purposes. The reclamation plan should be revised to describe compaction requirements for construction of the waste dump for any proposed agricultural structures and for those areas that will be open space.

Hydrology and Water Quality

(Refer to SMARA Sections 2772, 2773, CCR Sections 3502, 3503, 3706, 3710, 3712)

SMARA Section 2772(c)(8)(A) requires reclamation plans to address contaminant control and disposal of mining waste. The amended reclamation plan states that no wastes will be retained on site and fails to describe the development of the large overburden dump in the expansion area. As shown on sheet 4 of 6 and 6 of 6, the overburden dump will contain 823,000 cubic yards of mining waste, and final slopes will be graded to 1.5H:1V (i.e., horizontal to vertical slope ratio). However, these map sheets and the text of the amended reclamation plan fail to address basic information related to construction of the dump, such as fill placement and compaction requirements (see above), surface and subsurface drainage requirements and design specifications, and delineating the location that the overburden will be stored prior to placing it in the dump, among others. The amended reclamation plan should be revised to acknowledge the large amount of mining waste that will remain onsite and to provide a description of and specifications for construction of the waste dump.

Resoiling and Revegetation

(Refer to SMARA Section 2773, CCR Sections 3503, 3704, 3705, 3707, 3711)

CCR Section 3711 establishes mandatory standards for topsoil salvage, maintenance, and redistribution. Text in section 26 on page 17 states that topsoil salvage in the expansion area is "infeasible" due to the steep terrain and the thin nature of the soils. The expansion area is currently under cultivation as citrus orchards. It seems that mining equipment should be able to salvage the topsoil in this area, given that farming equipment can access it, and that topsoil supporting an orchard would be a valuable resource for reclamation. The amended reclamation plan be revised to provide for topsoil salvage, stockpiling, and redistribution in the expansion area.

CCR Section 3711(e) requires that topsoil shall be redistributed in a stable, consistent thickness. This requirement also applies to other growth media applied in place of

topsoil. The reclamation plan and revegetation plan fail to describe resoiling with fines or to what depth the fines are to be distributed. As noted above, it may be preferable to spread the overburden across the quarry floor, covered by fines rather than applying a thin layer of fines over bedrock in order to successfully revegetate the site.

Administrative Requirements

(Refer to SMARA Sections 2772, 2773, 2774, 2776, 2777, Public Resources Code Section 21151.7)

When submitting the reclamation plan and financial assurance cost estimate to OMR for review, the lead agency is required to certify that the reclamation plan is complete pursuant to Section 2774(c) of the Surface Mining and Reclamation Act. Please include a cover letter with a statement such as: "The Rosemary's Mountain Quarry Amended Reclamation Plan is enclosed for OMR's 30-day review. San Diego County certifies that this submission is in compliance with the applicable requirements of Article 1 of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations."

If you have any questions on these comments or require any assistance with other mine reclamation issues, please contact me at (916) 445-6175.

Sincerely,

Beth Hendrickson, Manager
Reclamation Unit

Attachment

County of San Diego

MARK WARDLAW
DIRECTOR
PHONE (858) 694-2962
FAX (858) 694-2555

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
www.sdcounty.ca.gov/pds

DARREN GRETLER
ASSISTANT DIRECTOR
PHONE (858) 694-2962
FAX (858) 694-2555

June 6, 2014

Ms. Beth Hendrickson
Department of Conservation
Office of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814

Re: Major Use Permit and Reclamation Plan Modification for Rosemary's Mountain Quarry
PDS2013-MUP-87-021W2 and PDS2013-RP-87-001W2
California Mine ID# 91-37-0066

Dear Ms. Hendrickson:

Thank you for the Department of Conservation's February 14, 2014 letter with respect to the Rosemary's Mountain Quarry Major Use Permit and Reclamation Plan Modification. The County, with this letter, provides responses to previous comments in the February 14th letter and requests formal Office of Mine Reclamation review of the project. The attached Reclamation Plan Amendment RP87-006W2 Rosemary's Mountain Quarry has been found by the County of San Diego to be in compliance with SMARA, Article 9 (commencing with Section 3500) of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations and Chapter 7 of the County of San Diego Grading Ordinance. Please find attached a project description, Reclamation Plan text, Plot Plan, geotechnical investigation, and drainage study. The County is requesting an expedited review of the normal 30 day turnaround time for any comments you may have. If you have any questions regarding this letter please contact me at (858) 694-3820 or e-mail at jim.bennett@sdcounty.ca.gov.

