

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Community Development Director
Prepared By: Joseph R. Vacca, Principal Planner



DATE: October 4, 2012 (CC Meeting of 10/17/2012)

SUBJECT: Consider Response to Ventura County Planning Division on Recirculated Draft Environmental Impact Report (EIR) for Grimes Rock, Incorporated Mining Facility, a Request for a Modified Conditional Use Permit No. 4874-2 and an Amended Reclamation Plan, Located at 3500 Grimes Canyon Road

BACKGROUND

For several years, staff has been tracking expansion proposals by three (3) sand and gravel mining operations in unincorporated Ventura County. The proposed expansion of operations, although different for each company, involves an increased number of truckloads permitted, increased hours of operation, increased days of operation, and potential changes to haul routes. On September 10, 2012, the County of Ventura issued a notice of public review period for the Recirculated Draft Environmental Impact Report, (RDEIR) for the Grimes Rock, Inc. mining operation expansions. Comments are due by October 26, 2012.

The RDEIR states that of particular relevance to this project in terms of cumulative impacts are permit modifications requested for two other mining operations in the vicinity of the proposed project - the Best Rock and Wayne J Sand & Gravel operations. Each of these sand and gravel operations are proposing to increase levels of production, allowing for expansion of excavation boundaries and increases to the amount of permitted truck trips to each facility. Each of these related projects is also the subject of a separate EIR. A fourth large sand and gravel mine in the vicinity is the Cemex mine, which is east of Wayne J Sand and Gravel, and it is currently operating below its current permitted levels. There is a fifth mining operation that is located approximately 2,500 feet north of the project site. However, it is a smaller mining project limited to a total of 5.4 million tons of earthen material over the life of the project. It is operated sporadically by the Santa Clara Valley Agricultural Corporation, which mines a landslide of clay deposits used primarily for construction fill projects.

Grimes Rock, Inc., the applicant, is requesting a time extension of the permit from 2013 to 2040, an expansion of excavation areas from 48 to 135 acres, an increase from 950,000 tons per year to 1,800,000 tons per year, an increase from 300 maximum one-way truck trips per day to 460 average and 600 maximum one-way truck trips per day, an expansion of permitted operating days to include Saturday, and the ability to use Walnut Canyon Road as a haul route (currently not permitted).

A Draft Environmental Impact Report (DEIR) for the proposed Grimes Rock mining expansion project was prepared and circulated for public review in the summer of 2006. The County, as the California Environmental Quality Act (CEQA) lead agency, received a substantial number of written public comments on this DEIR and the County prepared written responses to these public comments pursuant to CEQA. In June 2009, the County prepared a proposed Final Environmental Impact Report (FEIR) and released it for public review and comment. In addition, the County's Environmental Report Review Committee, (ERRC) held several public hearings (July 15, 2009, August 12, 2009, and March 3, 2010) on this FEIR and received public comment and testimony on the FEIR. On March 3, 2010, the ERRC voted to find the EIR "technically adequate." The 2009 FEIR was not forwarded to the County Planning Commission for its consideration of the Grimes Rock Conditional Use Permit (CUP) Major Modification request.

Since the preparation of the 2006 DEIR and the 2009 FEIR for the Grimes Rock project, two primary changes in circumstances have occurred that affect the CEQA analysis of the Grimes Rock project and that now require the recirculation of the Draft EIR for public review and comment.

- 1) The applicant amended the proposed Reclamation Plan and revised the project description in terms of total acreage disturbed, configuration of the final reclaimed surface, re-vegetation standards, volume of material to be extracted, and extended further into the future the estimated date for the termination of surface mining activities.
- 2) In June 2010, the County adopted updates and revisions to its Administrative Supplement to the State CEQA Guidelines and its Initial Study Assessment Guidelines. These changes to the County's CEQA compliance guidelines necessitated substantial revisions to the Grimes Rock DEIR in terms of discussing potential environmental impacts, mitigation measure development, and general formatting of information.

Staff sent the County Planning Division a comment letter on the Notice of Preparation for this EIR on the Grimes Mining expansion, dated December 17, 2003, a copy of the letter is provided, (Attachment 1). Also, staff sent the County Planning Division a comment letter on the Draft EIR, dated August 4, 2006, a copy of the letter is provided, (Attachment 2). The EIR Consultant, Envicom Corporation, sent staff a letter in response to our comments which was included in the Final EIR; the response to comments of the FINAL EIR, which was dated June 2009, is provided, (Attachment 3).

Staff sent the County Planning Division a comment letter on the Response to Comments prepared for the Final EIR, dated August 19, 2009, a copy of the letter is provided, (Attachment 4). Finally, staff sent the County Planning Division a comment letter with Requested Project Conditions, dated March 24, 2010, a copy of the letter is provided, (Attachment 5).

Please note that, this RDEIR constitutes a substantially revised entire EIR and responses to comments will only be prepared and included in the Final EIR for new comments submitted on this revised document.

DISCUSSION

PROJECT HISTORY AND EXISTING OPERATIONS

The project site was historically used for surface mining in the 1950's and 1960's under a previous mining operator. The mining operator at that time abandoned the site in 1967. During its existence, the operation had mined an approximate 15-acre area. Since there were no Conditional Use Permit (CUP) or reclamation requirements in place for mining sites in Ventura County at that time, the site was left in a disturbed and unstable condition with respect to slopes and erosion. The site was left un-reclaimed with a level area of approximately three acres and tall pinnacles flanking the flat area were left partially mined with very steep slopes. The site has also historically been used for livestock grazing.

In 1998, the County of Ventura issued CUP 4874 to Grimes Rock, Inc. to operate a new mining operation at the previous mining site. The permit has been formally modified five times since then. The existing permit area encompasses 164 acres. Within this area mining excavation is authorized to occur in over 48 acres. The operation involves a plant throughput of 952,500 tons per year, conducted five days per week, excluding weekends and holidays. The current permit allows a maximum of 300 one-way truck trips with operating hours generally limited to 6 a.m. to dusk. Trucks serving this mine are currently prohibited from using Walnut Canyon Road, and arrivals and departures can only occur every 15 minutes during certain AM hours.

The existing CUP requires that "nearly all" of the materials produced at the site be delivered to the State Ready Mix batch plant at Vineyard Avenue and State Route (SR)118 in Saticoy. Delivery occurs via two approved routes:

- 1) A northern haul route which runs from the project site north on Grimes Canyon Road (SR-23) to SR-126, west on SR-126 to SR-118, then south to the State Ready Mix plant, and;
- 2) A southern haul route which extends from the project site southward on Grimes Canyon Road (SR-23) to Broadway, west on Broadway to Grimes Canyon Road South to SR-118, then west to the State Ready Mix plant.

Only 64 of the currently permitted daily maximum of 300 one-way truck trips may use the southern haul route. In addition, project related trucks using the southern haul route have limitations on their arrival and departure times in order to minimize traffic volumes during peak travel hours, and during school bus operations.

