



Agenda Submittal

Agenda #: 1 **Status:** PC-Regular
Type: PC-Document **Department:** Planning Commission
File #: PC 18-047 **Contact:** Karen Avery
Agenda date: 11/15/2018 **Final action:**
Title: Public Hearing to consider Extension No. 1 of Reclamation Plan No. RP-97-02 for the Nelson Hill Quarry located off Cordelia Road adjacent to the boundaries of Fairfield on Assessor's Parcel Numbers 0044-230-030 and 0044-240-050. (Project Planner: Karen Avery) Staff Recommendation: Approve the extension
Governing body: Planning Commission
District:
Attachments: 1. A - Draft PC resolution, 2. B - IMP Request & Application, 3. C - Approved IMP 2013

Date	Ver.	Action By	Action	Result
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RECOMMENDATION:

The Department of Resource Management recommends that the Planning Commission:

1. Adopt the attached Draft Resolution and Approve Extension No. 1 of the Interim Management Plan for Reclamation Plan RP-97-02; subject to the findings and recommended conditions of approval.

EXECUTIVE SUMMARY:

The quarry is located on property owned by the Nelson Family Living Trust located off Cordelia Road along the boundaries of Fairfield. The operator, Oliver de Silva Inc. has been operating a surface mine on the site for a number of years but due to economics in 2013 requested an Interim Management Plan pursuant to Section 2770 of the State Surface Mining and Reclamation Act (SMARA). This Interim Management Plan (IMP) was approved by the Planning Commission on October 3, 2013. The applicant is requesting a five-year extension of the IMP which will remain in effect from 2018-2023 or until such time the mine reactivates prior to October 3, 2023.

ENVIRONMENTAL ANALYSIS:

Review and approval of an Interim Management Plan is not considered a project for the purposes of the California Environmental Quality Act.

PROPERTY INFORMATION:

A. Applicant:
Oliver de Silva, Inc.
Attn: Alan French
11555 Dublin Boulevard
Dublin, CA 94568

Owner:

W & D Nelson Family Living Trust
F & P Nelson Family Living Trust
2435 Cordelia Road
Suisun City, CA 94585

- B. General Plan Land Use Designation/Zoning:**
General Plan: Urban Project Area Agricultural (UPA)
Zoning: Agricultural Suisun Valley (A-SV-20)
- C. Existing Use:** Idle mine
- D. Adjacent Zoning and Uses:**
North: City of Fairfield - Interstate 80
South: City of Fairfield - Recreation
East: Agricultural (A-40) - Row crops
West: City of Fairfield - Commercial and Residential

ANALYSIS:

A. Environmental Setting

The project site is situated on Nelson Hill which is adjacent to the boundaries with the City of Fairfield and accessed by Cordelia Road. Nelson Hill rises in elevation from approximately 20 feet average mean sea level (AMSL) at the base to approximately 320 AMSL at the crest. The Nelson Hill Quarry consists of approximately 70 acres. Vegetation and habitat within the operation area have largely been removed as a result of historic land use activities. Remnants of chaparral vegetation occur on the surrounding hill slopes along with mature scattered natural revegetation in the older disturbed areas of the quarry.

B. Project Description

History

The project site consists of two parcels (APNs 0044-240-050 and 044-230-030) which together are 232 ± acres and is known as the Nelson Hill Quarry. The current disturbed area of the site is 70+ acres. Per County records, the quarry at Nelson Hill site began operations in the late 1800's. The Nelson Family acquired the quarry in 1934. In 1973, Oliver de Silva obtained control of the existing quarry operation with the Nelson Brothers. The Quarry has been in use by the current operator since the enactment of the Surface Mining and Reclamation Act (SMARA) on January 1, 1976. Mining has continued intermittently and seasonally as construction materials are needed by the operator. It should be noted that the mining operation component of the project was previously recognized as a vested right, with the operator limited to an annual amount historically mined at the site. As such the maximum annual limit established at the site is 242,239 tons with an average annual limit of 97,397 tons. A Reclamation Plan was filed in 2001 and approved by the Solano County Planning Commission on January 12, 2002.

Interim Management Plan

The Interim Management Plan is considered an amendment to the surface mining operation's approved reclamation plan. The purpose of the IMP is to state how the property owner or mine operation will maintain the site in compliance with the reclamation plan during the period the mine is idle. The plan encompasses conditions of approval of the reclamation plan and other updates to the reclamation plan over the life span of the quarry. A copy of the 2013 IMP is attached, financial information for that time period is not included in the attachment as the 2013 financial information has been updated annually since approval of the IMP.

County staff, including the county geologist, conducted the annual inspection of the mine site on September 10, 2018. The result of the annual inspection found that the owner was maintaining the site as per the IMP and Reclamation Plan.

As per the Solano County Code Chapter 29 Surface Mining and Reclamation, financial assurances are to remain current during the five-year period that the surface mining operation is idle. The purpose of having financial assurances in place is to ensure that the cost of reclaiming the site is covered should the operator abandon the site leaving Solano County to reclaim the site. SMARA requires Financial Assurance Cost Estimates (FACE) be submitted annually by the applicant. The applicant has submitted a new Financial Assurance Cost Estimate (FACE) which been reviewed by County staff and is pending resubmittal by the applicant.

The operator has a Financial Assurance Mechanism (FAM) on file with the County for the mine site in the form of a surety bond in the amount of \$70,046.23. This amount is in compliance with the most recently approved Financial Assurance Cost Estimate.

The IMP extension will be in effect for a period not to exceed five years, October 3, 2023, at which time the applicant any apply for a renewal of the IMP, begin reclamation of the mine site, or reactivate the mine.

C. General Plan and Zoning Consistency

The Solano County General Plan designates this area as Urban Project Area which reflects the city-designated master plan, specific plan or other future plans anticipated by the City of Fairfield. The parcel is zoned Agricultural Suisun Valley "A-SV-20". Surface mining operations are permitted with an approved use permit per Chapter 28.23 Table 28-23a of the Solano County Zoning Regulations. However, the site has a vested right to mine and a use permit is not required. The applicant has an approved Reclamation Plan and the request for an extension of the Interim Management Plan is consistent with the General Plan and Zoning Regulations.

D. Development Review Committee

As part of the project review process, the application is reviewed by various divisions within the Department of Resource Management:

Environmental Health Division

No comment on the IMP extension were received.

Public Works Engineering

No comment on the IMP extension were received.

Building Division

No comments on the IMP extension were received.

E. Outside Agency Review

Department of Conservation

The IMP extension request was forwarded to the Department of Conservation's Division of Mine Reclamation. No comments have been received.

City of Fairfield

The IMP extension request was forwarded to the City of Fairfield's Planning Department. No comments on the project were received.

F. Recommendation

Staff recommends approval of Extension No. 1 of the Interim Management Plan for Reclamation Plan 97-02 for the Nelson Hill Quarry project based on the Findings below.

FINDINGS:

1. The review, approval, and extension of an Interim Management Plan is not considered a project for the purposes of the California Environmental Quality Act (CEQA).
2. The approved IMP is considered an amendment to the surface mining operation's approved reclamation plan.
3. The operator shall implement measures in the IMP to maintain the site in compliance with all permit conditions.
4. With this extension, the IMP shall remain in effect for a period not to exceed five years; October 3, 2023.
5. The required financial assurances for the mine operation shall remain in effect during the period that the mining operation is idle.
6. The surface mining operation shall commence reclamation in accordance with its approved reclamation plan if the surface mining operation is still idle after the expiration of its IMP.

Attachments:

A - Draft Resolution

B - IMP Request and Application

C - Approved IMP (2013)