



83529

DATE: October 27, 2016
TO: Planning Commission
FROM: Christopher Hoem, Associate Planner
SUBJECT: Stevens Creek Quarry Status Report

RECOMMENDED ACTION

Consider a 6-month follow-up status report regarding Stevens Creek Quarry, as directed by the Planning Commission at its April 2016 hearing. File: 1253-15PAM; Owner/Applicant: Jason Voss; Property Address/Location: 12100 Stevens Creek Canyon Road, Cupertino; General Plan: Hillsides; Zoning: HS-d1-sr and HS-d1; Supervisorial District: 5; Assessor's Parcel No. 351-10-019 (40 acres), 351-10-020 (40 acres), and 351-18-048 (66.2 acres).

Possible action:

- a. Accept or reject status report.

PROJECT DESCRIPTION

Follow up status report from the April 28, 2016 Planning Commission Hearing regarding Stevens Creek Quarry and compliance with the conditions of approval under the Use Permit, Architectural and Site Approval, Reclamation Plan, and Mediated Conditions that apply to onsite operations.

In accepting the Stevens Creek Quarry annual status report on April 28, 2016, the Planning Commission requested a 6 month follow-up status report regarding compliance with several issues that were reported as non-compliant at the time. The areas of non-compliance included the following:

1. Erosion and sediment in adjacent creek.
2. Recycled concrete stockpile visible from Stevens Canyon Road.
3. Excavated cut slope closer than 25 feet from north property line.

Stevens Creek Quarry lies in a canyon in the Santa Cruz Mountains, west of the City of Cupertino. The access to the mine is off of Stevens Canyon Road, which runs along the west side of the Stevens Creek Reservoir. The Quarry is comprised of Parcel A and Parcel B (see map on Attachment 1).

Since the April status report (Attachment 2), staff has conducted monthly on-site inspections to determine compliance with the conditions of approval, including assurance that stormwater Best Management Practices (BMPs) are used for the operation of the Quarry. County staff, including the County geologist, Jim Baker, inspected the site on September 15, 2016 as part of the required annual SMARA inspection.

REASONS FOR RECOMMENDATION

The following items were not in compliance at the time of the April 2016 Planning Commission meeting:

1. Erosion and sediment transport into adjacent creek (UP Condition 23): As previously reported, staff observed erosion of fill slope and resulting silt entering the adjacent creek on December 22, 2015 and January 28, 2016, as a result of insufficient stormwater control measures at the Quarry. After recommendation by County staff, the Quarry operator installed stormwater control measures throughout the site, including silt fencing to catch sediment, straw wattles on fill slopes, rock-lined ditches and rock check dams along access and haul roads, and covers over stock piles in the recycling area.

A subsequent inspection by County inspectors on March 18, 2016 revealed that the recently added stormwater control measures successfully prevented eroded silt from entering into the creek. However, they also observed that the fill slope adjacent to the creek was continuing to erode.

To address the erosion issue, the Quarry operator completed the following two additional improvements: first they “laid back” the fill slope to a lesser gradient during the dry season and installed more BMPs during that time. Secondly, they hauled some of the fill slope material to other construction related projects off-site. Based on observations from the most recent inspection by County senior inspector Steve Beams on October 11, 2016, the work done on the fill slope appears that it will effectively reduce erosion and limit silt transport into the adjacent creek. Additionally, the Quarry operator hired a Stormwater Manager to ensure ongoing stormwater control measures continue to be installed and maintained.

On March 18, 2016, Regional Water Quality Control Board (RWQCB) staff visited the Quarry site with County staff to inspect stormwater runoff and the Quarry’s compliance with the NDPS General Permit issued by the RWQCB. The County has not received any additional correspondence from RWQCB staff regarding the results of this inspection and any compliance actions by the RWQCB.

The California Department of Water Resources (DWR) wrote a letter, dated June 6, 2016, to the Quarry requesting that a civil engineer analyze the flowability of the sediment behind the Upper Settling Basin Dam and submit an evaluation by December 31, 2016. The calculations need to show the amount of moveable material behind the dam and the fluidity of the sediment in order to determine whether the Division of Dam Safety has jurisdiction over the dam. The evaluation has not yet been submitted by the Quarry. However, the Quarry operator informed the County on October 13,

2016 that they are in the process of completing the analysis and they intend to submit the evaluation before December 31, 2016. The DWR letter is Attachment 3.

2. Recycled Concrete Stockpile Visible from Stevens Canyon Road (UP Condition 42 and Recycling Facility ASA Condition 17): – Under this Condition of Approval, the recycled crusher and stockpiles are to be located so that neither are visible from Stevens Canyon road. In the April 2016 status report, this issue was reported to the Planning Commission because County staff initially observed that the stockpiles could be seen from portions of Stevens Canyon Road. In response, the Quarry operator discussed a solution is to install screening material on top of the property fence, however, to date, this has not been installed. The Quarry operator subsequently notified staff during the summer of 2016 that they were increasing the sales of the concrete material in the stockpile to reduce its height.

County staff subsequently inspected the site on September 15, 2016 and observed that the onsite trees, fences, and berm sufficiently obscure the stockpiles from the majority of viewpoints along Stevens Canyon Road. County staff further observed that the most prominent portion of the stockpiles is only visible to drivers for a few brief seconds while driving immediately in front of the entrance to the Quarry. Therefore, the concrete stockpile is deemed to be in compliance so long as it does not grow in height.

3. Excavated cut slope shall be no closer than 25 feet from property line (UP Condition 30): In the April 2016 status report to the Planning Commission, it was reported that the upper quarry north wall was in close proximity to the north property line. The Quarry installed stakes to demarcate the property line. The stakes measured 30 feet from the quarry wall.

The County visited the site on September 15, 2016 as part of its annual inspection and observed that a large slope failure of the quarry's northern high wall occurred during the summer of 2016 and now the upper portion of the quarry's north wall appears to have failed with cracks developing beyond the northern property line. In addition, the Quarry operator has installed a line of steel I-beams that are intended to support a fill to restore a perimeter road, located along the northern side of the upper quarry.

County staff is directing the Quarry operator to submit to the County Geologist for review an evaluation by the project geologist of the potential for the slide to continue moving and expand beyond the limits of the property, including an assessment of the adequacy of the embedment of the recently installed steel I-beams. In addition, the County has requested that the County surveyor verify the adjacent property line to determine whether the underlying slope failure has caused ground disturbances to occur north of the northern property line.

If the evaluation shows that the slope failure has extended beyond the property boundary, then a lot line adjustment may be required to the extent that the ground disturbances are not closer than 25 feet from the new property line.

BACKGROUND

a) Stevens Creek Quarry History

The Planning Commission granted a Use Permit (No. 173.977) on September 20, 1950 for the surface mining operation. On January 10, 1984, the Board of Supervisors approved a use permit with reclamation plan for the front portion of the quarry (Parcel A). The Board also approved a reclamation plan for the rear portion (Parcel B). On July 5, 1990, the Planning Commission modified the use permit to allow the recycling of materials of concrete, asphalt and natural earth and on November 8, 1990, the Architecture and Site Approval Committee approved an ASA for the recycling facility. On February 6, 1995, the Planning Commission renewed the use permit for a period of twenty years, subject to the original conditions, and authorized on Parcel A the operations of a community recycling staging and composting program by the City of Cupertino. The use permit conditions were further modified by the Board and adopted on December 17, 1996 by resolution to their current form.

The prior actions by the Board relating to Parcel A and B resulted in an ongoing dispute, including litigation, about whether quarrying and related activities are legal nonconforming use on Parcel B. A series of hearings took place during April 2002 through August 2002 by the Board regarding the legal nonconforming use of Parcel B. The Quarry indicated to the Board that it would seek judicial relief if the Board determined that quarry was not a legal nonconforming use on Parcel B. The Monte Vista/Stevens Canyon Neighborhood Association, an unincorporated association comprised of many residents who live near the Quarry, indicated to the Board that it would seek judicial relief if the Board determined that quarry was a legal nonconforming use on Parcel B. In an attempt to avoid litigation and at the County's suggestion, in August, 2002, the Quarry and the Association voluntarily agreed to participate in a County-sponsored mediation program. The Quarry and Association representatives developed a set of operating conditions for quarrying and related activities on Parcel B (commonly referred to as the "Mediated Conditions"). On October 8, 2002 the Board resolution recognizing the Mediated Conditions.

In 2005, during an inspection it was observed that the Quarry had expanded its mining activity to a 1.5 acre fill-area, located west of Parcel B and also a 12.2 acre area located along the eastern property line also Parcel B. On May 14, 2009, the Architecture and Site Approval Committee approved a minor amendment to the Stevens Creek Quarry Reclamation Plan (dated, May 2007), and adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

The Quarry operation on Parcel A is subject to an architectural site approval (ASA) with 29 conditions. Both the recycling facility and the Quarry operation on Parcel A are subject to a Use Permit (UP) with 53 conditions. The recycling facility also has an ASA permit with 18 conditions. Parcel B is subject to an agreement between Stevens Creek Quarry and Monte Vista, Stevens Canyon Residents Association with 36 mediated conditions. Both Parcels A and B are subject to a reclamation plan. All of these documents are included as Attachment 4. The table below illustrates the various conditional documents listed in this paragraph:

Document	Parcel A	Parcel B
Quarry & Recycling Facility UP	53 conditions	
Quarry ASA Permit	29 conditions	
Recycling Facility ASA Permit	18 conditions	
Agreement (Mediated Conditions)		36 conditions
Reclamation Plan	Applies	Applies

b) Use Permit Renewal

The current Use Permit condition 52, granted a period of 20 years from February 18, 1995 for the quarry operations. Condition 36 of the Agreement provides that the agreement “will be co-terminus with the existing use permit on parcel “A”. Based on the record, the intent of the Board, the Quarry, and the neighbors was that the Agreement would run parallel with the use permit on Parcel A. If the use permit on Parcel A was extended then the intent in 2002 was that the Agreement for Parcel B would also continue.

On December 29, 2014, the Quarry applied for renewal to the use permit requesting to renew for 30 years. The County temporarily stopped processing the application in order for the Quarry to prepare and submit the documents needed for the FACE certification and approval. Staff will restart processing the Use Permit Renewal and an amendment to the Reclamation Plan following receipt of the new geology report and a DWR determination regarding the earthen impoundment located between the Upper and Middle Settling Basins.