PROPOSED PROJECT DESCRIPTION

The applicant requests approval of Modification No.2 of Conditional Use Permit 4874 (CUP 4874-2) and the approval of a modified Reclamation Plan prepared pursuant to the Surface Mining and Reclamation Act (SMARA). The requested approvals would authorize:

- Changes to the permit boundary including the expansion of surface mining areas. The permit boundary would be expanded from approximately 164 acres to 231 acres.
- The excavation area would be expanded from approximately 45.8 acres (current condition) to 135.3 acres. *(Note: The current permitted area of excavation encompasses 48.4 acres.)*
- An extension of the effective term of the CUP from 2013 to an estimated end date of surface mining operations in 2040.
- An increase in sand and gravel production (Le. material export) from 952,500 tons per year to approximately 1.8 million tons per year.
- Material hauling to occur Monday through Saturday, 6:00 a.m. until dusk.
- Onsite mining operations to occur 24 hours per day on Monday through Saturday.
- An average daily hauling truck traffic volume of 460 one-way trips.
- A maximum peak daily hauling truck volume of 600 one-way trips.
- Material hauling along any route to any customer location.
- The elimination of volume and timing restrictions on trucks going south.
- Upon termination of mining at the site the proposed end use of the land is to be Open Space.

The RDEIR indicates that the project may result in significant impacts to Air Quality - offsite dust generation along trucking routes; Noise – On-road truck noise and Cumulative On-road truck noise; Cumulative Impacts to Biological Resources; Paleontological Resources; and Alteration of views from SR-23, Visual Resources.

Traffic

Currently there are 1,285 average daily truck trips (one-way) generated by all four mines. With the increase of trips generated by Cemex under its existing permit, 1,812 trips would be generated. The proposed expanded mining projects would increase the average daily truck trip limits by 744, for a total of 2,556 trips at the four mines in the area.

The Grimes Rock mine is currently permitted to generate 300 maximum trips and is requesting an increase up to a maximum of 600 trips. The Grimes Rock mine would generate an increase of 160 trips, about 22 percent of the total of the four combined active mining projects' total, which would also result in an increase over currently permitted average daily trip limits.

Noise

The RDEIR indicates that project specific and off-site traffic noise impacts are significant and unavoidable.

The following alternatives were selected for analysis in this RDEIR:

Alternative 1: No project alternative.

Alternative 2: Existing annual production level continued until the excavation limits specified in the existing Approved Reclamation Plan are reached.

Alternative 3: Existing annual production level continued until the excavation limits specified in the proposed amended Reclamation Plan are reached.

Alternative 4: Lower level of annual production than requested with operations continued until the excavation limits specified in the proposed amended Reclamation Plan are reached.

Alternative 5: Lower level of annual production than requested with reduced excavation limits.

The RDEIR indicates that the environmentally superior alternative is the No Project Alternative because it would avoid significant impacts related to noise, paleontological resources and visual resources associated with the proposed expansion of the mining facility and the increase in annual aggregate production.

Among the remaining alternatives, the environmentally superior alternative is Alternative 4 (Increase in production level less than requested with operations under the proposed Reclamation Plan). This alternative would "substantially lessen" the on-road noise impacts caused by the proposed Grimes Rock operation by reducing the increase in proposed truck trips. This alternative would feasibly attain most of the basic objectives of the project.

A draft comment letter requesting that these issues be addressed in the Draft EIR is provided (Attachment 7).

FISCAL IMPACT

None

STAFF RECOMMENDATION

Direct staff to send a comment letter to Ventura County Planning Division to address the unresolved issues in the Recirculated Draft Environmental Impact Report, as drafted.

Attachments:

1. Staff comment letter on Notice of Preparation, dated December 17, 2003
2. Staff comment letter on Draft EIR, dated August 4, 2006
3. EIR Consultant Response to Comments in Final EIR, FINAL EIR dated June 2009
4. Staff comment letter on Response to Comments Final EIR, dated August 19, 2009
5. Staff comment letter with Requested Project Conditions, dated March 24, 2010
6. Copy of Chapter 1.0 Executive Summary Recirculated DEIR, dated Aug/Sep 2012
7. Draft staff comment letter to Ventura County Planning Division, October __, 2012



CITY OF MOORPARK

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING – BUILDING AND SAFETY – CODE ENFORCEMENT

799 Moorpark Avenue, Moorpark, California 93021 (805) 517-6200 fax (805) 529-8270
www.ci.moorpark.ca.us

December 17, 2003

Christopher Stephens, Director
County of Ventura, Resource Management Agency
Planning Division
800 South Victoria Avenue, L#1740
Ventura, CA 93009

Attention: Scott Ellison, Senior Planner

**RE: Notice of Preparation for an Environmental Impact Report
Modification No. 2 to Conditional Use Permit No. 4874
Grimes Rock, Inc.
3500 Grimes Canyon Road, Fillmore**

Thank you for sending the City a copy of the Notice of Preparation for the proposed expansion of Grimes Rock's mining operation. As noted in past correspondence, the City of Moorpark is vehemently opposed to any permits or alterations to permits that would permit additional truck traffic through the City along Walnut Canyon Road and Moorpark Avenue. As the residents and businesses within Moorpark are already severely impacted by this incompatible land use, the City would like this EIR to address the following concerns:

- 1. Existing Haul Route Restriction** – Although it is our understanding that a condition on Grimes Rock's permit does not allow the use of Walnut Canyon Road as a haul route, trucks to and from this mine are routinely using Walnut Canyon Road, as it provides the most direct path to the SR-118 and SR-23 freeways. This condition as written does not provide a mechanism for easy enforcement given that the truck drivers are not employed by the mine operators, and therefore not under their control when they are not on the mine property. Mitigation measures developed as part of this EIR must be enforceable and must have a mechanism for ongoing monitoring included for the life of the project, as well as, a means of penalty and revocation if mitigation measures do not continue to be met. In the meantime, the City of Moorpark requests that the existing ongoing violation be referred to the County's Code Enforcement staff; and that if the violation is not immediately and positively dealt with, that the County cease all processing of any expansion of the use.
- 2. Areas of Impact** – Impacts to existing and planned land uses in Moorpark from this project that should be addressed in the EIR, both individually and cumulatively, include traffic and traffic safety, noise, vibration, destruction of the road surface, air quality including toxic emissions from diesel engines, and land use compatibility.