OMR Comment:
The current submittal for Rosemary's Mountain Quarry includes the following proposed changes, which could individually or collectively be considered to constitute a substantial deviation.

- *Increasing the surface area of the mining operations by 10.35 acres from 37.97 acres to 48.32 acres;*
- *Extending the termination date by 24 years from 2024 to 2048;*
- *Increasing production by 2,000,000 tons from 22,000,000 to 24,000,000 tons;*
- *Change in end use to allow structures for agriculture; and*

- *Creation of a relatively large mining waste (i.e., overburden) dump, given that no mining waste was anticipated in the approved plan.*

Response: The termination date and increase in production has not changed as a result of this amendment. The termination date and production volumes referred to in the comment were approved in 2012 as the result of the previous amendment.

The Reclamation Plan did not identify the end use would be for agricultural structures. The end use was for open space/undeveloped land for the purposes of the Reclamation Plan. Any other use after closure of the Reclamation Plan would require a separate permitting process and is not associated with the mining operation. All reference to potential future uses other than open space/undeveloped land has been eliminated from the Reclamation Plan.

OMR Comment, End Land Use (Refer to SMARA section 2772, CCR sections 3707, 3708): *SMARA Section 2772 (c) (8) requires that the reclamation plan include a description of reclamation measures adequate for the proposed end use. The approved reclamation plan states that the end use will be open space; the amended plan indicates that a future use of the site may also include agricultural development, including structures. As described below, slope stabilization measures in the amended reclamation plan may be inadequate to address slope stability with an end use that includes buildings or other structures. For SMARA purposes, it may be simpler to delete all references to agricultural end uses so that the site is reclaimed to open space, with any other end uses permitted separately at a later date.*

Response: All reference to potential future land uses other than open space/undeveloped land has been deleted from the Reclamation Plan document.

OMR Comment: Geotechnical Requirements (Refer to CCR Sections 3502, 3704): *OMR previously reviewed and commented on the engineering-geologic studies that were used to address the stability of the final quarry wall design for the amendment approved in 2012. Of particular concern for that review was the suitability of engineering-geologic studies supporting the final slope design given that the end use contemplated the construction of structures for an agricultural-commercial end use. OMR's previous review described the inadequacies of the previous studies, especially the fact that they failed to provide factors of safety for proposed final slopes. The responses to the comments indicated that the reclamation plan incorporates measures to mitigate slope stability problems that the previous engineering studies anticipated, such as wedge and block failures. The responses further indicated that the end use would be open space only. The current submittal again allows for structures related to an agricultural end use. Given the change in end use, the comments in the previous letter (attached) addressing inadequacies in the engineering-geologic studies supporting final slope design should be addressed along with other slope design considerations that relate to the expansion as described in the subsequent comments.*

The existing engineering-geologic studies fail to address the impact of surcharging a more than 200-foot-high cut slope (inclined 0.176H:1V or 80 degrees from the horizontal) with 823,000 cubic yards of mining waste. The studies must be revised to address the surcharging of the steep final slope design. Engineering-geologic studies should demonstrate that the final cut slope design is stable with factors of safety suitable for the proposed end use.

A January 10, 2014 geotechnical study was submitted to address the stability of a proposed retaining wall and the final slope design of 1.5H:1V for the overburden dump. The study acknowledges that perched water levels in the waste dump are likely; however, the study does

not include stability analyses that address the presence of perched groundwater. The study should be revised to address the stability of final slopes on the waste dump under conditions of perched groundwater.