STAFF REPORT REVIEW

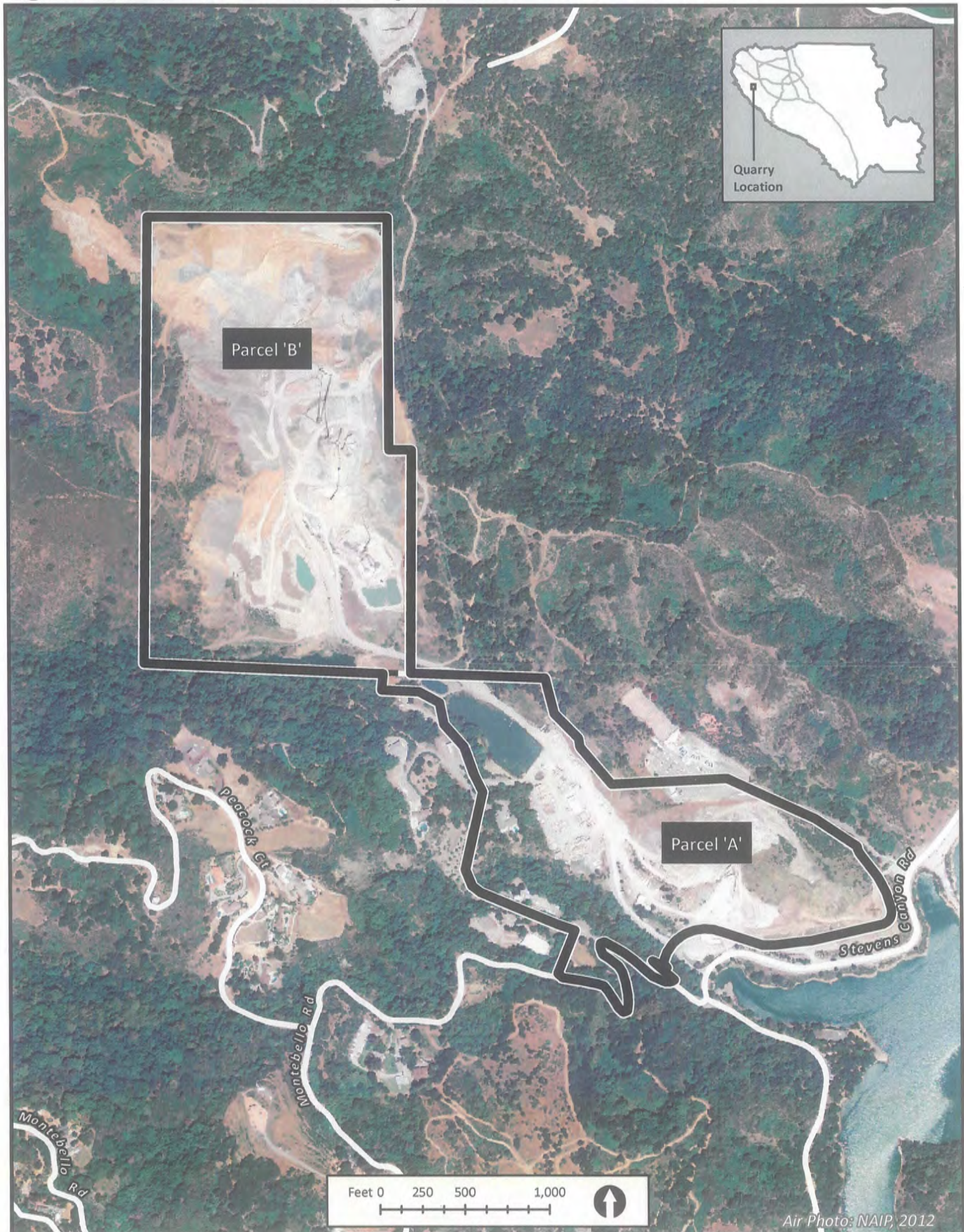
Prepared by: Christopher Hoem, Associate Planner, 408-299-5784,
christopher.hoem@pln.sccgov.org

Reviewed by: Rob Eastwood, Planning Manager, 408-299-5770,
rob.eastwood@pln.sccgov.org

ATTACHMENTS:

- Attachment-1: Map of Parcels A & B (PDF)
- Attachment-2: April 2016 Status Report (PDF)
- Attachment-3: DWR Letter (PDF)
- Attachment-4: Conditions of Approval (PDF)
- Attachment-5: ICF Report (PDF)

Figure 1: Stevens Creek Quarry Location



County of Santa Clara

Department of Planning and Development
Planning Office

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110-1705
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STAFF REPORT
Planning Commission
April 28, 2016

Item #6

Contact: Marina Rush, Senior Planner
(408)299-5784, marina.rush@pln.sccgov.org

File: 1253-15PAM Stevens Creek Quarry

Summary: Annual status report regarding compliance with conditions of approval for Stevens Creek Quarry surface mining operation and concrete and asphalt recycling operations.

Property Owner: Richard Voss, Owner Stevens Creek Quarry
Jason Voss, Quarry Manager

Address: 12100 Stevens Canyon Road, Cupertino, 95014

RECOMMENDED ACTIONS

It is recommended that the Planning Commission take the following actions:

1. Accept the annual status report regarding Stevens Creek Quarry for the reporting period January 1, 2015 – December 31, 2015.

PROJECT DESCRIPTION

The Planning Commission will consider the annual status report for reporting period January 1, 2015 through December 31, 2015, regarding the Stevens Creek Quarry (Quarry) compliance with Use Permit 1253-96P condition 53 and the Agreement Regarding Parcel "B" (Agreement, also referred to as the Mediated Conditions) condition 27. The Agreement is the result of the mediation between representatives of Stevens Creek Quarry and Monte Vista, Stevens Canyon Residents Association regarding the

quarry operations. Mediation occurred during August and September 2002, and on October 8, 2002 the Board of Supervisors adopted a resolution recognizing the mediated conditions for Stevens Creek Quarry Parcel B. Both Parcel A and Parcel B are identified on the Quarry's reclamation plan area map, and is Attachment 1 to this report.

The Use Permit and Agreement conditions regarding compliance monitoring state the following:

Use Permit - Condition 53:

The use permit shall be reviewed at the end of six months (January 1997 Planning Commission meeting) for compliance with all conditions of approval and on an annual basis with a report to be submitted to the Planning Commission on compliance with conditions of the permit. This review shall be limited to compliance with conditions and, absent appropriate findings, shall not result in revision of conditions.

Mediated Agreement Regarding Parcel "B" - Condition 27:

The compliance monitoring and enforcement for the provisions of this agreement will utilize the same mechanisms as used for Parcel A.

County conducted several inspections in 2015, and observed items not in compliance with the Use Permit and the Agreement. These included evidence of erosion and sedimentation issues, and visibility of the recycled concrete stockpile from Stevens Canyon Road. The Quarry has cooperated and installed numerous stormwater control measures and hired a Stormwater Control Manager to help better manage the site, and is researching potential screening of the stockpile and increasing sales of the material. Additional correction items in process, but not directly related to the Use Permit and Agreement, are:

1. Obtaining a building permit for the relocated crusher equipment retaining wall and foundation;
2. Completing a lot line adjustment for an area used in the mining operation but located outside the property and reclamation plan boundary;
3. Completing a new geology report regarding slope stability; and
4. Submitting a determination by the Department of Water Resources regarding the earthen impoundment located between the Upper and Middle Settling Basins.

BACKGROUND

a) Stevens Creek Quarry History

The Planning Commission granted a Use Permit (No. 173.977) on September 20, 1950 for the surface mining operation. On January 10, 1984, the Board of Supervisors approved a use permit with reclamation plan for the front portion of the quarry (Parcel

A). The Board also approved a reclamation plan for the rear portion (Parcel B). On July 5, 1990, the Planning Commission modified the use permit to allow the recycling of materials of concrete, asphalt and natural earth and on November 8, 1990, the Architecture and Site Approval Committee approved an ASA for the recycling facility. On February 6, 1995, the Planning Commission renewed the use permit for a period of twenty years, subject to the original conditions, and authorized on Parcel A the operations of a community recycling staging and composting program by the City of Cupertino. The use permit conditions were further modified by the Board and adopted on December 17, 1996 by resolution to their current form.

The prior actions by the Board relating to Parcel A and B resulted in an ongoing dispute, including litigation, about whether quarrying and related activities are legal nonconforming use on Parcel B. A series of hearings took place during April 2002 through August 2002 by the Board regarding the legal nonconforming use of Parcel B. The Quarry indicated to the Board that it would seek judicial relief if the Board determined that quarry was not a legal nonconforming use on Parcel B. The Monte Vista/Stevens Canyon Neighborhood Association, an unincorporated association comprised of many residents who live near the Quarry, indicated to the Board that it would seek judicial relief if the Board determined that quarry was a legal nonconforming use on Parcel B. In an attempt to avoid litigation and at the County's suggestion, in August, 2002, the Quarry and the Association voluntarily agreed to participate in a County-sponsored mediation program. The Quarry and Association representatives developed a set of operating conditions for quarrying and related activities on Parcel B (commonly referred to as the "Mediated Conditions"). On October 8, 2002 the Board resolution recognizing the Mediated Conditions.

In 2005, during an inspection it was observed that the Quarry had expanded its mining activity to a 1.5 acre fill-area, located west of Parcel B and also a 12.2 acre area located along the eastern property line also Parcel B. On May 14, 2009, the Architecture and Site Approval Committee approved a minor amendment to the Stevens Creek Quarry Reclamation Plan (dated, May 2007), and adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

Collectively, there are 53 conditions in the Use Permit, 36 conditions in the Agreement, and 18 conditions in the ASA. These documents, as well as the 2002 Board Resolution, are Attachment 2.

b) 2015 County Inspections and Monthly Monitoring

The quarry and recycling operations were active during the reporting year, and comprise approximately 147 acres of the 167 acre property. Parcel A encompasses 51 acres, and contains the office buildings, scale, recycling stockpiles and concrete crusher, compost distribution operated by the City of Cupertino, as well as stockpile for backfilling the quarry pit, haul road, and lower settling basins and detention ponds. Parcel B encompasses 96 acres and contains the quarry pit, rock crushing, screening, sorting, and

conveying equipment, overburden stockpiles, haul roads, and upper settling basin and detention ponds. Mining extracts Franciscan greenstone used for aggregate. Property to the north, east and west sides of Parcel B is undeveloped and owned by Lehigh Southwest Cement, and Stevens Creek Reservoir is south of the site.

In compliance with the Surface Mine and Reclamation Act (SMARA), as lead agency for SMARA, County staff conducted inspections of the Quarry to ensure mining and reclamation activities were in conformance with the current Reclamation Plan. Inspections during the reporting period included August 27, 2015 and December 22, 2015, and follow up inspections on January 27, 2016 and March 18, 2016. Staff prepared and submitted inspection reports in accordance with SMARA to the California Department of Conservation, Office of Mining and Reclamation (OMR). The County 2015 SMARA inspection reports are included as Attachment 3.

In addition, Planning Office contracts with ICF to conduct monthly monitoring for compliance with use permit conditions #16, 18, 21, 25, 29, 32, 33, 34, 35, 36, 37, and 38 relating to dust, truck loading and vehicle speed, noise, hours of operation, posted signage, and Bay Area Air Quality Management District (BAAQMD) permits.. The monitoring activities include reviewing facility video for compliance with operating hours, truck ticket counts for maximum trucks per day, and confirmation with local agencies regarding complaints relating to noise and dust. The Quarry submits funding to the County annually for all costs relating to the staff compliance and ICF contract. The ICF 2015 compliance summary report confirms the Quarry was in compliance with these condition requirements and is Attachment 4.

c) Financial Assurance Review

In accordance with SMARA, Quarry submitted the 2015 Financial Assurance Cost Estimate (FACE) to the County, dated July 2015. The estimate is the cost to reclaim the quarry, in its current condition. The 2015 FACE is \$2,304,756.29, which is an increase of \$1,573,033.45 from the previous reporting year. Following the County's review of the documentation, additional information and reports were requested, and a supplemental report was submitted, January 2016.

Remaining items needing clarification or reporting are: (a) current geology report assessing slope stability, (b) completion of a lot line adjustment between Quarry and neighboring property for an area used in the mining operations, Upper Settling Basin, located outside of the property and Reclamation Plan, and (c) determination from Department of Water Resources regarding the impoundment at the Upper Settling basin. These items are in process and anticipated to be completed late May 2016 for the geology report and impoundment determination, by December 2016 for the lot line adjustment and parcel map recordation. These will be incorporated into the 2016 FACE.

d) Stevens Creek Quarry Reported Tasks and Work Plan

For this annual review, the Quarry prepared and submitted a report documenting tasks completed and in process regarding use permit conditions 17, 19, 35, 23, 42, and Agreement conditions 12.h, 13, 15, 22, 18 and 30, and is Attachment 5.