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PATRICK HUNTER
Mayor

JANICE PARVIN
Mayor Pro Tem

CLINT HARPER
Councilmember

ROSEANN MIKOS
Councilmember

KEITH F. MILLHOUSE
Councilmember

The City would like to see the EIR evaluate noise and traffic impacts within Moorpark using local thresholds. For traffic, staff does not believe the use of a planning level analysis with generalized standards for lane capacity would adequately assess the impacts on traffic in the City, given the nature of the project. The City believes that a detailed operational analysis of capacity, passenger car equivalency for heavy trucks, and traffic impacts at the intersections of Walnut Canyon Road and Casey Road, Moorpark Avenue and High Street, Moorpark Avenue and Poindexter Avenue/First Street, Moorpark Avenue and Los Angeles Avenue, and Los Angeles Avenue/New Los Angeles Avenue and Spring Road is the only way the full impact of the proposed project could be fully understood. This operational analysis should take into account vertical and horizontal geometry, signalization/signal timing, railroad operations/proximity to railroad tracks, proximity to other signalized and unsignalized cross streets, driveways, corner turn radii, heavy truck volumes, pedestrian and bicycle traffic, and overall condition of the roadway. In the past, the City has suggested that a Passenger Car Equivalency factor of 3.0 should be used to assess heavy truck impacts instead of 2.0 as suggested by ATE in its early scope of work for a traffic study prepared for this project. The City would like to see in the EIR a detailed analysis of local conditions to determine an appropriate Passenger Car Equivalency factor for the trucks given the complex network of streets, railroad tracks, and driveways in close proximity to one another in the City's downtown core.

3. **Alternative Route** – The proposed removal of the condition that currently prohibits the use of Walnut Canyon Road as a haul route is not acceptable given the existing incompatibility of the truck traffic with the residential neighborhood and the downtown commercial district. The EIR should consider an alternative to the removal of this restriction that does not impact the residential and commercial land uses along this route. The only alternative that would not become an enforcement issue later on is the completion of the SR-23 Bypass from the SR-23/SR-118 freeways to Broadway. Such a route would allow trucks to haul sand and gravel on a direct route from the mines to the freeways. Truck drivers would by choice no longer use Walnut Canyon Road as it would be less direct. This bypass route is planned in the City's General Plan Circulation Element to carry through traffic. City staff is currently studying alignment and freeway connection alternatives for this bypass route and is available to discuss these alternatives with County staff and the EIR consultant. The City would like to see the EIR compare such an alternative with the proposed project for impacts and accomplishing the project objectives. It should also be noted that the construction of this bypass has been designated by the Ventura County Transportation Commission as a priority project for STIP funding, although the timing of the availability of funds for this project is uncertain at this time given the State's financial crisis.
4. **Saturday Operations** – The City opposes any expansion of operations that would allow Saturday hauling as this would create greater incompatibility with the City's efforts to redevelop its downtown core into a vibrant commercial destination consistent with the General Plan and Downtown Specific Plan. This land use impact

Christopher Stephens
December 17, 2003
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should be fully addressed in the EIR. The City would also oppose any expansion in hours beyond 7:00 P.M., due to nighttime noise impacts, should consideration be given to nighttime hauling to mitigate peak-hour traffic impacts.

5. **Public Outreach** – Up to this point, the only significant involvement on this EIR has been staff from the County and various agencies, including Caltrans, VCTC, CHP, and the Cities of Fillmore and Moorpark. Due to the significance of this project to the quality of life in Moorpark, the City would like to see the County and EIR consultant to hold at least one public meeting on the Draft EIR in the City of Moorpark to inform the residents of the proposal and accept oral testimony. Moorpark residents within 300 feet of the exiting haul routes should be notified of the Draft EIR and 1/8 page ads should be placed in the local newspapers (Ventura County Star, Moorpark Acorn and Simi-Valley Moorpark Examiner).

The contact person for the City of Moorpark is David A. Bobardt at (805) 517-6281. We look forward to discussing these issues with you and reviewing the Draft Environmental Impact Report.

Sincerely,

Barry K. Hogan
Community Development Director

C: Honorable City Council
Honorable Planning Commission
Steven Kueny, City Manager
Supervisor Judy Mikels
Chron
File



City of Moorpark

COMMUNITY DEVELOPMENT DEPARTMENT: PLANNING – BUILDING AND SAFETY – CODE COMPLIANCE

799 Moorpark Avenue, Moorpark, California 93021 (805) 517-6200 fax (805) 532-2540

August 4, 2006

County of Ventura, Resource Management Agency
Planning Division
800 South Victoria Avenue, L#1740
Ventura, CA 93009

Attention: Scott Ellison, Senior Planner

**RE: Draft Environmental Impact Report (EIR)
Modification No. 2 to Conditional Use Permit No. 4874
Grimes Rock, Inc.
3500 Grimes Canyon Road, Fillmore**

Dear Mr. Ellison,

Thank you for sending the City a copy of the Draft EIR for the proposed expansion of the Grimes Rock mining operation. The City of Moorpark recognizes the importance of the proper management of the County's aggregate resources to provide for present and future County needs. However, as has been clearly stated in past correspondence, expansion of any of the mining operations along State Route 23 north of Moorpark, that either increases the number of sand and gravel trucks in our downtown area or increases the hours in which the trucking occurs, is strongly opposed by the City. These trucks already significantly impact downtown area land uses, and any expansion would be in opposition to the City's efforts to improve the livability of this area and redevelop its downtown core into a vibrant commercial destination, consistent with the General Plan and Downtown Specific Plan. The Draft EIR prepared for the expansion of Grimes Rock's mining operation does not adequately address the full extent of the project impacts. Based on the comments below related to the significance of impacts and the feasibility of mitigation measures, this document should be revised and recirculated for public comment prior to its use as a decision-making tool on this expansion proposal.

- 1. Project History and Existing Operations (Section 2.2)** – One item in the document that can be clarified is the discussion of mining activity in different terms (i.e. tons per year, tons per day, trucks per day, cubic yards) that are not easily comparable. A table that shows the conversion of this information into comparable terms would be useful and provide more clarity. The EIR also refers to truck trip limits in terms of one-way trips per day. Clarification should be provided on whether each truckload is considered one or two trips, and whether the trucks importing gravel to the site are counted as part of the permitted truck trips. This section should also provide more detail on the market for the material. Proper analysis and understanding of the permit request depends on knowing in approximate terms how

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much material is provided to the Simi Production Consumption Region, how much is provided to the Western (Ventura County) Production Consumption Region, and how much is provided to western Los Angeles County. If the four existing sand and gravel mines are now meeting the aggregate demand for Ventura County, where will the additional material go if the expansion is permitted? Also, this section does not state whether or not the Grimes Rock site is importing gravel to produce aggregate, as is occurring at the Wayne J. Sand and Gravel operation according to that EIR, or if sufficient gravel existing at this location to preclude the future need to import gravel if the expansion is approved. If gravel is currently being imported or will need to be imported if the project is approved, the EIR should document the source of that gravel and assess the impacts of the importation. This information is important in the understanding of the impacts and comparison of the alternatives. Finally, this section states the existing CUP currently limits the mine to deliver "nearly all" its product to the State Ready Mix batch plant in Saticoy. This term, while perhaps quoting a project condition, is vague. "Nearly all" needs to be more clearly defined to understand the baseline and the consequences of the applicant's requested modification to allow hauling via any route to any customer location, and eliminate any volume or timing restrictions on trucks going south.

