

**RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CLARA  
RECOGNIZING MEDIATED OPERATING CONDITIONS  
FOR STEVENS CREEK QUARRY PARCEL B**

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**WHEREAS**, a dispute exists about whether quarrying and related activities are a legal nonconforming use on certain property owned by Stevens Creek Quarry, Inc. ("Quarry") commonly referred to as "Parcel B" and depicted on Exhibit A attached hereto; and

**WHEREAS**, during the April, 2002 through August, 2002 time period, the Board of Supervisors held several public hearings and received much oral and documentary evidence on the legal nonconforming use issue; and

**WHEREAS**, the Quarry indicated to the Board of Supervisors that it would seek judicial relief if the Board determined that quarrying was not a legal nonconforming use on Parcel B; and

**WHEREAS**, the Monte Vista/Stevens Canyon Neighborhood Association ("Association"), an unincorporated association comprised of many residents who live near the Quarry and are most directly impacted by the operations on Parcel B, indicated to the Board of Supervisors that it would seek judicial relief if the Board determined that quarrying was a legal nonconforming use on Parcel B; and

**WHEREAS**, 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; and

**WHEREAS**, after several sessions and over 20 hours in mediation, the Quarry and Association representatives developed a set of operating conditions for quarrying and related activities on Parcel B ("Mediated Conditions"), which are attached hereto as Exhibit B.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA  
HEREBY FINDS:**

1. It is in the public interest to avoid protracted litigation over this matter and to have the Quarry conduct its operations on Parcel B in compliance with the Mediated Conditions in a timely manner.
2. The California Environmental Quality Act does not apply to this situation for all of the following reasons:

a. The County is not granting any permit, license or entitlement for use, or otherwise authorizing any activity.

b. There will be no potentially significant impacts from the Quarry operating on Parcel B in accordance with the Mediated Conditions. Conducting quarrying and related activities on Parcel B in compliance with the Mediated Conditions will have beneficial environmental effects when measured against the current environmental baseline of no regulation.

c. The existing use permit for activities on Quarry land commonly referred to as Parcel A and depicted in Exhibit A is not being modified. If any of the Mediated Conditions are interpreted as being less stringent than the Quarry's use permit, they shall have no effect with respect to Parcel A unless and until the Quarry's use permit is amended in accordance with all applicable legal requirements.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Santa Clara:

1. The County will not assert or make a determination that quarrying is not a legal nonconforming use on Parcel B so long as the Quarry complies with all of the following:

a. The Quarry adheres to the Mediated Conditions; and

b. The Quarry pays the County in advance for all reasonable costs associated with monitoring compliance with the Mediated Conditions, including costs associated with hiring independent consultants and staff time for overseeing the consultants; and

c. The Quarry cooperates fully with the County regarding the Mediated Conditions.

2. The County Planning Office will annually prepare and issue to the Board of Supervisors a compliance report on the Mediated Conditions.

3. If there is ever a dispute about whether the Quarry is adhering to the Mediated Conditions or is otherwise not complying with 1.a, 1.b or 1.c, the County will give the Quarry and the public reasonable notice and an opportunity to be heard before taking any action. The process for dealing with any disputes involving the Mediated Conditions will be as follows:

a. The County or other aggrieved person will notify the Quarry in writing of the problem. If the problem is not resolved to the grievant's satisfaction within a reasonable time (not to exceed 30 days), he or she may then contact the County Planning Office.

b. The Planning Office will investigate the matter and work with the Quarry to try to resolve the problem. If the problem is not resolved at the staff level, the matter may be referred to the Board of Supervisors at the request of either the Planning Office or the grievant. The Planning Office will provide the Board of Supervisors with an analysis of the situation and a recommendation regarding whether the Mediated Conditions have been violated.

c. The Board of Supervisors will determine at a noticed public hearing whether there has been any substantial noncompliance with 1.a, 1.b or 1.c.

4. Nothing in the Mediated Conditions or this Resolution shall be construed as altering the use permit for Parcel A. Any modifications to the use permit for Parcel A shall be processed in accordance with the procedures set forth in the Ordinance Code of the County of Santa Clara.

5. Nothing in the Mediated Conditions or this Resolution shall be construed as affecting any procedural or substantive requirements of any laws, ordinances or regulations.

6. Nothing in the Mediated Conditions or this Resolution shall be construed as a delegation or waiver of the County's police power.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Santa Clara, State of California on \_\_\_\_\_ by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Donald F. Gage, Chairperson  
Board of Supervisors