Summary of the tasks completed are:

- Stevens Creek Quarry Compliance Officer (Conditions 17 and 19) – Owner hired a Compliance Officer, March 28, 2016, tasked to monitor truck operations to and from the site. Compliance officer issues notices to truck operators not complying with conditions, similar to written warnings. Also, owner contracts with Sheriff Department to provide additional patrol between Highway 280 and the quarry.
- Signage, Site Policies, Training, and Record Keeping (Condition 35) – Signage maintained on site and property frontage displaying operational policies, copies are provided to drivers, onsite training, and initiated tracking system for noncompliance.
- Stormwater Discharge (Condition 23) – Quarry has an NPDES General Permit issued by the Regional Water Quality Control Board for their industrial water discharges. Quarry tested stormwater discharges and reported results for the reporting year. Quarry installed additional stormwater control measures following the County inspections, and continues working with County to continue with the BMP installations and site management improvements. Quarry hired stormwater management manager to ensure ongoing site improvements are installed and maintained.
- Complaint Hotline Number (Agreement Condition 12.h) – Quarry has signs posted along the property frontage listing the hotline number for complaints regarding dust, noise, jake brakes, etc. Quarry staff responds to each complaint directly, and reported in the monthly monitoring report. No complaints recorded for 2015.

e) Non-Compliance Items - Use Permit and Mediated Agreement:

As noted, the staff conducted several inspections during the reporting year, and presently the following items not in compliance with the Use Permit (UP) and Agreement (A) with mediated conditions:

1. Erosion and sediment in adjacent creek (UP Condition 23 and A Condition 18):
Staff observed siltation and erosion entering the adjacent creek on December 22, 2015 and January 28, 2016, as a result of insufficient stormwater control measures at the Quarry. County staff discussed the areas and made recommendation with Quarry management following the inspections. Quarry quickly contracted with an engineering consultant to assist in designing and installing stormwater control measures throughout the site, including silt fencing to catch sediment, straw

wattles on fill slopes, rock lined ditches and rock check dams along access and haul roads, and covered fill piles in the recycling area.

County inspectors conducted a follow up inspection, March 18, 2016, which following a large rain event and observed improved conditions throughout the quarry. New check dams, rock lined ditches, rock berms and silt fencing were installed and functioned well. The fill slope adjacent to the creek continued to erode, however, the stormwater control measures installed in that area worked and prevented material from entering into the creek. The March 2016 inspection report is Attachment 3.

To achieve compliance, the Quarry shall correct the source of erosion near the creek. Quarry owner and Quarry manager stated their work plan is to “lay-back” the fill slope during upcoming dry season. In addition, they hired an employee to be the Stormwater Manager. Once the fill slope is relocated elsewhere onsite, this condition will be in compliance. The new staff position will help to ensure ongoing stormwater management tasks continue to be installed and maintained.

2. Recycled Concrete Stockpile Visible from Stevens Canyon Road (UP Condition 42 and A Condition 17): – The recycled crusher and stock piles are to be located so that neither are visible from Stevens Canyon road. Presently, the recycled concrete stockpile is large and visible from Stevens Canyon Road.

Currently, the Quarry is reviewing screening alternatives to impede views of the recycled materials from the Stevens Canyon Road as a temporary correction, and developing a work plan to reduce the material through increased local sales as a longer term solution. Once the stockpile is reduced and not be visible from the road, this condition will be in compliance.

3. Truck Queuing Offsite (UP Condition 19 and A Condition 13) and Truck Haul Route: - Staff regularly observed trucks queued offsite on the shoulder along Stevens Canyon Road. The haul route is Stevens Canyon Road to Foothill Expressway to Highway 280. On two occasions staff observed trucks traveling on McClellan Road to Stevens Creek Quarry. These items were not in compliance.

To achieve compliance, the Quarry recently hired a Compliance Patrol, consistent with Use Permit Condition 25. This person is responsible for assuring adherence to the Use Permit conditions 25, 32, 33, 34 and 36 relating to hours of operation, truck speed, haul route, no use of jake brakes, as well as queuing on Stevens Canyon Road. Condition 25 sets forth warning thresholds, as follows:

- a. First infraction – results in a warning letter to truck owner.
- b. Second infraction – results in a 10 day suspension from loading cement or rock products from the Quarry.

- c. Third infraction results in a 30 day suspension, and each subsequent infractions adds another 30 day suspension.
- d. Twelve months without an infraction will clear the record for that tractor and its owner.

Presently, these items are in compliance. The Quarry will continue to monitor and use the warning threshold process set forth in the Use Permit to ensure compliance.

- 4. Excavated cut slope shall be no closer than 25 feet from property line (UP Condition 30 and A Condition 22): The upper quarry north wall is close proximity to the property line. The Quarry installed stakes to demarcate the property line, and measure approximately 30 feet to the quarry wall. The County Surveyor will confirm the placement of the stakes by June 2016.

f) Use Permit Renewal

The current Use Permit condition 52, granted a period of 20 years from February 18, 1995 for the quarry operations. Condition 36 of the Agreement provides that the agreement “will be co-terminus with the existing use permit on parcel “A”. Based on the record, the intent of the Board, the Quarry, and the neighbors was that the Agreement would run parallel with the use permit on Parcel A. If the use permit on Parcel A was extended then the intent in 2002 was that the Agreement for Parcel B would also continue.

On December 29, 2014, the Quarry applied for renewal to the use permit requesting to renew for 30 years. The County temporarily stopped processing the application in order for the Quarry to prepare and submit the documents needed for the FACE certification and approval. Staff will restart processing the Use Permit Renewal and an amendment to the Reclamation Plan following receipt of the new geology report and DWR determination.

REASONS FOR RECOMMENDATION

1. Reasons for Recommended Actions Concerning Proposal

- (a) Use Permit 1253, condition 53, requires the use permit be reviewed by the Planning Commission for compliance with all the conditions of approval on an annual basis.
- (b) Agreement Regarding Parcel “B,” condition 27, requires compliance monitoring and enforcement for the provisions of the agreement using the same mechanism.
- (c) County staff conducted site inspections on August 27, 2015 and December 22, 2015.

- (d) County technical consultant, ICF International, conducted 2015 monthly monitoring inspections and reported on compliance for Use Permit conditions 16, 18, 21, 25, 29, 32, 33, 34, 35, 36, 37 and 38.

RELEVANT INFORMATION

Present Land Use:	Stevens Creek Quarry and Recycling Operations
Supervisory District:	Five
General Plan Designation:	Hillsides
Zoning:	HS-d1 (Hillsides with Design Review Combining District)
Property Size:	167 acres

STAFF REPORT REVIEW

Prepared by: Marina Rush, Senior Planner

Reviewed and Approved by: Kirk Girard, Director

ATTACHMENTS

1. Stevens Creek Quarry Reclamation Plan Area Map – Parcel A and Parcel B.
2. Use Permit 1253 Conditions (September 10, 1996), Architecture and Site Approval Conditions (November 8, 1990), Mediated Agreement Regarding Parcel “B” Conditions and Board Resolution (October 8, 2002).
3. 2015 SMARA Inspection Reports, August 27, 2015, December 22, 2015, January 28, 2016 and March 18, 2016.
4. ICF International, Stevens Creek Quarry Annual Monitoring Report, January 1, 2015 – December 31, 2015.
5. Stevens Creek Quarry Conditions Compliance Report, prepared by Stevens Creek Quarry, date received April 8, 2016.

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791

RECEIVED
PLANNING OFFICE

2016 JUN 23 AM 9:22



COUNTY OF SANTA CLARA

JUN 16 2016

Mr. Jason Voss, Quarry Operations Manager
Stevens Creek Quarry, Inc.
12100 Stevens Canyon Road
Cupertino, California 95014

Upper Settling Basin Dam
Middle Settling Basin Dam (NIJ)
Lower Settling Basin Dam (NIJ)
Santa Clara County

Dear Mr. Voss:

On January 20, 2016, Area Engineer William Vogler inspected three dams located on Stevens Creek Quarry Inc.'s (SCQ) property in Cupertino, California at 12100 Stevens Canyon Road. The purpose of his inspection was to determine if the dams are under State jurisdiction for safety. We were informed of the larger dam we have designated as Upper Settling Basin Dam, located at Latitude 37.3005N and Longitude 122.091407W, by the Office of Mine Reclamation, California Department of Conservation. Mr. Vogler noted the two smaller dams located immediately downstream, designated as Middle and Lower Settling Basin Dams, during his inspection.

Dams that are 25 feet or more in height with a storage capacity of more than 15 acre-feet, and dams that are six feet or more in height with a storage capacity of more than 50 acre-feet are subject to State jurisdiction for safety. A copy of the "Statutes and Regulations Pertaining to Supervision of Dams and Reservoirs 2004" is enclosed for your reference.

Mr. Vogler determined the Upper Settling Basin Dam is 55.0-feet in height, measuring from the spillway crest to the invert of the lower of the two outlet pipes located at the downstream toe. The total storage capacity was estimated to be 40 acre-feet, with approximately 27 acre-feet of reservoir sediment and 13 acre-feet of water above the sediment. Based on a grab sample of the slurry materials discharged to this basin, and due to the site characteristics, the sediment is likely flowable.

Sediments that are flowable can pose a threat to downstream life and property. Therefore, the Department will afford SCQ the opportunity to perform an investigation and evaluation of the sediments impounded by the Upper Settling Basin Dam to characterize whether they are flowable. If the sediments are determined to be flowable, they will be included in our reservoir capacity calculation and the dam will be subject to State jurisdiction. If the sediments are shown to be non-flowable, and we agree with the conclusion after reviewing the submitted information, we will not account for the sediments in our capacity calculation and the dam will be considered less than jurisdictional size, based on the criteria above. The investigation and evaluation must be performed by a civil engineer registered in California.

Mr. Jason Voss

JUN 16 2016
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We have determined that the Middle Settling Basin has an approximate height of 8-feet and a storage capacity of 3.2 acre-feet, and the Lower Settling Basin Dams has an approximate height of 6-feet and a storage capacity of 20 acre-feet. Therefore, they are not subject to State jurisdiction for safety because they are less than jurisdictional size, based on the criteria above. As long as the heights and storage capacities of these dams are not increased, no further action with respect to these dams will be required of SCQ or taken by this Department. No alteration increasing the height or storage capacity of these dams to jurisdictional size may be made in the future without prior written approval from this Department.

By December 31, 2016, submit an engineer's investigation and evaluation for the flowability of the sediments in Upper Settling Basin Dam for our review. If we do not receive this information by the aforementioned date, the dam will be considered jurisdictional and SCQ will be informed of alternatives to abate the dam's illegal status.

If you have any questions or need additional information, you may contact Mr. Vogler at (916) 227-4625 or Regional Engineer Andrew Mangney at (916) 227-4631.

Sincerely,

ORIGINAL SIGNED BY

David A. Gutierrez, Chief
Division of Safety of Dams

Enclosures
Certified Mail

cc: (See attached list.)

cc: Ms. Barbara Evoy, Deputy Director
Division of Water Rights
State Water Resources Control Board
Post Office Box 2000
Sacramento, California 95812-2000

Ms. Lori Newquist, Emergency Services Coordinator
Hazard Mitigation Division
Governor's Office of Emergency Services
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Mather, California 95655

Ms. Marina Rush, Senior Planner
Santa Clara County
Department of Planning and Development
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**STEVEN'S CREEK QUARRY
CONDITIONS OF APPROVAL
FILE NO. 1253-16-62-83P-83A-90P-90A-94P
CONDITIONS AS MODIFIED BY THE BOARD OF SUPERVISORS MEETING OF
SEPTEMBER 10, 1996**

The following conditions are the result of the original use permit issued in January 1984, along with modifications and additions by the Board of Supervisors, Planning Commission and Architectural & Site Approval Committee, at subsequent public hearings. These are applicable as of Board of Supervisors meeting of September 10, 1996. Those conditions of previous actions which have been completed or modified have been deleted or modified to reflect the Board's action.