- 2. Relationship of Existing and Proposed Permits to CEQA Analysis (Section 2.3.1)** – The Draft EIR cites a previous court case (*Fairview Neighbors v. County of Ventura – 70 Cal.App.4th 238*) and establishes a baseline for analysis as that which is permitted under the current Conditional Use Permit. If all the permitted activities are part of the baseline, whether or not these activities are currently taking place, then the current restrictions on the activities should also be part of the baseline. It should be noted that the current Conditional Use Permit expires in the year 2013. Therefore, the baseline for impact analysis after 2013 should be with no mining activities taking place on the project site. For cumulative analysis, the baseline should also take into account that the Best Rock Conditional Use Permit expired in 2000 and the Wayne J. Conditional Use Permit will expire in 2012.

It should be further noted that the current permit prohibits truck traffic from Best Rock and Grimes Rock from using Walnut Canyon Road. However the cumulative analysis in the EIR is based only on the additional trucks under the expansion of these mining operations, and does not count the impact of the existing trucks that would be legally permitted to use Walnut Canyon Road if these CUP modifications are approved. This results in an understating of transportation, air quality, noise, and land use impacts in Moorpark.

- 3. Project Objectives (Section 2.9)** – The Draft EIR has seven bullet-pointed project objectives (Pages 1-8 and 2-16). These stated objectives are inadequate since none call for compliance with the County's General Plan or Zoning Ordinance, fundamental requirements for issuance of a Conditional Use Permit (CUP) or, in this case, modification to an existing CUP. Without General Plan and Zoning Ordinance

compliance as a project objective, there is no assurance that any of the alternatives (including the proposed project) are feasible.

The County's General Plan discusses the importance of extraction areas being close to areas of use and demand. Among the stated goals of the County's General Plan are to identify and manage mineral resources in order to:

- Safeguard future access to the resource.
- Facilitate a long-term supply of mineral resources within the County.
- Minimize incompatibility between the extraction and production of the resource and neighboring land uses and the environment.

As stated in the Draft EIR, the project is located in the Open Space -160 Acre Minimum with a Mineral Resources Protection Overlay (O-S-160/MRP) Zone. Among the stated purposes of the MRP Overlay Zone are:

- to safeguard future access to an important resource.
- to facilitate a long term supply of mineral resources within the County.
- to minimize land use conflicts.

The feasibility analysis of the alternatives in the Draft EIR is based partly on the ability to achieve the identified project objectives. The project objectives would also be used in Findings and a Statement of Overriding Considerations if the project is approved with unmitigated impacts (as is proposed). The importance of including General Plan and Zoning Ordinance compliance as project objectives for consideration of a Conditional Use Permit Modification application cannot be understated. Neither the project, nor any of the alternatives should be approved if they cannot meet such basic project objectives. Further comments on project and alternative analysis related to this issue are provided under the respective chapter or section comments.

Of minor note, the correct spelling is "public" in the first project objective.

- 4. Mining Needs and Local Context (Section 2.9.1)** – Currently, at least three of the four sand and gravel mines along State Route 23 north of Moorpark are providing aggregate material to western Los Angeles County, as well as both the Simi Production Consumption Region and the Western Production Consumption Region in Ventura County. The Draft EIR does not, but should identify the current and future aggregate demand in each of the two production consumption regions of Ventura County, as well as the demand from Los Angeles County, and how much of this demand is being met by each of the four Grimes Canyon quarries. Without this information, the Draft EIR does not properly analyze whether or not the expansion of any of the existing mining permits is needed to comply with the goals of both the General Plan and Zoning Ordinance to facilitate a long term supply of mineral resources within the County. In addition, identification of the demand is crucial in

understanding the project impacts in the comparison of alternatives and in the mitigation of truck impacts through trip limits.

5. **Related Projects (Chapter 3.0)** – With respect to the related projects list, Moorpark: Residential Project No. 3 has about 200 units already completed and occupied. Residential Project No. 4 is 284 units, not 247 as stated; Residential Project Nos. 5, 10, 12 and 13 have all been complete for well over a year and should be deleted; Residential and Commercial Project No. 16 (10 on Commercial List) was denied in February, 2006 and should be deleted; Residential Project No. 19 is 200 apartment units, not 110 as stated; Commercial Project No. 45 is on the north side of Campus Park Drive; Commercial Project Nos. 46 and 47 are complete and should be deleted; two shopping centers on the south side of Los Angeles Avenue between Moorpark Avenue and Park Lane, totaling about 100,000 square feet, should be listed; a 25,522 square-foot office building, south of Los Angeles Avenue and west of Leta Yancy Road should be listed; a 15,505 square-foot office building on Park Lane should replace the description for site 48; a 76,000 square-foot medical office building on the north side of Los Angeles Avenue between Leta Yancy Road and Shasta Avenue should be added; Industrial Project No. 69 is complete and should be deleted; Industrial Project No. 70 is south of the railroad tracks.
6. **Traffic/Circulation (Section 4.1 and Appendix B)** – The City retained Austin Foust Associates, inc. to review the *Traffic Study for the Grimes Canyon Quarries in the County of Ventura*, Appendix B of the Draft EIR, prepared by Katz, Okitsu, & Associates to analyze the individual and cumulative traffic impacts of the three sand and gravel mine expansion proposals being reviewed concurrently. Their comments are incorporated as City comments on the Draft EIR as follows and apply to Section 4.1 as well as Appendix B:
 - The existing and short-range (2006) conditions are based on peak hour count data that is at least two years old and may be as old as four years or more (i.e., some data was obtained from the previous report prepared by Associated Transportation Engineers (ATE) in October 2002). In addition to being out of date, there is a discrepancy between existing peak hour intersection levels of service (LOS) in recent City reports (e.g., “Essex Apartments Traffic Analysis” dated April 2005, “Traffic Impact Study for 110-Unit Residential Development Casey Road” dated June 2006, etc.) and the existing LOS reported in the Grimes Canyon Quarries traffic study (e.g., High Street at Moorpark Avenue is operating at LOS “C” in recent City reports and LOS “A” in the Grimes Canyon Quarries study and Spring Street at Los Angeles Avenue is operating at LOS “D” in recent City reports and LOS “B” in the Grimes Canyon Quarries study). These differences may be due to different count years or different lane assumptions, but the result is that the Grimes Canyon Quarries traffic study does not adequately identify the impacts from the proposed expansion on these intersections since they would be operating at

unacceptable levels of service with the proposed project. The intersection volume counts in the City of Moorpark need to be updated for a realistic depiction of current conditions and for projected short-range conditions.