**ATTEST:**

\_\_\_\_\_  
Phyllis Perez, Clerk of the Board

**APPROVED AS TO FORM AND LEGALITY:**

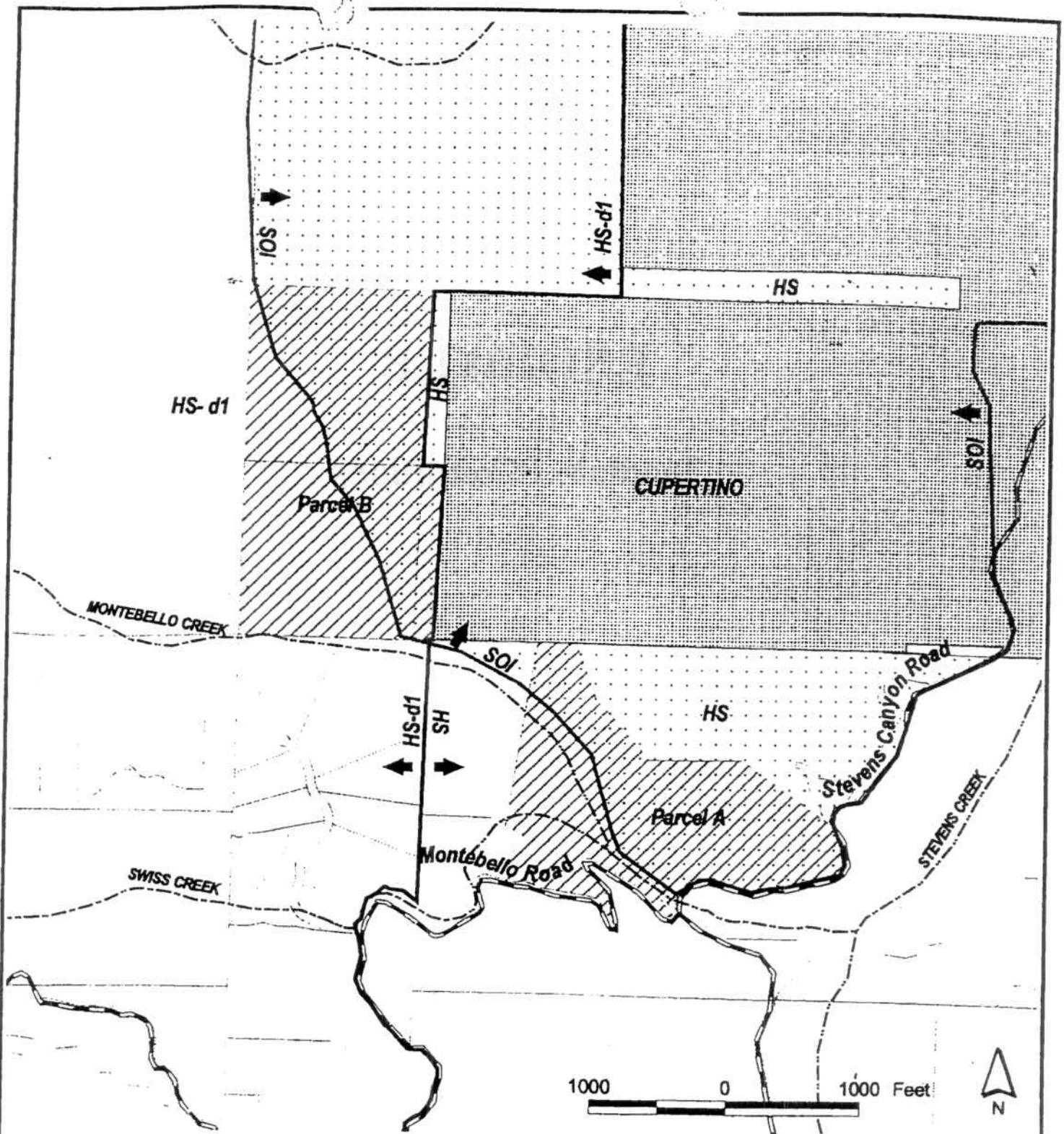
*Lizanne Reynolds 10-2-02*  
\_\_\_\_\_  
Lizanne Reynolds, Deputy County Counsel

Exhibits to this Resolution:

- A - Map Depicting Parcels A and B
- B - Mediated Conditions

# **EXHIBIT A**

## **Map of Stevens Creek Quarry Parcels A and B**

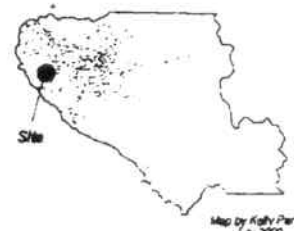


1000 0 1000 Feet



- Major Creeks
- Roads
- Sphere of Influence (SOI)
- Cupertino City Boundary
- ▨ Unincorporated Parcels
- .. Sphere of Influence

Applicant: Stevens Creek Quarry  
 APNs: 351-18-039, 351-10-019,  
 351-10-020, 351-10-040  
 File: 1253—



Map by Kelly Perkin  
 July 2000

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# **EXHIBIT B**

## **Mediated Conditions**

## 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 15<sup>th</sup> through October 15<sup>th</sup> 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".

September 19, 2002

Lizanne Reynolds  
Deputy County Counsel  
Santa Clara County  
70 West Hedding Street  
San Jose, CA 95110

Dear Ms. Reynolds:

The attached document, titled AGREEMENT REGARDING PARCEL "B", is the work product of the mediation between representatives of Stevens Creek Quarry and representatives of the Monta Vista, Stevens Canyon Residents Association conducted during August and September of 2002. This agreement represents the intent of both parties. In addition to the terms and conditions of the agreement, the parties agree to the following items:

- The Stevens Creek Quarry has every intention to comply with the terms of the agreement.
- The mechanisms for determining compliance will be the same as used for the parcel "A" use permit. If the County finds that the quarry does not comply with the agreement, the County Board of Supervisors will make a timely decision about Stevens Creek Quarry's right to legal non-conforming use of parcel "B".
- Neither party gives up the right to have a decision made regarding Stevens Creek Quarry's right to legal non-conforming use of parcel "B".
- It is the intention of the parties that this agreement shall be a binding agreement between the County and Stevens Creek Quarry.
- The responsibility for monitoring and enforcing this agreement rests with the County.
- The representatives of the Monta Vista, Stevens Canyon Residents Association have attempted in good faith to represent those neighbors that they know to be concerned with the issues addressed in the agreement. However, the representatives also recognize that they cannot possibly represent all citizens potentially concerned with these issues.

Sincerely,

Representatives of Stevens Creek Quarry

Richard Voss 


John Kolski 

Robert Romano 

Representatives of MVSC Residents Association

Tom Edsall 

Chuck Hammers 

Roger Costa 

File 1253-16-62-94P

## AGREEMENT REGARDING PARCEL "B"

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### RECLAMATION

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  - 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.
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- 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.
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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 15<sup>th</sup> through October 15<sup>th</sup> 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 