1. The following plans as prepared by Ruth & Going are hereby made a part of the conditions of the permit.

Sheet 1: Reclamation Plan, Revision III - Dated: October 6, 1983
Sheet 1A: Cross sections - Dated: October 6, 1983
Sheet 2: Reclamation, Revision 1, Dated: June 29, 1983
Sheet 3: Revegetation Plan, Revision: III
Sheet 4: Revegetation Plan, Revision 1, Dated: June 29, 1983
Sheet 5: Revegetation Notes, Revision II, Dated: August 12, 1983

2. Comply with the requirements of **County Transportation Agency (now Roads & Airports)** as follows:
 - a. Dedicate the following right-of-way: 20 foot half street fronting Stevens Canyon Road. All rights-of-way to be curvilinear.
 - b. Submit street and drainage improvement plans prepared by a registered civil engineer for the following street: Stevens Canyon Road.
 - c. Construct street and drainage improvements in accordance with the Transportation Agency's 1982 Standard Details A/8 for the following street: Stevens Canyon Road.
NOTE: Construction staking is required and shall be the responsibility of the developer.
 - d. Enter into land development improvement agreement and submit accompanying bonds, fees and related documents (administration of these matters by Land Development Engineering)
 - e. Obtain encroachment and/or construction permits from the County of Santa Clara and other jurisdictions as required by the Road Commissioner for the construction of street improvements including any required appurtenances. Developer must provide County with a Certificate of Worker's Compensation Insurance.

- f. In lieu of conditions 2, 3, 4 and 5, the owner may elect to enter into a deferred improvement agreement per the Board of Supervisors 1975 Deferred Improvement Agreement Policy.
- 3. Comply with the following requirements of **County Environmental Health**:
 - a. Provide drinking water and toilet facility for employees.

RECLAMATION

- 4. The overburden shall be retained and used in the reclamation vegetation process.
- 5. No new permanent lakes ponds or other water bodies may be created within the excavation area.
- 6. Equipment, stockpiles and temporary structures shall be removed from the excavation and within six months after termination operations.
- 7. The final cut slopes are approved as shown on the approved plans:
 - a. 1 1/2 :1 slope on Sheet #1 for quarry area adjacent and vicinity of Stevens Canyon Road.
 - b. 1 1/4 :1 slope, with 12' wide benches every 30' of rise, as shown on Sheet #2 for Area #2 quarry.
 - c. Top of slope shall be rounded as shown on "Typical Slope Rounding Detail".
- 8. The phases of excavation shall be conducted as indicated on the approved plans.
- 9. LANDSCAPING
 - a. The revegetation process shall be commenced as soon as that particular phase of excavation is completed and shall be carried out in accordance with plans approved.
 - b. Planting shall be completed within four (4) months finished quarrying, or as other arrangements as might be agreed to by the Secretary of the Architectural & Site Approval Committee due to seasonal climatic reasons.
 - c. Supplemental watering of planted areas to be conducted for the first full year of plantings, or until plant material is established.
 - d. Approval of materials as proposed on revegetation plan and note sheets.
- 10. The revegetation process of Phase I shall be reviewed by the Secretary of the Architectural & Site Approval Committee and conditions reported back to the Planning Commission six months following completion of landscaping phase I.
- 11. Retain any significant trees in 25' setback area, (diameter width 37.5" or greater).

12. These reclamation plans shall be completed regardless of the time limitation or extent of excavation of the quarries. Should the quarries not be excavated to the planned exhaustion stage, reclamation shall still be carried out to the extent possible in accordance with the plan.

OPERATIONAL CONDITIONS

NOTE: *Following operational conditions shall apply to the Reclamation Plan for Quarry Area #2:(Parcel B) 15, 18, 20, 27, 28, 29, 30 and 31.*

13. Ingress and egress locations to be limited to three (3) existing driveways onto Stevens Canyon Road.
14. One copy of the approved plans and conditions of the Use Permit shall be maintained at the Office of permittee at all times.
15. The premises shall be neat and orderly, free from junk, trash or unnecessary debris. Buildings shall be maintained in good repair and appearance. Weeds shall be cut as frequently as necessary to eliminate fire hazards.
16.
 - a. On site roads shall be maintained in a reasonably dust free condition and must meet Bay Area Air Quality Management District standards. In order to minimize the occurrence of dust, the access roads shall be paved, oiled, watered, ~~and~~/or chemically treated. Areas used for the movement of haulage vehicles and mobile equipment closer than 100 feet to the point from which haulage vehicles are being loaded shall be sprinkled with oil or water or chemically treated as frequently as necessary to reduce the stirring of dust to the minimum level possible. The main access between the shop area and main gate shall be paved.
 - b. Dozing, digging, scraping, and loading of excavated materials shall be done in a manner which reduces to the minimum level possible the raising of dust. Sprinkling shall be done where necessary to comply with this standard.
 - c. In dry weather periods, during high wind conditions, mining operations on an exposed slope shall be curtailed. Stockpiled products shall be watered or treated during periods of high wind conditions so as to minimize off-site dust nuisance to nearby properties.
 - d. Sprinkling of stockpiles and screening operations or any other part of the facilities shall be conducted as necessary to eliminate dust.
 - e. The permittee shall comply with all required permits issued by the Bay Area Air Quality Management District.

- f. The quarry operator will sweep Stevens Canyon Road and all paved areas within the quarry operation with a vacuum type sweeper as needed to remove dirt and dust from roadway. The compliance patrol will be charged with determining when additional sweeping is necessary. A community relations hot line number will also be provided to the public to call should an unnoticed problem requiring additional sweeping arise.
 - g. A washing/scrubbing device shall be installed at the exit gate area to remove mud, dirt, and gravel from the wheels of trucks exiting the property.
 - h. The operator shall submit a report by an engineer which: (1) identifies the sources of dust on the neighboring residential properties and public roads and,(2) makes recommendations on dust reduction measures."
17. Haul route being approved is Stevens Canyon Road-Foothill Boulevard to Highway 280 and Foothill Expressway. No other route to be used.
18. Truck loading practices to be such as to eliminate spillage on public roads. Any spillage shall immediately be cleaned up by the quarry operator.
19. All truck parking, queuing and loading, shall be carried out on the property. No queuing on public streets.
20. The sequence of quarrying final grading, seeding and landscaping shall occur in accordance with the approved plans .
21. a. Noise and vibration created by the operation of the excavation shall be reduced to the minimum possible level; all operations shall be conducted so as to conform to the County Noise and Vibration Ordinance, specifically Sections B11-192, B11-193, B11-194, B11-195. The sound ordinance measurement standards must be met at the Quarry's property line and will not exceed 55dB between the hours of 7:00 a.m. and 10.00 p.m., and 45dB between the hours of 10:00 p.m. and 7:00 a.m., as specified in the County ordinance.
- b. The quarry shall engage the services of a professional acoustical consultant to recommend methods to reduce the amount of noise generated by the quarry. The quarry will submit a report of the success of the methods at the time of the six month review.
- c. The neighbors will first contact the quarry representative regarding noise complaints for resolution and then the County Environmental Health noise specialist.
- d. Noise complaints will be logged by both the quarry operator and County Environmental Health noise specialist.
- e. County will conduct a minimum of two random noise tests annually and report the results to the Secretary of the Planning Commission.
22. Use of explosives not being approved at this time.

23. Excavation shall be conducted in a manner so as to keep adjacent streams, percolation ponds, or water bearing strata free from undesirable obstruction, siltation, contamination, or pollution of any kind. The existing settling ponds shall be maintained to intercept sediment. Settling ponds and other retention devices shall be installed and maintained to control sediments so that no sediments are deposited in Stevens Creek Reservoir from this property as a result of the surface mining process.
24. No washing process nor mixing plant of any type is being approved at this time.
25. Days and Hours of Operation:
 - a. The quarry excavation, crushing, processing, and hauling shall be operated during the hours of 6:30 a.m. to 5:00 p.m. Monday through Friday. All gates except for the one on Montebello Road leading to the residence on the site and the stables, to the quarry shall remain closed from 5:00 p.m. until 6:00 a.m. Beginning at 6:00 a.m. trucks shall be able to stack, load and haul, etc on the premises. Excavation, crushing, processing or hauling operations shall not be carried out on the following holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, Day, and Christmas Day.
 - b. The quarry shall be allowed to operate (to include, excavation, crushing, processing, and hauling) a maximum of 15 Saturdays a year. The Planning Office shall be notified on the preceding Friday of any proposed Saturday activities.
 - c. The quarry shall be allowed to operate up to a maximum of 39 work evenings per year, (between the hours of 5:00 p.m. and 8:00 p.m.); such evening work shall be allowed under special circumstances provided that:
 - i) Planning Office to be notified no later than 4:00 P.M. on the day the evening work is to be performed, and
 - ii) The provision will be reviewed and evaluated by the Planning Commission in 6 months.
 - iii) Special circumstances: This provision applies to and shall be instances such as:
 - (a) To allow the completion of a project by working an evening, and;
 - (b) An emergency situation, either for a private or government project. Emergency is intended to mean a potential danger of life or property including, but not limited to, levee failure, flooding, earthquake, landslide, road or bridge failure or other similar conditions.

26. Signs shall be conspicuously posted along the periphery of the site. The signs shall be posted in such a manner to give reasonable notice to passerby of the matter contained in such notice by stating in letters not less than four inches in height: PROPERTY SUBJECT TO COMMERCIAL EXCAVATION OF NATURAL MATERIALS AT ANY TIME UNDER COUNTY OF SANTA CLARA USE PERMIT NUMBER: 1253-16-62-94P.
27. Disposal of sewage shall be in accordance with the provisions of Article 1, Chapter 2, Title 4 of the Santa Clara County Ordinance Code.
28. Fencing of the property shall be installed and maintained in good condition as follows:
 - a. A 5' high chain link fence along the right-of-way of Stevens Canyon Road.
 - b. A four-strand barbed wire fence along the property line. with Sunnyvale Rod & Gun Club.
 - c. The fence opening between Sunnyvale Rod & Gun Club to be closed.
29.
 - a. The existing berm and associated landscaping screening along Stevens Canyon Road and perimeter slopes between Sunnyvale Rod & Gun Club shall be re landscaped with tall growing evergreen trees to provide a landscape screen. An irrigation system is to be installed.
 - b. Within 60 days the operator is to develop a revised landscape screening plan for the berm area along Stevens Canyon Road to help screen the operations and reduce dust leaving the quarry. The plan shall include the size and density of plant material, irrigation system, and fencing plan to keep on-site animals from killing the plant material.
 - c. Within 90 days the berm shall be landscaped with plant materials, irrigation system, and fencing shall be installed on the property.
30. The excavated cut slope shall be no closer than 25 feet from the property line, except for the slope rounding as shown on Sheet #1.
31. Any water-body created during operations shall be maintained in such a manner as to provide mosquito control and to prevent the creation of health hazards or public nuisance.
32. The applicant shall maintain control over the vehicles to insure observance of speed limit laws; and hauling and loading hours by not loading those vehicle in a manner which violate these regulations.
33. The applicant shall give to the trucking companies and operators written notice to insure adherence to these speed laws and operational hours.
34. The applicant shall post signs at the exit of the quarry stating that the hours and speed of the trucks on the haul route will be monitored.

- a. The operator will install new signs at the exit of the quarry warning drivers that the speeds of the truck will be monitored and that they need to adhere to public road speed and in-quarry operational regulations.
 - b. Signs as required in condition #34 to be reconditioned and maintained in good condition."
35. The operator will provide funding, on an annual basis, to the County for the purpose of hiring a compliance patrol or shall employ a full-time independent party to act as a compliance officer. The compliance patrol/officer will be responsible for assuring adherence to conditions 25, 32, 33, 34 and 36. The quarry will not load trucks operated by truck operators who have violated the operating hours, as determined by the compliance patrol/officer. The quarry shall utilize the warning thresholds as follows:
 1. First infraction results in a warning letter to the truck owner.
 2. Second infraction results in a 10 day suspension from loading cement or rock products from the Stevens Creek Quarry.
 3. Third infraction results in a 30 day suspension, and each subsequent infraction adds another 30 day suspension.
 4. Twelve months without an infraction will clear the record for that tractor and its owner.
36. Within 60 days the quarry operator will post signs at the exit gate prohibiting the use of "Jake Brakes" on Stevens Canyon Road/ Foothill Avenue north to Stevens Creek Blvd.
37. Fugitive dust from recycling operation to be mitigated by spraying of water or other suppressant on site and on stock piles.
38. Obtain an applicable permit or clearance from the Bay Area Air Quality Management District prior to commencement of operations.
39. Recycling operation, including storage of materials, shall be maintained in such a manner to keep adjacent streams, lakes and percolation ponds free of siltation, contamination or pollution of any kind. Retention devices shall be installed and maintained to control sediments so that they are not deposited in Stevens Creek Reservoir.
40. Recycling operations to be restricted to the area shown on site plan and designated as "Recycle Area".
41. Recycling is to be limited to natural earth, asphalt, and concrete and those recycled materials which are a part of the City of Cupertino recycling and composting programs. The materials being recycled under that program are glass and plastic bottles, aluminum and bi-metal cans, newspaper, and cardboard; no other types of materials to be recycled.