- The Grimes Canyon Quarries traffic study concludes that the proposed project has a significant impact at the intersection of Walnut Canyon Road and Casey Road and identifies planned signal modifications as mitigation for this impact; however, the City last summer completed the addition of a protected left-turn phase from northbound Walnut Canyon Road to westbound Casey Road at this location. A simultaneous right-turn arrow from eastbound Casey Road to southbound Walnut Canyon Road has not been installed. The project should determine project impacts under current conditions and identify additional mitigation measures if needed at this or any other locations in the City of Moorpark at which updated peak hour counts reveal additional significant impacts.
- The Grimes Canyon Quarries traffic study recognizes the City of Moorpark's opposition to the use of Walnut Canyon Road/Moorpark Avenue as a haul route for trucks, and offers the use of Grimes Canyon Road south of Broadway as an alternative route to mitigate the inconsistency with the City of Moorpark General Plan. All quarry truck traffic, including existing trucks, would be prohibited from using Walnut Canyon Road/Moorpark Avenue. The removal of truck traffic from Walnut Canyon Road/Moorpark Avenue is seen as a positive impact; however, the increase of project trucks on South Grimes Canyon Road is considered an unacceptable impact to the City's residents along Grimes Canyon Road south of Broadway and on Los Angeles Avenue (SR-118) west of Moorpark Avenue.
- Projected buildout volumes were obtained from the County's traffic model. These volumes differ from buildout volumes produced by the Moorpark Traffic Analysis Model (MTAM). In this case, the county model produces a worse level of service at study intersections than the MTAM volumes. These discrepancies may be attributable to two major circulation improvements assumed in the MTAM that are not assumed in the County's model (i.e., construction of North Hills Parkway and extension of Spring Road to Walnut Canyon Road, the latter now under construction). Although the buildout volume projections differ, the proposed project is not expected to produce any long-term negative impacts that would not be addressed under short-range conditions.

The preceding comments summarize our concerns regarding the overall methodology and conclusions of the traffic study. The following comments refer to specific items throughout the report.

- Page 13: The traffic study discusses the use of the City of Moorpark's peak hour operating standard for determining significant impacts (i.e., project causes .02 or more increase in the intersection capacity utilization (ICU) value at intersections which reach LOS "D"); however, the ICU analysis does not use the City of Moorpark's saturation flow rate assumptions (1,600 vehicles per hour (vph) per through lane and 1,500 vph per left- or right-turn lane). In addition, the traffic analysis does not apply a passenger car equivalent (PCE) adjustment to the background volumes for non-project-related existing heavy truck traffic on the roadways. Given the higher than average amount of existing heavy truck traffic on Walnut Canyon Road/Moorpark Avenue and on Los Angeles Avenue (SR-118), the use of 1,800 vph per lane in the traffic analysis for all movements is too high. The ICU values at locations within the City of Moorpark should be calculated assuming the City's saturation flow rates.
- Figure 2: To what does "TDS Counts 10/15" in the legend of Figure 2, Figures 16-22, Figures 28-31, and Figures 35-36 refer?
- Page 21, Table 6: The existing ICU values in Table 6 do not match the ICU values in the calculation worksheets in Appendix B. In addition, the calculation worksheets for the intersection of Walnut Canyon Road at Casey Road are missing from Appendix B.
- Page 34, Table 10: The Scenario 2 (year 2006 with existing permit levels of project traffic) AM peak hour ICU value for the intersection of Moorpark Avenue at Los Angeles Avenue (SR-118) in Table 10 (.526 LOS "A") does not match the ICU value in the calculation worksheet in Appendix C (1.376 LOS "F").
- Page 45, Table 14: The Scenario 5 (year 2025 with existing permit levels of project traffic) AM peak hour ICU values in Table 14 do not match the ICU values in the calculation worksheets in Appendix E for the intersections of Moorpark Avenue at Poindexter Avenue (.519 LOS "A" in Table 14 and .514 LOS "A" in Appendix E) and Moorpark Avenue at Los Angeles Avenue (SR-118) (.679 LOS "B" in Table 14 and .989 LOS "E" in Appendix E).
- Page 49: The traffic analysis states that the counts of existing truck traffic were approximately 50 percent lower than expected based upon the existing volume of material and the expected number of trucks for each site. How was the expected number of trucks determined? What is amount of material per truck assumed for the analysis? Also, please provide additional details about how the truck traffic activity was normalized.
- Page 50, Table 16: The Rate per Million Tons for both Cars and Trucks are incorrect for Grimes Rock and Best Rock (e.g., 4 cars/.952 million tons

= 4.20 cars/million tons not 4.00 cars/million tons). As a result of these errors, the Average Car Rate and Average Truck Rate are incorrect. Are the Average Car Rate and Average Truck Rate used to determine the requested amount of project traffic?

- Page 50, Table 16: There is no footnote to explain the presence of an asterisk next to the Average Car Rate and Average Truck Rate.
- Page 51: The text in the first paragraph refers to “requested” daily average trips but the discussion in this section is about the existing permitted trips.
- Page 51, Table 17: It would be helpful if the order of project sites in Tables 16, 18, 19, 21, 22, 22A, 22B, and 22C matched the order of sites in Tables 17, 20, and 20A to ease comparisons.
- Page 51, Table 17: Please provide more details on how the permitted peak hour trips in Table 17 were arrived at. The Best Rock trips are supposed to be based on the existing counts because there is no CUP trip restriction, but the volumes in the table do not correspond with the existing truck counts contained in Appendix A.
- Page 52: The last paragraph again refers to “requested” levels of traffic although this section is about the existing permitted traffic.
- Page 53, Table 18: The car trip volumes have no relation to the existing counts or the calculated average rate per million tons from Table 16. How was the permitted amount of car trips determined?
- Page 53, Table 18: Do the permitted traffic generation truck volumes in Table 18 include trucks delivering imported materials to the Wayne J site? The Notice of Preparation states that the Wayne J site currently averages 50 to 100 tons of imported materials per day.
- Page 55, Table 20: How was the Requested Traffic Generation for each site determined? The requested truck trips do not appear to be factored up from existing counts or permitted trips, or calculated based on the average truck rate per million tons presented in Table 16.
- Page 55, Table 20A and Appendix A: The existing counts of truck traffic at the project entrances (Appendix A) indicate that the current distribution of gravel trucks is 50 percent north of the site and 50 percent south of the site for Best Rock during the AM peak hour, 61 percent north of the site and 39 percent south of the site for Grimes Rock during the AM peak hour, and 44 percent north of the site and 56 percent south of the site for Wayne J during the AM peak hour. These distribution patterns are occurring now while the route restrictions along Walnut Canyon Road/Moorpark Avenue are supposedly in place. The project sites are requesting the removal of the route restrictions along Walnut Canyon

Road/Moorpark Avenue as part of the proposed expansion, and yet the traffic analysis assumes that the distribution of truck traffic from Best Rock and Grimes Rock to the north will increase to 70 percent. Why is the percentage of truck traffic to the north from Best Rock and Grimes Rock expected to increase during the AM peak hour? If the route restrictions are removed as requested, won't the amount of truck traffic to the south increase?