CCR Section 3502(b)(4) requires that a reclamation plan consider the impacts of settlement of filled areas on the ultimate site use and, when necessary, requires that backfill be compacted in conformance with good engineering practice. Although not described in the text, maps and cross sections (i.e., sheets 4 of 6 and 6 of 6) indicate that overburden will be disposed of in a waste dump in the expansion area. The end use of the mine is given as open space with future uses of agriculture, including structures. CCR Sections 3704(a) and (b) describe performance standards for compaction for developments sensitive to settlement and for resource conservation purposes. The reclamation plan should be revised to describe compaction requirements for construction of the waste dump for any proposed agricultural structures and for those areas that will be open space.

Applicant Response: The post reclamation land use for the purposes of this Reclamation Plan is open space/undeveloped land. Compaction and grading will be done in accordance with County Ordinance for this use. All fill areas will be tested for adequate compaction by a soils engineer as the backfilling and grading process continues. The volume of fill on the upper pad area has been reduced and all final fills slopes will have a minimum gradient of 2H:1V with the fill area approximately 200 feet from the steeper cut slope. In addition; cut slopes will be evaluated for stability by a soils engineer prior to development of final slopes based on the soils engineer's recommendations.

OMR Comment: Hydrology and Water Quality (Refer to SMARA Sections 2772, 2773, CCR Sections 3502,3503,3706,3710,3712): *SMARA Section 2772(c)(8)(A) requires reclamation plans to address contaminant control and disposal of mining waste. The amended reclamation plan states that no wastes will be retained on site and fails to describe the development of the large overburden dump in the expansion area. As shown on sheet 4 of 6 and 6 of 6, the overburden dump will contain 823,000 cubic yards of mining waste, and final slopes will be graded to 1.5H:1V (i.e., horizontal to vertical slope ratio). However, these map sheets and the text of the amended reclamation plan fail to address basic information related to construction of the dump, such as fill placement and compaction requirements (see above), surface and subsurface drainage requirements and design specifications, and delineating the location that the overburden will be stored prior to placing it in the dump, among others. The amended reclamation plan should be revised to acknowledge the large amount of mining waste that will remain onsite and to provide a description of and specifications for construction of the waste dump.*

Applicant Response: The Reclamation Plan has been modified to grade all fill slopes to a minimum of 2H:1V and to reduce the volume of fill. Compaction and drainage of the fill and pad areas have been addressed in the Reclamation Plan.

OMR Comment: Resoiling and Revegetation (Refer to SMARA Section 2773, CCR Sections 3503, 3704, 3705, 3707, 3711): *CCR Section 3711 establishes mandatory standards for topsoil salvage, maintenance, and redistribution. Text in section 26 on page 17 states that topsoil salvage in the expansion area is "infeasible" due to the steep terrain and the thin nature of the soils. The expansion area is currently under cultivation as citrus orchards. It seems that mining equipment should be able to salvage the topsoil in this area, given that farming equipment can access it, and that topsoil supporting an orchard would be a valuable resource*

for reclamation. The amended reclamation plan should be revised to provide for topsoil salvage, stockpiling, and redistribution in the expansion area.

Applicant Response: The citrus grove is not and has not been under active cultivation since approximately 2012 due to diseased trees. It should also be noted that the only access to this portion of the grove was by dirt roads cut cross slope into the hillside in several locations. Recently, the property owner has removed all the trees using a bulldozer from this area. This has resulted in substantial disturbance to the surface. Two photos have been attached to show the existing conditions in the amendment area as of February 24th, 2014. Any material salvaged from this area would simply be overburden. This is why the salvage of topsoil is not proposed.

OMR Comment: *CCR Section 3711 (e) requires that topsoil shall be redistributed in a stable, consistent thickness. This requirement also applies to other growth media applied in place of topsoil. The reclamation plan and revegetation plan fail to describe resoiling with fines or to what depth the fines are to be distributed. As noted above, it may be preferable to spread the overburden across the quarry floor, covered by fines rather than applying a thin layer of fines over bedrock in order to successfully revegetate the site.*

Applicant Response: This has been addressed in the Reclamation Plan by proposing the spreading of 12 inches of overburden with processing fines over exposed hard rock surfaces in the quarry floor.