42. The recycle crusher and stock piles are to be located so that neither are visible from Stevens Canyon Road. The existing stockpile shall be reduced in height to not be visible with 120 days.
43. Obtain an encroachment permit and install a driveway approach at the existing gate located approximately 650 feet from the site's easterly boundary. Construct the driveway approach in accordance with Detail B/5 modified to provide a pavement structural section for truck loading. Pavement structural section to be designed by the applicant's registered civil engineer.
44. The applicant shall supply monthly totals of vehicular (truck) traffic serviced by the quarry operations. These totals are to be submitted in a report form to the County and shall be submitted every six months in January & July. These totals are to be retained only by the County, in the County files as 'proprietary information'. (Any information given to other interested parties by the County is only to be given in percentages of increases or decreases, from period to period.) The recycling aspects of the City of Cupertino's program during week-days and/or Saturdays shall not be included in this report. The applicant may choose to provide the aforementioned information by:
 - a. Installing a monitoring device at the driveway which captures the number of vehicles, date and time of entry or;
 - b. By noting license plate numbers and the name of the Company displayed on the door, if any.
 - c. Another method mutually agreeable to the applicant and the County, such as using the quarry operations trip receipts as the base information for the county.
 - d. Within 30 days the applicant shall resubmit truck traffic totals from March 1995. The 1995-1996 submittals are totals for three and six month periods with no monthly breakdowns.
45. The days and hours of the site operations be modified to add the permission for City residents to pick up recycled compost materials during the hours of 9:00 to 12:00, Saturday mornings.
46.
 - a. On-site lighting shall be designed, controlled and maintained so that no light source is visible from off the property. Hooding shall be installed to prevent light bulbs from being visible from off the property. All lights will be turned off after 7:00 p.m., except during approved evening usage when the lights will be turned off after 9:00 p.m.
 - b. Quarry lighting shall be designed and installed at a height to cause the least amount of impact on neighboring residential properties.
 - c. Any lights which might be located at the communication facility structures shall be limited to the communication operator's use."

- *Note: The following conditions are added as measures to regulate and monitor the ancillary truck and quarry equipment used off the property:**
- *47.** The operator shall submit within 60 days an inventory of rental quarry trucks and equipment which existed as of October 28, 1986.
 - *48.** The ancillary use of equipment rental and storage is limited to trucks & equipment owned and operated by the operator which is normally used in the quarrying activities and is only rented for off-site use when not required on site.
 - *49.** All other vehicles and or equipment not owned and operated in the quarry operations, except the horse boarding operator, shall be removed with 30 days.
 - *50.** The use and transportation of the ancillary use trucks and equipment shall be subject to the days and hours of operation as stipulated in Condition #25 of this permit.
 - *51.** The operator shall submit an annual report of the current inventory of ancillary trucks and equipment. There may be an allowance for replacement but no intensification in numbers is permitted.
 - 52.** This use permit for a quarry is granted for a period of 20 years from February 18, 1995, renewable, subject to the conditions of approval as modified September 10, 1996 by the Board of Supervisors.
 - 53.** The use permit shall be reviewed at the end of six months (January 1997 Planning Commission meeting) for compliance with all conditions of approval and on an annual basis with a report to be submitted to the Planning Commission on compliance with conditions of the permit. This review shall be limited to compliance with conditions and, absent appropriate findings, shall not result in revision of conditions.
- * Conditions #47, #48, #49, #50, #51 relating to ancillary truck and quarry equipment are suspended pending final consideration by the Board of Supervisors regarding legal status and applicable conditions.**

Reclamation Plan Amendment Conditions of Approval

FILE NUMBER 1253-16-62-07P
NAME (Applicant): Stevens Creek Quarry
MEETING DATE: May 14, 2009

APPLICATION APPROVED SUBJECT TO CONDITIONS STATED BELOW IN ACCORDANCE WITH PLANS AS SUBMITTED AS IT PERTAINS TO THE RECLAMATION PLAN AMENDMENT OF THE STEVENS CREEK QUARRY.

GENERAL REQUIREMENTS:

1. Development and maintenance of the project site shall take place in accordance with approved plans. The approved plan includes maps, drawings, tables and a narrative description identified as the Stevens Creek Quarry Reclamation Plan Amendment (California Mine ID No.: 91-43-0007), dated January 2008.
2. The project shall comply with the reclamation requirements stipulated in the Mediated Agreement, which was recognized by the Board of Supervisors in a resolution passed and adopted on October 8, 2002, and which was signed by the mine operator and adjacent residents.
3. The mine operator shall be responsible for paying all reasonable costs associated with work by the County Planning Office, or with work conducted under the supervision of the County Planning Office, in conjunction with, or in any way related to the conditions of approval identified in this reclamation plan and the mitigations contained in the Mitigated Negative Declaration. This includes but is not limited to costs for staff time, consultant fees, and direct costs associated with report production and distribution.
4. All previous conditions of approval related to reclamation contained in the conditions modified by the Santa Clara County Board of Supervisors on September 10, 1996, remain in effect.
5. Reclamation of slopes shall commence once the final slopes are established.
6. The mine operator shall provide evidence of legal access into the 9.5-acre wedge of land on the east side of Parcel B to the County Planning Office prior to entering the land for reclamation activities. Legal access shall be obtained by one of the means that follows:
 - A. A letter providing permission to Stevens Creek Quarry signed by the property owner of the adjacent land shall be submitted to the County Planning Office.

- B. Obtain and record an easement over the subject land that allows access onto the property for reclamation purposes. A copy of the easement shall be submitted to the County Planning Office for review prior to recording the instrument. This review shall include the Santa Clara County Counsel's Office to ensure the document is legally binding.
 - C. Obtain a lot-line adjustment of the property line(s) along the extent of the subject property and obtain ownership of the land in fee title.
- 7. Re-vegetation shall include only plant materials identified in the re-vegetation palette contained in the approved amended reclamation plan.
 - 8. The Secretary of Architecture and Site Approval, or the Secretary's designee, shall have authority to review and approve revisions to the re-vegetation palette contained in the approved reclamation plan.
 - 9. Fill materials imported and used for reclamation purposes shall be limited to earth. No construction or demolition waste regulated under 14CCR§17388.3 shall be used. Fill shall be compacted, tested, and documented to demonstrate it will support post-mining uses.
 - 10. The mine operator shall test the effectiveness of the soils installed as part of reclamation and demonstrate that the soil will support the vegetation. This testing may include, but is not limited to, establishing test plots and reporting their effectiveness through the annual SMARA inspection process.

Conditions to Implement the Mitigation Measures contained in the Mitigated Negative Declaration:

Air Quality

- 11. During any day when reclamation of the 9.5-acre amendment area or the stockpile area outside the western boundary of Parcel B will occur, the quarry operator shall not operate more than two pieces of equipment simultaneously anywhere within these two areas. During project-related sediment removal by the excavator, no more than one additional piece of equipment shall be operated simultaneously with the 9.5-acre amendment area or the stockpile area. (Mitigation Measure AQ-1)

Biological Resources

- 12. Prior to disturbance of the amendment areas, a focused botanical survey for Western Leatherwood shall be conducted during the blooming season (January–April) by a qualified plant biologist in order to ascertain the presence or absence of this species on the project site. If any individuals of this plant species are detected, its occurrence shall be mapped and individuals enumerated in a technical report, to be submitted to the County of Santa Clara, and the survey must be reviewed and approved by the County Planning Office prior to initiation of any new disturbance to the project area. The biologist shall complete California native species survey forms and submit them to the California Natural Diversity Database (CNDDDB), and shall develop appropriate

mitigation in consultation with the California Department of Fish and Game (CDFG) to reduce the project's impact on Western Leatherwood to a less-than-significant level. Suitable mitigation measures would include, in order of preference, 1) avoidance; 2) plant and seed salvage, cultivation, and reintroduction onto suitable soils in similar habitat, preservation in perpetuity, monitoring for no less than five years, and submittal of monitoring reports to the appropriate agencies. (Mitigation Measure BR-1)

13. Prior to disturbance of the amendment areas, a focused botanical survey for robust monardella shall be conducted during the blooming season (June-July) by a qualified plant biologist in order to ascertain the presence or absence of this species on the project site. If any individuals of this plant species are detected, its occurrence shall be mapped and individuals enumerated in a technical report, to be submitted to the County of Santa Clara, and the survey must be reviewed and approved by the County Planning Office prior to initiation of any new disturbance to the project area. The biologist shall complete California native species survey forms and submit them to the California Natural Diversity Database (CNDDDB), and shall develop appropriate mitigation in consultation with the California Department of Fish and Game (CDFG) to reduce the project's impact on robust monardella to a less-than-significant level. Suitable mitigation measures would include, in order of preference, 1) avoidance; 2) plant and seed salvage, cultivation, and reintroduction onto suitable soils in similar habitat, preservation in perpetuity, monitoring for no less than five years, and submittal of monitoring reports to the appropriate agencies. (Mitigation Measure BR-2)
14. Any trees that need to be removed to facilitate future development shall be felled outside of the general bird breeding season (January 1st through August 1st, or as determined by the California Department of Fish and Game), or a pre-construction bird nesting survey shall be conducted prior to tree and other vegetation removal by a qualified raptor biologist, and the survey must be reviewed and approved by the County Planning Office prior to initiation of any new disturbance to the project area. If conducted during the early part of the breeding season (January to April), the survey shall be conducted no more than 14 days prior to initiation of tree/vegetation removal activities; if conducted during the late part of the breeding season (May to August), the survey shall be performed no more than 30 days prior to initiation of these activities. If active nests are identified, a 150-foot fenced buffer (or an appropriate buffer zone determined in consultation with the California Department of Fish and Game) shall be established around the nest tree and the site shall be protected until September 1st or until the young have fledged. A biological monitor shall be present during earth-moving activity near the buffer zone to make sure that grading does not enter the buffer area. (Mitigation Measure BR-3)
15. Within 72 hours prior to the initiation of ground disturbance in either the stockpile or amendment areas, as identified in Figure 6 of the initial study and mitigated negative declaration of the reclamation plan amendment, a qualified biologist shall perform a survey of the area. A copy of the results of this survey shall be submitted to the County Planning Office, and the survey must be reviewed and approved by the County Planning Office prior to initiation of any new disturbance to the project area.