- Page 60: Discussion of the trip distribution in paragraph 6 refers to distribution for the two northern projects shown in Figure 16a and two southern projects shown in Figure 16b, for a total of four project sites. Discussions on pages 76, 81, 84, and 87 also refer to four project sites. Are there three or four sites as part of the proposed project?
- Figure 16a: The legend or title should indicate which project sites are considered "Northern Projects" since there is no other reference to the northern projects in the report.
- Figure 16b: The legend or title should indicate which project sites are considered "Southern Projects" since there is no other reference to the southern projects in the report.
- Figure 20: The volumes in and out of the Grimes Rock site do not add up to the AM peak hour trip generation in Table 22. The through volumes at the Grimes Rock entrance and the Wayne's Way intersection do not add up to the volumes at the adjacent intersections.
- Figure 22: The through volumes at the Wayne's Way intersection do not add up to the volumes at the adjacent intersections.
- Page 71, Table 23: The ICU values for Moorpark Avenue at Los Angeles Avenue (SR-118) in Table 23 (.582 LOS "A" AM, .679 LOS "B" PM) do not match the ICU values in the calculation sheets in Appendix C (1.412 LOS "F" AM, .989 LOS "E" PM).
- Page 77, Table 25: The AM peak hour ICU value for Moorpark Avenue at Los Angeles Avenue (SR-118) in Table 25 (.679 LOS "B") does not match the ICU value in the calculation worksheet in Appendix E (.989 LOS "E").
- Page 83, Table 28: The existing 2004 ICU values do not match the ICU values in the calculation worksheets in Appendix B. The Scenario 3 (year 2006 with proposed permits) ICU values for Moorpark Avenue at Los Angeles Avenue (SR-118) in Table 28 (.582 LOS "A" AM, .680 LOS "B" PM) do not match the ICU values from the worksheets in Appendix C (1.412 LOS "F" AM, .989 LOS "E" PM). The project has a significant impact at the intersection of Moorpark Avenue and Los Angeles Avenue (SR-118) based on the ICU values in Appendix C.

- Page 85: The text should include a discussion of the projects' significant impact on the intersection of Moorpark Avenue and Los Angeles Avenue (SR-118) based on the ICU values in Appendix C.
- Page 89, Table 31: The AM peak hour ICU value for Moorpark Avenue at Los Angeles Avenue (SR-118) in Table 31 (.679 LOS "B") does not match the ICU value in the worksheet in Appendix E (.989 LOS "E"); however, the project has no significant impact on this intersection under buildout conditions.
- Page 91: The City of Moorpark has completed the signal modification referred to in the discussion of Walnut Canyon Road and Casey Road mitigation. Project impacts with the current signal operation should be identified. There is no discussion of the significant project impact at Moorpark Avenue and Los Angeles Avenue (SR-118) identified in Table 31.
- Page 92: There is no discussion as to why only the Wayne J site has an impact at Moorpark Avenue and Los Angeles Avenue (SR-118) under 2025 conditions.
- Page 94: The intersection of Moorpark Avenue and Los Angeles Avenue (SR-118) needs to be included in the list of year 2006 impacted locations based on the ICU values in Appendix C.
- Page 96: Discussion of project impacts on the intersection of Moorpark Avenue and Los Angeles Avenue (SR-118) under buildout conditions based on ICU values in Appendix E and subsequent mitigation measures need to be included in the text.
- Page 97, Table 34: Table 34 should include the intersection of Moorpark Avenue and Los Angeles Avenue (SR-118) in the evaluation of mitigation for year 2006 conditions based on the ICU values in Appendix C.
- Page 97, Table 34: The ICU values in Table 34 are not included in the ICU calculations worksheets in the Appendix.
- Page 98: Walnut Canyon Road/Moorpark Avenue is not a truck route on the City of Moorpark General Plan. As stated in the text, the City of Moorpark objects to the use of Walnut Canyon Road/Moorpark Avenue by heavy trucks. However, the offer to redistribute the project trucks to Grimes Canyon Road south of Broadway will simply transfer the impacts of increased truck traffic to the residents along South Grimes Canyon Road and along Los Angeles Avenue (SR-118) west of Moorpark Avenue.
- Page 98: If the gravel trucks are to use Grimes Canyon Road south of Broadway as a mitigation measure, then the project impacts at Moorpark Avenue and Los Angeles Avenue (SR-118) as a result of the redistribution of truck traffic still needs to be addressed.

- Page 109: The discussion of Buildout Year (2025) mitigation needs to show that the City's signal modification improvements at Walnut Canyon Road and Casey Road result in an acceptable LOS, and that the project has no significant impact at this location.
- Figure 35 and Figure 36: The peak hour figures do not show the correct number of project trips traveling on Los Angeles Avenue (SR-118) east of Grimes Canyon Road.
- Page 117: The enforcement of route restrictions must be actively pursued and meaningful penalties must be imposed.
- Page 127: The mitigation costs will need to be recalculated after updated traffic counts are obtained and corrected lane assumptions and signal operations are taken into consideration, which may result in additional project impacts.
- Page 133: The project impacts identified in the report are based on trips requested by the project applicants. What assurances does the City have that these levels of peak hour traffic will not be exceeded?

Other comments are as follows:

Page 4.1-53: Impacts on Pavement. Moorpark Avenue has been severely damaged by the extensive volume of heavy trucks, the vast majority of which are sand and gravel trucks. A doubling of the truck volumes, as proposed collectively by Wayne J, Grimes Rock, and Best Rock, is more than a slight variation in truck usage, as noted in the Draft EIR. Deep depressions in the asphalt can now be seen on Moorpark Avenue where the sand and gravel trucks travel on a daily basis. These depressions were not caused by passenger vehicles. What can Moorpark expect with an even greater number of trucks? Mitigation is needed to repair this damage that is a direct result of the quarry operations.

Page 4.1-62: Mitigation Measure T 1-2. A protected left-turn phase has been provided from northbound Walnut Canyon Road to westbound Casey Road in the summer of 2005, however, a simultaneous right-turn arrow from eastbound Casey Road to southbound Walnut Canyon Road has not been installed.

Page 4.1-64: Mitigation Measure T-1-5. As evidenced from previous attempts to prevent Best Rock and Grimes Rock sand and gravel trucks from using Walnut Canyon Road/Moorpark Avenue, measures that attempt to prohibit trucks on roads where trucks are normally permitted are unenforceable without full-time code enforcement efforts.

Page 4.1-67: Mitigation Measure T 3-4. The City of Moorpark has a reciprocal Traffic Impact Mitigation Fee agreement with the County, therefore this mitigation is not infeasible as stated.

Page 4.1-69: Mitigation Measure T 6-1. Repair to the Moorpark Avenue roadway damage caused by heavy trucks should be included in the mitigation, since sand and gravel trucks account for the vast majority of trucks, and weighing ten times or more the weight of passenger cars, account for the majority of the pavement damage.

7. **Noise (Section 4.3)** – The noise impact is understated for residential areas already experiencing severe traffic noise. The threshold of significance used in the noise analysis for Moorpark is a 3 dB CNEL or greater increase for sensitive noise environments experiencing noise greater than 65 dB CNEL. Though a similar threshold is often used in environmental assessments, this is not an appropriate threshold in areas experiencing substantial noise such as the residences along Walnut Canyon Road/Moorpark Avenue and Los Angeles Avenue. Because decibels are measured on a logarithmic scale, a 3 decibel increase in noise at 75 dB CNEL (approximate exterior noise levels measure on Walnut Canyon Road/Moorpark Avenue and Los Angeles Avenue) represents a substantially greater amount of sound energy than a 3 decibel increase at 60 dB CNEL. Therefore, under the proposed threshold, the louder (and more incompatible for sensitive uses) the existing noise environment, the more additional noise is allowed before considered significant. Such a threshold becomes illogical in extremely loud environments such as those experienced on Walnut Canyon Road/ Moorpark Avenue and Los Angeles Avenue.

