

**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.

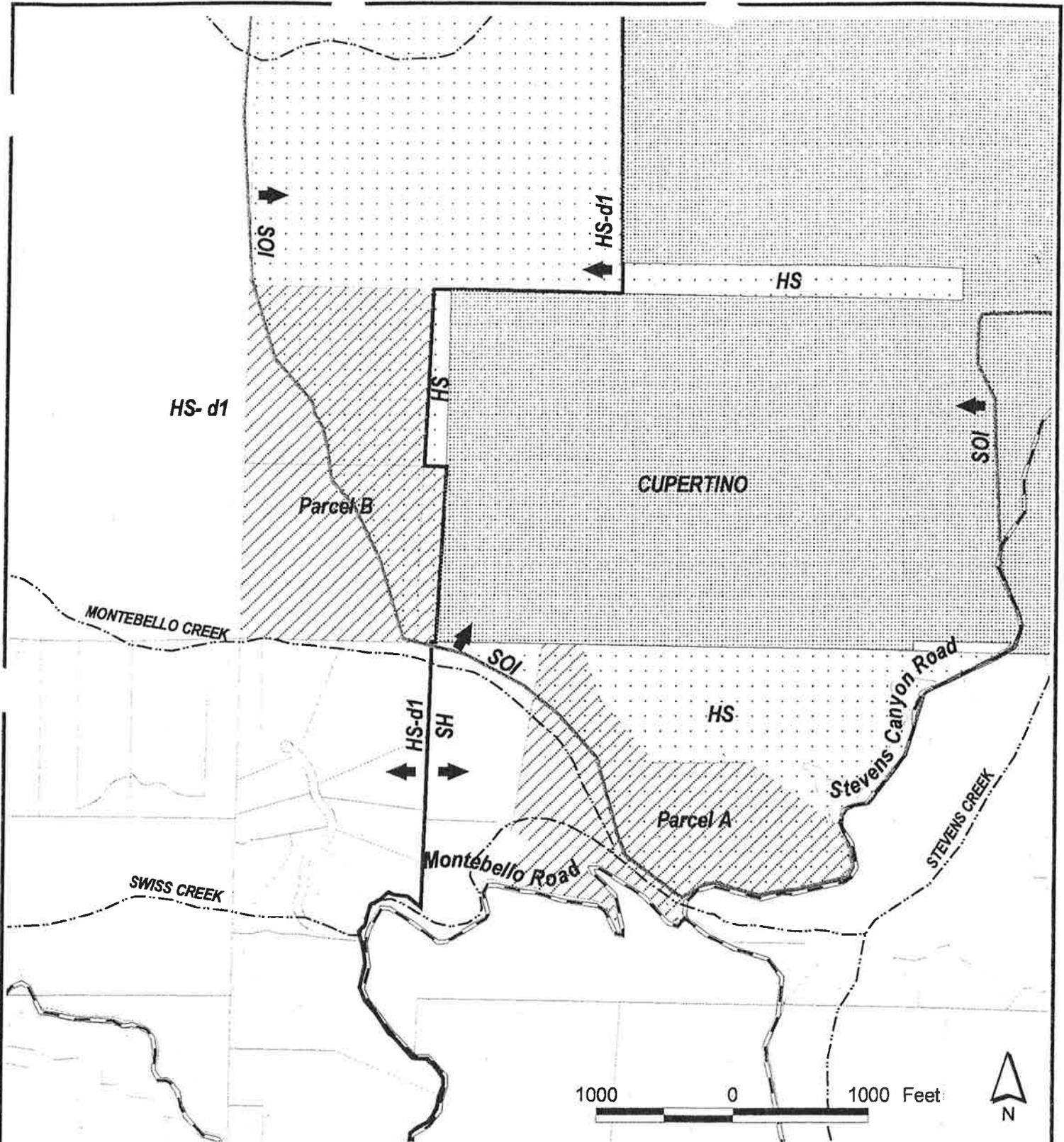
43. Obtain an encroachment permit and install a driveway approach at the existing gate located approximately 650 feet from the site's easterly boundary. Construct the driveway approach in accordance with Detail B/5 modified to provide a pavement structural section for truck loading. Pavement structural 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.

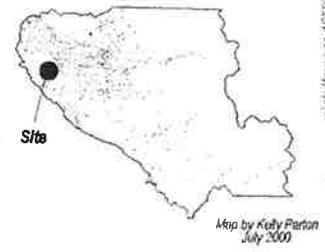
- *48. The ancillary use of equipment rental and storage is limited to trucks & equipment owned and operated by the operator which is normally used in the quarrying activities and is only rented for off-site use when not required on site.
- *49. All other vehicles and or equipment not owned and operated 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.



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

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



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