- A) If California red-legged frogs (CRLF) are identified on the property, they shall be rescued and moved to a new location, to be determined through consultation with the U.S. Fish and Wildlife Service (USFWS).
 - B) In addition, if CRLF are encountered in the project area and are relocated, construction fencing shall be installed to prevent migration of red-legged frogs back into the development area. Perimeter fencing to exclude CRLF may include buried silt fencing or other such fencing that red-legged frogs cannot crawl under or over, or as otherwise specified by USFWS guidelines. (Mitigation Measure BR-4)
16. No more than 30 days prior to the initiation of any site disturbance, a qualified biologist shall perform a protocol-level survey of the area to be disturbed to identify the potential presence of western pond turtles and/or southwestern pond turtles, and the survey must be reviewed and approved by the County Planning Office prior to initiation of any new disturbance to the project area. If any turtles are identified on the property, they shall be rescued and moved to a new location, to be determined through consultation with the U.S. Fish and Wildlife Service (USFWS). In addition, if pond turtles are encountered in the project area and are relocated, construction fencing shall be installed to prevent migration of turtles back into the development area. Perimeter fencing to exclude western pond turtles may include buried silt fencing or other such fencing that pond turtles cannot crawl under or over, or as otherwise specified by USFWS guidelines. (Mitigation Measure BR-5)
17. No more than 30 days prior to the initiation of vegetation removal or other site disturbance within the amendment area, a bat survey shall be conducted by a qualified wildlife biologist to identify potential maternal bat roosts, and the survey must be reviewed and approved by the County Planning Office prior to initiation of any new disturbance to the project area. If bat roosts are identified, the biologist shall initiate consultation with the California Department of Fish and Game (CDFG) to develop and implement an appropriate mitigation program to the satisfaction of CDFG. (Mitigation Measure BR-6)
18. Prior new disturbance or removal of any oak trees within the amendment area, the woodland shall be surveyed by a registered arborist, or other professional deemed acceptable to the County Planning Office, who shall survey and tabulate the amount of oak tree canopy to be removed within the amended reclamation plan area. The owner shall provide an amendment to the existing planting pallet for the reclamation plan demonstrating the creation of oak woodland equal to 1.5 acres created for every acre removed. This amendment shall be prepared by a qualified plant biologist, or other professional deemed acceptable to the County Planning Office, and the survey must be reviewed and approved by the County Planning Office prior to initiation of any new disturbance to the project area. As an alternative to creating oak woodland, the applicant may instead replace every removed oak tree at a 4:1 ratio, or may propose a combination of oak woodland creation and oak replacement. (Mitigation Measure BR-7)
19. Prior new disturbance or removal of any oak trees within the amendment area, the quarry owner shall record an on-site conservation easement, which protects in perpetuity 1.5

acres of oak woodland on the project site for every acre of oak woodland removed, as determined under mitigation BR-7. The owner shall submit a report by a registered professional forester, arborist, or other professional deemed acceptable by the County Planning Office demonstrating that the area within the proposed easement is oak woodland habitat, and the report must be reviewed and approved by the County Planning Office prior to initiation of any new disturbance to the project area. If suitable on-site oak woodland does not exist the owner may record an easement to protect suitable off-site oak woodlands. (Mitigation Measure BR-8)

Cultural Resources

20. If any prehistoric cultural artifacts (including chert, obsidian flakes, projectile points, mortars and pestles, shell, bone, heat-affected rock, or human burials) or historic cultural artifacts (including stone or adobe foundations or walls, structures or remains with square nails, refuse deposits, or bottle dumps) are encountered during site excavation or reclamation activities, ground disturbance shall be halted until the services of a qualified archaeologist can be retained to identify and evaluate the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). The applicant shall implement the mitigation in accordance with Section 15064.5(c)-(f) of the CEQA Guidelines and Public Resources Code Section 21083.2. (Mitigation Measure CR-1)
21. In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and the Santa Clara County Coroner shall be notified immediately. If the coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. The NAHC will then appoint a "Most Likely Descendant" (MLD). The MLD, in consultation with a qualified archaeological consultant and the project sponsor, will advise and help formulate an appropriate plan for treatment of the remains, which might include recordation, removal, and scientific study of the remains and any associated artifacts. After completion of analysis and preparation of the report of findings, the remains and associated grave goods shall be returned to the MLD for reburial. (Mitigation Measure CR-2)
22. If any paleontological resources are encountered during site grading or other construction activities, all ground disturbance shall be halted until the services of a qualified paleontologist can be retained to identify and evaluate the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). (Mitigation Measure CR-3)

Geology and Soils

23. Once removal of surface soils commences in the northeast and southeast areas of the 9.5-acre amendment area, the Applicant shall retain the services of a qualified engineering geologist to confirm the width and extent of the shear zone of the Berrocal fault in these areas, and the Berrocal fault report shall be submitted to the County Planning Office and County Geologist for review and approval. If the extent of the shear zone exceeds that addresses in Norfleet Consultant's slope stability report, then the engineering geologist

shall determine whether the shear zone warrants the placement of additional fill cover to serve as a buffer on top of the shear zone. The engineering geologist shall present the recommended final fill and slope design specifications in a supplemental report to be reviewed and approved by the Santa Clara County Department of Planning and Development. Final slope construction within the amendment area shall be performed in accordance with the approved supplemental report and with the January 22, 2008 and May 19, 2008 slope stability reports prepared by Norfleet Consultants. (Mitigation Measure G-1)

24. Within forty-five (45) days of approval applicant shall submit revised engineering plans that have the following notes added to them:
 - A) "Final slope construction within the amendment area shall be performed in accordance with the approved supplemental report and with the January 22, 2008 and May 19, 2008 slope stability reports prepared by Norfleet Consultants."
 - B) "The operator shall backfill excavations within the amendment area with engineered fill as soon as feasible following excavation."
 - C) "If significant wedge failures or incipient ground failures are observed in the western cut rock slope of Parcel B, the quarry operator shall restrict movement of stockpiled material within 100 feet of the cut slope beneath and adjacent to the failures until a civil engineer or certified engineering geologist has evaluated the overall stability of the slope and provided repair/stabilization recommendations, and appropriate recommendations are considered and implemented."
25. The post-reclamation use of Parcel B, including the 9.5-acre amendment area, shall be limited to open space. If another use is proposed in the future, a new slope stability analysis shall be performed by a qualified geotechnical professional to evaluate slope stability for the intended use and identify appropriate site preparation and design features necessary to maintain slope and structure stability throughout the life of the proposed use. The recommendations shall be subject to review and approval by the Santa Clara County Department of Planning and Development, and all approved recommendations shall be implemented. (Mitigation Measure G-2)
26. Because a wide variety of materials (which could affect slope stability) may be encountered during mining and reclamation within the 9.5-acre amendment area, the operator shall backfill excavations within the amendment area with engineered fill as soon as feasible following excavation. (Mitigation Measure G-3)
27. If significant wedge failures or incipient ground failures are observed in the western cut rock slope of Parcel B, the quarry operator shall restrict movement of stockpiled material within 100 feet of the cut slope beneath and adjacent to the failures until a civil engineer or certified engineering geologist has evaluated the overall stability of the slope and provided repair/stabilization recommendations, and appropriate recommendations are considered and implemented. (Mitigation Measure G-4)

Hydrology and Water Quality

28. Prior to construction of the final storm water detention basin in the 9.5-acre amendment area, the Applicant shall complete a supplemental hydrological study that evaluates the size of the final detention basin to fully contain runoff from the amendment area following reclamation and allow it to infiltrate and/or evaporate, and prior to construction of the final stormwater detention basin, the hydrology study and a final stormwater detention basin plan shall be submitted to the County Planning Office for review and approval. Because the actual final grading conditions at reclamation cannot be accurately predicted at this time, the study shall be based on reasonably anticipated final grading conditions (e.g., the final grades shown on Figure 2 of the Applicant's Technical Stormwater Memorandum). This study shall demonstrate the feasibility of constructing a final settling basin to fully contain runoff from the amendment area following reclamation and allow it to infiltrate and/or evaporate without offsite discharge. If this evaluation indicates the potential for some runoff from the amendment area, the supplemental study shall be expanded to include: (i) evaluation of the capacity of the existing storm water settling ponds; (ii) evaluation of the incremental runoff associated with the reclaimed amendment area; and (iii) evaluation of the ability of the existing storm water settling ponds to accommodate the additional flow associated with the amendment area and prevent any discharge that would violate water quality protection standards. When reclamation is completed, the Applicant shall prepare final as-built drawings of the storm water management system for the amendment area and provide a set of full-size plans to the Santa Clara County Planning Office. (Mitigation Measure WQ-1)

Noise

29. No more than one bulldozer shall operate within the 9.5-acre amendment area, located at the north side of Parcel B, at any given time. This restriction shall apply whether aggregate is being extracted and/or slope reclamation is occurring. Two bulldozers may operate simultaneously within the amendment area only if professional noise monitoring demonstrates that noise levels with two dozers operating simultaneously would not exceed the Noise Ordinance limit at the nearest residence. Noise monitoring records shall be kept demonstrating compliance with County noise ordinance whenever more than one bulldozer is operating. (Mitigation Measure N-1)

ARCHITECTURAL & SITE APPROVAL COMMITTEE
CONDITIONS OF APPROVAL

FILE NO. 1253-16-62-89A

DATE: November 8, 1990

NAME: STEVENS CREEK QUARRY, INC.

THE FOLLOWING OPERATIONAL CONDITIONS OF THE USE PERMIT FOR THE QUARRY SHALL APPLY TO THE RECYCLING FACILITY (number in parenthesis refers to use permit condition)

1. Ingress and egress locations to be limited to three existing driveways onto Stevens Canyon Road. (1)
2. One copy of the approved plans and conditions of the Use Permit shall be maintained at the Office of permittee at all times. (2)
3. The premises shall be neat and orderly, free from junk, trash, or unnecessary debris. Building shall be maintained in good repair and appearance. Weeds shall be cut as frequently as necessary to eliminate fire hazards. (3)
4. Access on-site roads shall be maintained in a reasonably dust-free condition. (4)
5. Fugitive dust from recycling operation to be mitigated by spraying of water or other suppressant on site and on stock piles.
6. Truck loading practices to be such as to eliminate spillage on public roads. Any spillage shall immediately be cleaned up by the quarry operator. (6)
Operator to comply with AB3220 regarding load height within container bed.
7. All truck parking, queuing and loading, shall be carried out on the property. No queuing on public streets. (7)
8. Obtain an applicable permit on clearance from the Bay Area Air Quality Management District prior to commencement of operations.
 - a. Provide copy of clearance from B.A.A.Q.M.D. Contact: Permit Services Division, B.A.A.Q.M.D. (415) 771-6000.
9. Noise and vibration created by the operation of the excavation shall be reduced to the minimum possible level; all operations shall be conducted so as to conform to all County Noise and Vibration Ordinances, specifically Sections B11-192, B11-193, B11-194 , B11-195 of that ordinance. (9)

10. Recycling operation, including storage of materials, shall be maintained in such a manner to keep adjacent streams, lakes and percolation ponds free of siltation, contamination or pollution of any kind. Retention devices shall be installed and maintained to control sediments so that they are not deposited in Stevens Creek Reservoir.
11. No washing process nor a mixing (batch) plant of any kind shall be conducted in connection with this operation. (13)
12. Hours of operation to coincide with hours of operation of quarry. (14).
13. Applicant shall maintain control over vehicles to insure observance speed limit laws, hauling and loading hours by not loading those vehicles which violate these regulations. Applicant to maintain signs at exit of quarry that he will monitor the hours and speeds of the trucks on haul route. (20, 21, 22)
14. Recycling operations to be restricted to the area shown on site designated as "Recycle Area".
15. Recycling is to be limited to natural earth, asphalt, and concrete; no other types of materials to be recycled.
16. In the annual report on the compliance with conditions of the use permit its reclamation plan the applicant is to provide the following information in addition to information which evaluates compliance with permit conditions:
 - a. Volume of recycled materials having been processed in the preceding year.
 - b. Monthly totals of the number of trucks being serviced.
 - c. The annual report is to be submitted on or before October 1, 1991.
17. The recycle crusher and stock piles are to be located so that neither are visible from Stevens Canyon Road in the area of the site's berm.
18. Obtain an encroachment permit and install a driveway approach at the existing gate located approximately 650 feet from the site's easterly boundary. Construct the driveway approach in accordance with Detail B/5 modified to provide a pavement structural section for truck loading. Pavement structural section to be designed by the applicant's registered civil engineer.

AGREEMENT REGARDING PARCEL "B"

The following conditions are the result of negotiations between Stevens Creek Quarry and its neighbors with regard to Parcel B and its directly associated operating conditions.