Other comments are as follows:

Page 4.3-13: Table 4.3-6. Under Los Angeles Avenue, “W of Walnut Cyn” and “E of Walnut Cyn” should be changed to “W of Moorpark Ave” and “E of Moorpark Ave” as Walnut Canyon Road changes names to Moorpark Avenue at Everett Street.

Page 4.3-17: Mitigation Measure N 3-3. This mitigation measure places the burden on the City to adopt a noise mitigation program for impacts caused directly by quarry activities. Contrary to what is stated in the Draft EIR, there is no need for the City to have a noise mitigation program for this mitigation to be feasible. Such a program should be run by the County as a permitting agency for the quarry operations and should be in place prior to allow additional mining activities to take place.

8. **Land Use and Planning (Section 4.4)** – The City concurs with the conclusion of the analysis in the Draft EIR that this project would have a significant and immitigable community character impact in Moorpark.

Other comments are as follows:

Page 4.4-3: Figure 4.4-1. Industrial uses should have a different color than mining uses on this exhibit; residential land use has filled in the west side of Walnut Canyon Road to just north of Championship Drive; the area north of Los Angeles Avenue and east of Science Drive is industrial, not commercial; the west half of the area

north of Los Angeles Avenue between Spring Road and the Arroyo Simi is commercial, not residential.

Page 4.4-4: Project Site General Plan Land Use Designation and Zoning. For clarity, the goals and policies of the General Plan related to mineral resources and the purpose of the MRP Zone should be listed verbatim here. This is particularly important since one of the thresholds of significance in the land use analysis is the consistency of the project with the General Plan goals and policies. The paraphrasing in this document has left out words that may be critical to understanding the proposed project. For example, the description of the MRP land use designation (more accurately "overlay zone") in the second paragraph alludes to the purpose of the zone as to, "ensure access to and supply of mineral resources." The Zoning Ordinance text includes as a stated purpose, "to facilitate a long-term supply of mineral resources within the County." The General Plan includes as a goal to, "minimize incompatibility between the extraction and production of the resource and neighboring land uses and the environment," yet this goal is not even stated in this section.

- 9. Alternatives (Chapter 5.0)** – The Draft EIR examines and rejects a number of alternatives. Nonetheless, the analysis does not provide for a reasonable range of alternatives as required by §15126.6 of the CEQA Guidelines. Many of the inmitigable impacts of this project are site specific, and at least two of the project objectives could be achieved at different locations. One alternative in particular missing from the analysis is an alternative site for the extraction of aggregate resources, described in the paragraph below. This alternative would contribute substantially to the ability to make an informed decision on the project proposal and identifying ways that environmental damage can be avoided or significantly reduced, two basic purposes of CEQA.

Alternative Site(s) for the Extraction of Aggregate Resources – As noted in the Draft EIR, the four sand and gravel mines along Grimes Canyon Road are currently providing for the aggregate demand for all of Ventura County, due to the end of extraction activities in the Santa Clara River (Page 2-17). Grimes Rock, in particular, provides "nearly all" its material to a batch plant in the Western (Ventura County) Production Consumption Region. In addition, though not stated in the Draft EIR, aggregate resources are also currently being exported to Los Angeles County from these sand and gravel mines. The Draft EIR does not evaluate alternative sites to provide aggregate to the Western (Ventura County) Production Consumption Region or western Los Angeles County. Appropriate sites closer to their markets could better meet the stated project objectives, "to continue to make available to the public and construction industry adequate supplies of aggregate, concrete and asphalt products at a reasonable price," and "to provide a local source of aggregate products, which would reduce regional air quality impacts of truck traffic caused by the long-distance importation." Alternative sites could also better achieve General

Scott Ellison
August 4, 2006
Page 13

Plan and Zoning objectives, which should have been included as project objectives (see comment no. 3).

Other comments are as follows:

Grimes Canyon Road South: The improvement of Grimes Canyon Road South to accommodate sand and gravel trucks would only shift the trucking impacts from residents and businesses along Walnut Canyon Road/Moorpark Avenue to residents and businesses along Grimes Canyon Road South and Los Angeles Avenue. Therefore, since this alternative doesn't reduce impacts, it is not acceptable.

SR-23 Bypass: The Draft EIR fails to discuss how this alternative might be implemented, thereby precluding any meaningful evaluation of this alternative.

The City looks forward for a response to these comments and would appreciate notification of any upcoming public hearings or meetings on this project. Please let me know if you have any questions.

Sincerely,

Barry K. Hogan
Community Development Director

C: Honorable City Council
Honorable City of Moorpark Planning Commission
Honorable Ventura County Board of Supervisors
Honorable Ventura County Planning Commission
Supervisory Candidate Jim Dantona
Supervisory Candidate Peter Foy
Steven Kueny, City Manager
Joseph M. Montes, City Attorney
Chron
File



City of Moorpark

COMMUNITY DEVELOPMENT DEPARTMENT: PLANNING – BUILDING AND SAFETY – CODE COMPLIANCE

799 Moorpark Avenue, Moorpark, California 93021 (805) 517-6200 fax (805) 532-2540

August 4, 2006

County of Ventura, Resource Management Agency
Planning Division
800 South Victoria Avenue, L#1740
Ventura, CA 93009

Attention: Scott Ellison, Senior Planner

**RE: Draft Environmental Impact Report (EIR)
Modification No. 2 to Conditional Use Permit No. 4874
Grimes Rock, Inc.
3500 Grimes Canyon Road, Fillmore**

Dear Mr. Ellison,

Thank you for sending the City a copy of the Draft EIR for the proposed expansion of the Grimes Rock mining operation. The City of Moorpark recognizes the importance of the proper management of the County's aggregate resources to provide for present and future County needs. However, as has been clearly stated in past correspondence, expansion of any of the mining operations along State Route 23 north of Moorpark, that either increases the number of sand and gravel trucks in our downtown area or increases the hours in which the trucking occurs, is strongly opposed by the City. These trucks already significantly impact downtown area land uses, and any expansion would be in opposition to the City's efforts to improve the livability of this area and redevelop its downtown core into a vibrant commercial destination, consistent with the General Plan and Downtown Specific Plan. The Draft EIR prepared for the expansion of Grimes Rock's mining operation does not adequately address the full extent of the project impacts. Based on the comments below related to the significance of impacts and the feasibility of mitigation measures, this document should be revised and recirculated for public comment prior to its use as a decision-making tool on this expansion proposal.