Please feel free to contact me at (619) 694-3820, if you have any questions about this letter.

Sincerely,

Jim Bennett, Groundwater Geologist
County of San Diego Planning & Development Services, Project Planning

e-mail cc: John Fredrickson, Inland Valley Materials;
Warren Coalson, EnviroMINE Inc.

NATURAL RESOURCES AGENCY EDMUND G. BROWN JR., GOVERNOR

DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION
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June 26, 2014

VIA EMAIL: jim.bennett@sdcounty.ca.gov
ORIGINAL SENT BY MAIL

Jim Bennett
San Diego County Planning and Development Services Department
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Dear Mr. Bennett:

ROSEMARY'S MOUNTAIN QUARRY
AMENDED RECLAMATION PLAN
CALIFORNIA MINE ID# 91-37-0066, RP 87-001W2, MUP 87-021W2

The Department of Conservation's Office of Mine Reclamation (OMR) has reviewed the amended reclamation plan for Rosemary's Mountain Quarry. The applicant, Granite Construction, is proposing to add an additional 10.35 acres to the existing 37.97 acre aggregate mining operation. The applicant estimates that approximately 1,100,000 tons of material will be removed annually for a total production of 24,000,000 tons over the life of the mine.

OMR staff reviewed a draft of the proposed plan modifications to provide technical assistance and wrote a comment letter dated February 14, 2014. The plan has been revised to address these comments. OMR has no additional comments at this time.

Administrative Requirements

(Refer to SMARA Sections 2772, 2773, 2774, 2776, 2777, Public Resources Code Section 21151.7)

SMARA Section 2774 addresses the requirements with respect to lead agency approvals of reclamation plans, plan amendments, and financial assurances. At least 30 days prior notice must be provided to the Department of the time, place, and date of the hearing at which the reclamation plan is scheduled to be approved. If no hearing is required, then at least 30 days' notice must be given to the Department prior to its approval. Finally, within 30 days following approval of the reclamation plan, a final response to these comments must be sent to the Department. Please ensure that your agency allows adequate time in the approval process to meet these SMARA requirements.

If you have any questions on these comments or require any assistance with other mine reclamation issues, please contact me at (916) 445-6175.

Sincerely,

Beth Hendrickson, Manager
Reclamation Unit

Attachment F – Ownership Disclosure

County of San Diego, Planning & Development Services

APPLICANT'S DISCLOSURE OF OWNERSHIP INTERESTS ON APPLICATION FOR ZONING PERMITS/ APPROVALS

ZONING DIVISION

Record ID(s) PDS2013-3301-87-021-W2 and PDS2013-3311-87-001-W2

Assessor's Parcel Number(s) 125-061-09, 125-062-06, 128-010-37, and 108-122-13

Ordinance No. 4544 (N.S.) requires that the following information must be disclosed at the time of filing of this discretionary permit. The application shall be signed by all owners of the property subject to the application or the authorized agent(s) of the owner(s), pursuant to Section 7017 of the Zoning Ordinance. **NOTE:** Attach additional pages if necessary.

A. List the names of all persons having any *ownership interest* in the property involved.

Pankey Ranch, L.P.

B. If any person identified pursuant to (A) above is a corporation or partnership, list the names of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

William H. Pankey
Jeanne Pankey Hendrix
Loraine Pankey Folin

C. If any person identified pursuant to (A) above is a non-profit organization or a trust, list the names of any persons serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

NOTE: **Section 1127 of The Zoning Ordinance defines *Person* as:** "Any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit."

Dennis F. Fransway
Signature of Applicant

Dennis F. Fransway
Print Name

June 25, 2013
Date

SDC PDS RCVD 07-24-13
MUP87-021W2
RC87-001W2