RECLAMATION

1. The overburden shall be retained and used in the reclamation vegetation process.
2. No new permanent lakes, ponds, or other water bodies may be created within the excavation area.
3. Equipment, stockpiles and temporary structures shall be removed from the excavation and within six months after termination operations.
4. The final cut slopes are approved as shown on the approved plans:
 - a. 1 ¼ : 1 slope with 12' wide benches every 30' of rise, as shown on Sheet #2 for Area #2 quarry.
 - b. Top of slope shall be rounded as shown on "Typical Slope Rounding Detail".
5. Landscaping
 - a. The revegetation process shall be commenced as soon as that particular phase of excavation is completed and shall be carried out in accordance with plans approved.
 - b. Planting shall be completed within four (4) months finished quarrying, or as other arrangements as might be agreed to by the Secretary of the Architectural & Site Approval Committee due to seasonal climatic reasons.
 - c. Supplemental watering of planted areas to be conducted for the first full year of plantings, or until plant material is established.
 - d. Approval of materials as proposed on revegetation plan and note sheets.
 - e. Supplemental planting and watering will be done in order to establish vegetation long term
6. Retain any significant trees in 25' setback area. (diameter width 37.5" or greater).
7. These reclamation plans shall be completed regardless of the time limitation or extent of excavation of the quarries. Should the quarries not be excavated to the planned exhaustion stage, reclamation shall still be carried out to the extent possible in accordance with the plan.

OPERATIONAL CONDITIONS

8. Ingress and egress locations to be limited to three (3) existing driveways onto Stevens Canyon Road.
9. One copy of the approved plans and conditions of the Use Agreement shall be maintained at the Office of quarry at all times.
10. The premises shall be neat and orderly, free from junk, trash or unnecessary debris. Buildings shall be maintained in good repair and appearance. Weeds shall be cut as frequently as necessary to eliminate fire hazards.
11. The quarry recognizes the neighborhood concern about mud and rocks deposited on the public roadway and will make commercially reasonable efforts to reduce the mud and rocks to minimal levels.
 - a. The Quarry will lay down an additional 10,000 square feet of asphalt each year for the next two years along the truck haul route to reduce the amount of mud tracked onto the public roadway.
12. Dust
 - a. On site roads shall be maintained in a reasonably dust free condition and must meet Bay Area Air Quality Management District standards. In order to minimize the occurrence of dust, the access roads shall be paved, oiled, watered, and/or chemically treated. Areas used for the movement of haulage vehicles and mobile equipment closer than 100 feet to the point from which haulage vehicles are being loaded shall be sprinkled with oil or water or chemically treated as frequently as necessary to reduce the stirring of dust to the minimum level possible.
 - b. Dozing, digging, scraping, and loading of excavated materials shall be done in a manner which reduces to the minimum level possible the raising of dust. Sprinkling shall be done where necessary to comply with this standard.
 - c. In dry weather periods, during high wind conditions, mining operations on an exposed slope shall be curtailed. Stockpiled products shall be watered or treated during periods of high wind conditions so as to minimize off-site dust nuisance to nearby properties.
 - d. Dust abatement practices as approved by the Bay Area Air Quality Management District of stockpiles and screening operations or any other part of the facilities shall be conducted as necessary to eliminate dust.
 - e. The quarry shall comply with all applicable laws and required permits issued by the Bay Area Air Quality Management District.
 - f. The quarry operator will sweep Stevens Canyon Road and all paved areas within the quarry operation with a vacuum type sweeper as needed to remove dirt and dust from roadway. The compliance patrol will be charged with determining when additional sweeping is necessary. A community relations hot line number will also be provided to the public to call should an unnoticed problem requiring additional sweeping arise.
 - g. Quarry will add inspection step at scales for aggregate spillage on loaded trucks and will require driver to remove the debris when found.

- h. Quarry will add signage, in plain view, to instruct public of how to call hot line for aggregate spillage and other quarry related issues.
- i. The operator shall submit a report by an engineer which: (1) identifies the sources of dust on the neighboring residential properties and public roads and (2) makes recommendations on dust reduction measures.
- j. The Quarry recognizes the neighborhood concern about fugitive dust and will work cooperatively to determine the total level and their specific contribution to the total level. Furthermore, the Quarry will use commercially reasonable efforts to reduce their share of the total dust emissions. The total level and the quarry's contribution to that level will be established in the following manner:
 - i. Initially, Samples will be taken by setting out glass plates in 3 locations for a period of 2 weeks and then repeated once.
 - (a). The sample locations will be at the North property line of the Quarry near the radio house, Peacock Court, and on Montebello Road near the school.
 - ii. Additional monitoring will be conducted with a single glass plate 8 times over the following two years and annually thereafter.
 - (a). These samples will be taken on Peacock Court.
 - iii. The accumulated dust will be measured and analyzed to determine its total quantity and the primary sources.
 - iv. The percentage of dust contributed to the total by the quarry will be determined by comparing the quarry's total to the sample total.
 - v. The dust analysis will be conducted by an independent testing lab.
 - vi. At the reasonable request of the neighbors, the Quarry will undertake other testing procedures reasonably likely to better quantify and characterize the amount of dust and particulate size and the Quarry's contribution to the total dust content if the foregoing tests do not provide conclusive results.
- 13. Haul route being approved is Stevens Canyon Road-Foothill Boulevard to Highway 280 and Foothill Expressway. No other route to be used.
- 14. Truck loading practices to be such as to eliminate spillage on public roads. Any spillage shall immediately be cleaned up by the quarry operator.
- 15. All truck parking, queuing and loading, shall be carried out on the property. No queuing on public streets.
- 16. Noise
 - a. Noise and vibration created by the operation of the excavation shall be reduced to the minimum possible level; all operations shall be conducted so as to conform to the County Noise and Vibration Ordinance, specifically Sections B11-192, B11-193, B11-194, B11-195. The sound levels will conform to the County ordinances for noise.
 - b. The quarry shall engage the services of a professional acoustical consultant to recommend methods to reduce the amount of noise generated by the quarry. The quarry will submit a report of the success of the methods at the time of the six month review.

- c. The neighbors will first contact the quarry representative regarding noise complaints for resolution and then the County Environmental Health noise specialist.
 - d. Noise complaints will be logged by both the quarry operator and County Environmental Health noise specialist.
 - e. County will conduct a minimum of two random noise tests annually and report the results to the Secretary of the Planning Commission.
 - f. The Quarry will, by the end of 2003, enclose sorting screens to reduce their noise, will cover exposed metal clip belt fasteners with a rubber coating, will line steel rock chutes with rubber, will install sound walls around cone crushers, and will change vehicle backup safety alarms to be motion sensor alarms.
17. Explosives will not be used more than twice a week when necessary
18. Excavation shall be conducted in a manner so as to keep adjacent streams, percolation ponds, or water bearing strata free from undesirable obstruction, siltation, contamination, or pollution of any kind. The existing settling ponds shall be maintained to intercept sediment. Settling ponds and other retention devices shall be installed and maintained to control sediments so that no sediments are deposited in Stevens Creek Reservoir from this property as a result of the surface mining process.
19. No concrete or asphalt plant is being approved.
20. Days and Hours of Operations
- a. The quarry excavation, crushing, processing, and hauling shall be operated during the hours of 6:30 a.m. to 5:00 p.m. Monday through Friday. All gates except for the one on Montebello Road leading to the residence on the site and the stables, to the quarry shall remain closed from 5:00 p.m. until 6:00 a.m. Beginning at 6:00 a.m., trucks shall be able to stack, load and haul, etc. on the premises. Excavation, crushing, processing or hauling operations shall not be carried out on the following holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
 - b. The quarry shall be allowed to operate the plant no more than 15 Saturday's per year and no more than one Saturday per month from May 15th through October 15th inclusive. The hours of operation will not exceed the period between 7:00am and 3:00pm. Plant operation does not include material loading and hauling, because it is covered in the use permit for parcel "A", but does include crushing, excavation, and processing. The Planning Office shall be notified on the preceding Friday of any proposed Saturday activities.
 - c. The quarry shall be allowed to operate up to a maximum of 30 work evenings per year, (between the hours of 5:00 p.m. and 8:00 p.m.); such evening work shall be allowed under special circumstances provided that:
 - i. Planning Office to be notified no later than 4:00 P.M. on the day the evening work is to be performed, and
 - ii. The provision will be reviewed and evaluated by the Planning Commission in 6 months.

- iii. Special circumstances: This provision applies to and shall be instances such as:
 - (a). To allow the completion of a project by working an evening, and;
 - (b). An emergency situation, either for a private or government project. Emergency is intended to mean a potential danger of life or property including, but not limited to, levee failure, flooding, earthquake, landslide, road or bridge failure or other similar conditions.
- d. Maintenance activities, as defined in this agreement, are not considered quarry operations.
- 22. The excavated cut slope shall be no closer than 25 feet from the property line, except for the slope rounding as shown on Sheet #2 of approved plans dated May, 1983.
- 23. Any water-body created during operations shall be maintained in such a manner as to provide mosquito control and to prevent the creation of health hazards or public nuisance.
- 24. The quarry shall maintain control over the vehicles to insure observance of speed limit laws; and hauling and loading hours by not loading those vehicles in a manner which violates these regulations.
- 25. The quarry shall give to the trucking companies and operators written notice to insure adherence to these speed laws and operational hours.
- 26. The quarry shall post signs at the exit of the quarry stating that the hours and speed of the trucks on the haul route will be monitored.
 - a. The operator will install new signs at the exit of the quarry warning drivers that the speeds of the truck will be monitored and that they need to adhere to public road speed and in-quarry operational regulations.
 - b. Signs as required in condition #26 to be reconditioned and maintained in good condition.
- 27. The compliance monitoring and enforcement for the provisions of this agreement will utilize the same mechanisms as used for parcel A.
- 28. Fugitive dust from quarrying operation to be mitigated by spraying of water or other suppressant on site and on stock piles.
- 29. The Quarry must obtain an applicable permit or clearance from the Bay Area Air Quality Management District prior to commencement of operations.
- 30. Quarrying operation, including storage of materials, shall be maintained in such a manner to keep adjacent streams, lakes, and percolation ponds free of siltation, contamination or pollution of any kind. Retention devices shall be installed and maintained to control sediments so that they are not deposited in Stevens Creek Reservoir.
- 31. Quarrying operations to be restricted to the area shown on site plan, sheet #2 dated May, 1983.
- 32. If there is any noise increase more than 0dB due to the lowering of the ridge line in the Northeast corner of Parcel B, the quarry will construct a sound wall 25 feet high and approximately 400 feet long provided the appropriate county approvals can be obtained. In addition, the Quarry will camouflage the wall with trees and

vines. The concerned neighbors and quarry will work together to determine the baseline sound level and the new sound level after the ridgeline has been changed in order to determine if there has been change to warrant the sound wall. The objective of this clause is to prevent noise from the Hansen Quarry from impacting the neighborhood.

- a. The baseline will be established by taking measurements at the Montebello school, at the cul-de-sac on Peacock Court, and lower Swiss Creek road. 10 samples will be taken at each site and the average of the samples used to establish the baseline at each site. The samples will be taken at times when the SCQ quarry is not running and the Hansen Quarry is running.
- b. This baseline will be taken and filed with the county before the ridgeline is lowered.
- c. After the ridgeline has been taken down to its final elevation, sound level measurements will be taken and compared to the baseline. The same measurement methodology as in "a" will be used to establish this sound level.

33. Light

- a. On-site lighting shall be designed, controlled and maintained so that no light source is visible from off the property. Hooding shall be installed to prevent light bulbs from being visible from off the property. All lights will be turned off after 7:00 p.m., except during approved evening usage when the lights will be turned off after 9:00 p.m. except for the purpose of mechanical maintenance, in which case they can remain on until no later than 11:00 p.m.
- b. Quarry lighting shall be designed and installed at a height to cause the least amount of impact on neighboring residential properties.
- c. Any lights which might be located at the communication facility structures shall be limited to the communication operator's use.

34. Truck Traffic

- a. The Quarry will limit the total number of material loads to no greater than 1300 per day. A load is the total material hauled by single motorized vehicle, i.e. the amount a single driver can haul.

35. Maintenance is defined as follows for all quarry operations:


- a. Plant and equipment repair and service
 - i. This item is mechanical maintenance as referenced in this agreement
- b. Haul road repair including blading, watering, paving, and surfacing
- c. Cleaning and repairing silt basins
- d. Cleaning and repairing storm drains
- e. Erosion repair caused by storms
- f. Landscape and reclamation maintenance
- g. Building maintenance and cleaning
- h. Sweeping of the site haul roads


36. This agreement will be co-terminus with the existing use permit on parcel "A".

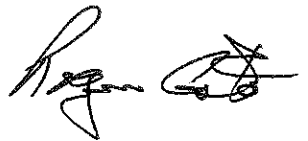
John Kulski 

Robert Romano 

Richard Voss 

Tom Edsall 

Chuck Hammers 

Roger Costa 

Stevens Creek Quarry Monitoring Checklist County of Santa Clara

Date: August 12, 2016

Monitor: Diana Roberts

Weather: 57°, low fog, calm.

Additional Comments: The Quarry is in the process of lowering the levee fill pile, providing the materials to SCVWD. Stockpile is reducing in height. Sale will continue until mid-October, when SCVWD ceases levee building activity for the winter months.

No complaints have been received on the quarry's complaint hotline, through walk-in, or on the quarry's main phone line.

Recycling facility was not operating. Topsoil facility was not operating. Main crusher was operating. Sand plant was operating.

During hot periods, the Quarry runs two water trucks throughout the warmest part of the day.

Task Number	Use Permit Conditions	Notes
<i>Air Quality</i>		
16a	Onsite roads shall be maintained in reasonably dust-free condition. These roads shall be paved, oiled, watered, or chemically treated.	No dust was observed during the site review. Road surfaces were damp.
16a	Any onsite areas that are used for the movement of haulage vehicles and mobile equipment closer than 100 feet to the point from which these vehicles are being loaded shall be sprinkled with oil, water, or chemically treated as frequently as possible.	No dust was observed during the site review. Surfaces were damp. Water truck was observed two times. SCQ is in compliance.
16a	The main access road between shop area and main gate must be paved.	Yes, access road is paved. SCQ is in compliance.

Task Number	Use Permit Conditions	Notes
16b	Dozing, digging, scraping, and loading of excavated materials must be done in a manner that reduces the raising of dust to the minimum level possible. Sprinkling must be done where necessary to comply.	Excavation was in progress in the pit adjacent to the old main crusher location. No dust was observed during the site review for excavating, dozing, or loading of materials. SCQ is in compliance.
16c	Mining operations on exposed slopes must be restricted during high wind conditions (only applies during dry weather).	N/A because conditions were calm. SCQ is in compliance.
16c	Stockpiled products must be watered or treated during high wind conditions (only applies during dry weather).	N/A because conditions were calm. SCQ is in compliance.
16d	Stockpiles, screening operations, or any other part of the facilities must be sprinkled as necessary to eliminate dust.	No excessive dust was observed during the site review. Stockpiles showed signs of dampness. SCQ is in compliance.
16e	The Quarry shall comply with all required permits issued by the BAAQMD.	No complaints were received by BAAQMD during this monitoring period (<u>August</u>). SCQ is in compliance.
16f	Stevens Canyon Road and all paved areas within the Quarry must be swept as needed with a vacuum-type sweeper to remove dirt and dust from roadway.	Roadway was clean in the Quarry and on Stevens Canyon Road. Street sweeper was observed 1 time on Stevens Canyon Road. SCQ is in compliance.
16g	A washing/scrubbing device must be installed at the exit gate area to remove mud, dirt, and gravel from the wheels of trucks exiting the Quarry.	As previously reported, the Quarry installed a coarse road driveway leading to the exit gate, which cleans the tires before exiting the Quarry. This method, in conjunction with the street sweeper, appears to be effective, because Stevens Canyon Road appeared to be clear of dirt, mud, and rock. SCQ is in compliance.

Task Number	Use Permit Conditions	Notes
16h	Operator shall submit a report by an engineer which: (1) identifies the sources of dust on the neighboring residential properties and public roads and (2) makes recommendations on dust reduction measures.	As previously reported, SCQ achieved compliance with this condition in 2002.
37	Water or other suppressants must be sprayed on site and on stockpiles to mitigate fugitive dust from recycling operations.	No dust was observed. Stockpiles showed signs of dampness throughout the Quarry and sprinkling was observed. SCQ is in compliance.
38	Applicable permit or clearance must have been obtained from the BAAQMD prior to commencement of operations.	The BAAQMD facility identification number is B0394. The Quarry renews its BAAQMD permits annually. SCQ is in compliance.
Noise		
21a	All operations shall be in conformance with the County Noise and Vibration Ordinance; the sound ordinance measurements must be met at the Quarry's property line and will not exceed 55dB between 7 AM and 10 PM, and 45dB between 10 PM and 7 AM.	No complaints were received by the Quarry, County of Santa Clara Planning Office, or County of Santa Clara Consumer Protection Division during this monitoring period (<u>August</u>). SCQ is in compliance.
21b	Quarry must employ an acoustical consultant to recommend methods to reduce the amount of noise generated by Quarry operations. The Quarry will submit a report of the success of the methods at the 6-month review.	Complete. As previously reported, SCQ achieved full compliance with this condition in 2002.

Task Number	Use Permit Conditions	Notes
21c	Neighbors must first contact Quarry with noise complaints, and then County Environmental Health Specialist.	No complaints were received by the Quarry, County of Santa Clara Planning Office, or County of Santa Clara Consumer Protection Division during this monitoring period (<u>August</u>). SCQ continues to maintain its telephone “hotline” and log all calls. SCQ is in compliance.
21d	Noise complaints will be logged by Quarry operator and County Environmental Health noise specialist.	No complaints were received by the Quarry, County of Santa Clara Planning Office, or the County of Santa Clara Consumer Protection Division during this monitoring period (<u>August</u>). SCQ continues to maintain its telephone “hotline” and log all calls. SCQ is in compliance.
21e	County will conduct a minimum of 2 random noise tests annually and report the results to the Secretary of the Planning Commission.	No noise testing was conducted by the County of Santa Clara during this monitoring period (<u>August</u>).
<i>Truck Operations</i>		
18	Trucks shall be loaded so as to avoid spills.	Two truck loading operations were observed during this site visit. They were performed correctly. All loaded trucks observed had been loaded correctly. SCQ is in compliance.
32	Trucks shall obey speed limits.	No truck tickets were issued during this monitoring period (<u>August</u>). SCQ’s truck safety program tracks tickets and enforces compliance. SCQ is in compliance.

Task Number	Use Permit Conditions	Notes
32	Trucks shall obey hauling and loading hours (Trucks shall not be loaded outside of posted hours.)	<p>Site was monitored during posted hours. SCQ is deemed in compliance with this because no complaints were filed. This condition is periodically spot checked by the County Post Approval Monitoring program by randomly checking videotapes kept by SCQ. Videos are reviewed quarterly. Results of the review are reported in the last month of the quarter.</p> <p>See <i>Hours of Operation</i>, Task Number 25a below. SCQ is in compliance.</p> <p>See also Condition 25a.</p>
33	Trucking companies and operators shall be given written notice to ensure compliance with #32.	Complete. No truck tickets were issued during this period. See Task Number 32 above. SCQ is in compliance.
34a	Signs shall be posted at the Quarry exit stating that the hours and speed of trucks on the haul route will be monitored.	Signs were observed on the site in good condition. SCQ is in compliance.
34b	Signs in #34a should be in good condition.	Signs were observed on the site in good condition. SCQ is in compliance.
35	The Quarry will not load trucks that have violated operating hours, as determined by Jones & Stokes during monitoring or the Quarry's compliance officer.	SCQ continuously implements a truck safety program consistent with this condition of approval. The program includes a compliance patrol officer. SCQ is in compliance.
36	Signs must be posted at the exit gate that state that the use of "jake brakes" on Stevens Canyon Road/Foothill Avenue north to Stevens Creek Road is prohibited.	Signs were observed on the site in good condition. SCQ is in compliance.

Task Number	Use Permit Conditions	Notes
<i>Hours of Operation</i>		
25a	Excavation, crushing, processing, and hauling shall occur between 6:30 AM and 5 PM, M-F.	<p>Site visit was conducted during operating hours. Monitoring videos are on file at SCQ.</p> <p>No complaints were received by the Quarry, County of Santa Clara Planning Office, County of Santa Clara Office of the Sheriff, or California Highway Patrol during this monitoring period (<u>August</u>). SCQ is in compliance.</p>
25a	All gates to the Quarry, except for the one on Montebello Road leading to the site residence and the stables, shall be closed between 5 PM and 6 AM (trucks shall be able to stack, load, and haul on the premises at 6 AM).	<p>Site visit was conducted during operating hours. Monitoring videos are on file at SCQ.</p> <p>Videos are reviewed quarterly. Results of the review are reported in the last month of the quarter. See <i>Hours of Operation</i>, Task Number 25a above.</p> <p>No complaints were received by the Quarry, County of Santa Clara Planning Office, County of Santa Clara Office of the Sheriff, or California Highway Patrol during this monitoring period (<u>August</u>). SCQ is in compliance.</p>
25a	Excavation, crushing, processing, or hauling shall not occur on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas.	No site visits were conducted on these holidays. No complaints were received by the Quarry, County of Santa Clara Planning Office, County of Santa Clara Office of the Sheriff, or California Highway Patrol for any holiday operations during this monitoring period (<u>August</u>). SCQ is in compliance.
25b	Quarry shall be allowed to operate a maximum of 15 Saturdays a year. The Co. Planning Office shall be notified on the preceding Friday.	No Saturday quarrying operations were conducted during this monitoring period (<u>August</u>).

Task Number	Use Permit Conditions	Notes
25c	Quarry shall be allowed to operate up to a maximum of 39 work evenings per year (between 5 and 8 PM), provided that: (1) Co. Planning Office is notified no later than 4 PM on that day and (2) the provision will be reviewed and evaluated by Planning Commission in 6 months. Also, (3) special circumstances exist (completion of a project by working an evening or an emergency situation).	No evening operations were conducted during this monitoring period (<u>August</u>).
<i>Landscaping and Aesthetics</i>		
29a	Existing berm along Stevens Canyon Road and the perimeter slopes between Sunnyvale Rod and Gun Club shall be landscaped with tall evergreen trees (with irrigation system) to provide screening.	Existing landscaping on the berm is in good condition, with healthy plants and an operational irrigation system. Landscape installation (plants and irrigation system) has been completed on the berm between the Quarry exit and the gun club, and appears in good condition. SCQ is in compliance.
29b	Landscape screening plan for the berm along Stevens Canyon Road should be in existence.	Complete. SCQ remains in compliance.
29c	Berm should be landscaped with plant materials, irrigation system should exist, and berm should include fencing.	Between quarry entrance and maintenance entrance, and between the maintenance entrance and the neighboring property, landscaping is healthy, and fencing and irrigation system appear to be in good working order. The landscaping is well established. SCQ is in compliance.
42	The recycle crusher and stock piles are to be located so that neither are visible from Stevens Canyon Road.	The stock piles are visible from Stevens Canyon Road. The Quarry and the County have reached an agreement on a process to reduce height by [date] .

Sources Consulted

Bay Area Air Quality Management District. <pending>

California Highway Patrol: T. Bowen. <pending>

County of Santa Clara, Planning Office: Jim Baker. <pending>

County of Santa Clara, Planning Office: TBD. <pending>

County of Santa Clara, Consumer Protection Division: Peder Eriksson. <pending>

County of Santa Clara, Office of the Sheriff: Sergeant McCoy. <pending>

Stevens Creek Quarry: Jason Voss. <pending>