1. **Project History and Existing Operations (Section 2.2)** – One item in the document that can be clarified is the discussion of mining activity in different terms (i.e. tons per year, tons per day, trucks per day, cubic yards) that are not easily comparable. A table that shows the conversion of this information into comparable terms would be useful and provide more clarity. The EIR also refers to truck trip limits in terms of one-way trips per day. Clarification should be provided on whether each truckload is considered one or two trips, and whether the trucks importing gravel to the site are counted as part of the permitted truck trips. This section should also provide more detail on the market for the material. Proper analysis and understanding of the permit request depends on knowing in approximate terms how

46-1

much material is provided to the Simi Production Consumption Region, how much is provided to the Western (Ventura County) Production Consumption Region, and how much is provided to western Los Angeles County. If the four existing sand and gravel mines are now meeting the aggregate demand for Ventura County, where will the additional material go if the expansion is permitted? Also, this section does not state whether or not the Grimes Rock site is importing gravel to produce aggregate, as is occurring at the Wayne J. Sand and Gravel operation according to that EIR, or if sufficient gravel existing at this location to preclude the future need to import gravel if the expansion is approved. If gravel is currently being imported or will need to be imported if the project is approved, the EIR should document the source of that gravel and assess the impacts of the importation. This information is important in the understanding of the impacts and comparison of the alternatives. Finally, this section states the existing CUP currently limits the mine to deliver "nearly all" its product to the State Ready Mix batch plant in Saticoy. This term, while perhaps quoting a project condition, is vague. "Nearly all" needs to be more clearly defined to understand the baseline and the consequences of the applicant's requested modification to allow hauling via any route to any customer location, and eliminate any volume or timing restrictions on trucks going south.

46-1

- 2. Relationship of Existing and Proposed Permits to CEQA Analysis (Section 2.3.1)** – The Draft EIR cites a previous court case (*Fairview Neighbors v. County of Ventura – 70 Cal.App.4th 238*) and establishes a baseline for analysis as that which is permitted under the current Conditional Use Permit. If all the permitted activities are part of the baseline, whether or not these activities are currently taking place, then the current restrictions on the activities should also be part of the baseline. It should be noted that the current Conditional Use Permit expires in the year 2013. Therefore, the baseline for impact analysis after 2013 should be with no mining activities taking place on the project site. For cumulative analysis, the baseline should also take into account that the Best Rock Conditional Use Permit expired in 2000 and the Wayne J. Conditional Use Permit will expire in 2012.

46-2

It should be further noted that the current permit prohibits truck traffic from Best Rock and Grimes Rock from using Walnut Canyon Road. However the cumulative analysis in the EIR is based only on the additional trucks under the expansion of these mining operations, and does not count the impact of the existing trucks that would be legally permitted to use Walnut Canyon Road if these CUP modifications are approved. This results in an understating of transportation, air quality, noise, and land use impacts in Moorpark.

- 3. Project Objectives (Section 2.9)** – The Draft EIR has seven bullet-pointed project objectives (Pages 1-8 and 2-16). These stated objectives are inadequate since none call for compliance with the County's General Plan or Zoning Ordinance, fundamental requirements for issuance of a Conditional Use Permit (CUP) or, in this case, modification to an existing CUP. Without General Plan and Zoning Ordinance

46-3

compliance as a project objective, there is no assurance that any of the alternatives (including the proposed project) are feasible.

The County's General Plan discusses the importance of extraction areas being close to areas of use and demand. Among the stated goals of the County's General Plan are to identify and manage mineral resources in order to:

- Safeguard future access to the resource.
- Facilitate a long-term supply of mineral resources within the County.
- Minimize incompatibility between the extraction and production of the resource and neighboring land uses and the environment.

As stated in the Draft EIR, the project is located in the Open Space -160 Acre Minimum with a Mineral Resources Protection Overlay (O-S-160/MRP) Zone. Among the stated purposes of the MRP Overlay Zone are:

- to safeguard future access to an important resource.
- to facilitate a long term supply of mineral resources within the County.
- to minimize land use conflicts.

The feasibility analysis of the alternatives in the Draft EIR is based partly on the ability to achieve the identified project objectives. The project objectives would also be used in Findings and a Statement of Overriding Considerations if the project is approved with unmitigated impacts (as is proposed). The importance of including General Plan and Zoning Ordinance compliance as project objectives for consideration of a Conditional Use Permit Modification application cannot be understated. Neither the project, nor any of the alternatives should be approved if they cannot meet such basic project objectives. Further comments on project and alternative analysis related to this issue are provided under the respective chapter or section comments.

Of minor note, the correct spelling is "public" in the first project objective.

4. **Mining Needs and Local Context (Section 2.9.1)** – Currently, at least three of the four sand and gravel mines along State Route 23 north of Moorpark are providing aggregate material to western Los Angeles County, as well as both the Simi Production Consumption Region and the Western Production Consumption Region in Ventura County. The Draft EIR does not, but should identify the current and future aggregate demand in each of the two production consumption regions of Ventura County, as well as the demand from Los Angeles County, and how much of this demand is being met by each of the four Grimes Canyon quarries. Without this information, the Draft EIR does not properly analyze whether or not the expansion of any of the existing mining permits is needed to comply with the goals of both the General Plan and Zoning Ordinance to facilitate a long term supply of mineral resources within the County. In addition, identification of the demand is crucial in

46-3

46-4

understanding the project impacts in the comparison of alternatives and in the mitigation of truck impacts through trip limits.

46-4

5. **Related Projects (Chapter 3.0)** – With respect to the related projects list, Moorpark: Residential Project No. 3 has about 200 units already completed and occupied. Residential Project No. 4 is 284 units, not 247 as stated; Residential Project Nos. 5, 10, 12 and 13 have all been complete for well over a year and should be deleted; Residential and Commercial Project No. 16 (10 on Commercial List) was denied in February, 2006 and should be deleted; Residential Project No. 19 is 200 apartment units, not 110 as stated; Commercial Project No. 45 is on the north side of Campus Park Drive; Commercial Project Nos. 46 and 47 are complete and should be deleted; two shopping centers on the south side of Los Angeles Avenue between Moorpark Avenue and Park Lane, totaling about 100,000 square feet, should be listed; a 25,522 square-foot office building, south of Los Angeles Avenue and west of Leta Yancy Road should be listed; a 15,505 square-foot office building on Park Lane should replace the description for site 48; a 76,000 square-foot medical office building on the north side of Los Angeles Avenue between Leta Yancy Road and Shasta Avenue should be added; Industrial Project No. 69 is complete and should be deleted; Industrial Project No. 70 is south of the railroad tracks.

46-5

6. **Traffic/Circulation (Section 4.1 and Appendix B)** – The City retained Austin Foust Associates, inc. to review the *Traffic Study for the Grimes Canyon Quarries in the County of Ventura*, Appendix B of the Draft EIR, prepared by Katz, Okitsu, & Associates to analyze the individual and cumulative traffic impacts of the three sand and gravel mine expansion proposals being reviewed concurrently. Their comments are incorporated as City comments on the Draft EIR as follows and apply to Section 4.1 as well as Appendix B:

- The existing and short-range (2006) conditions are based on peak hour count data that is at least two years old and may be as old as four years or more (i.e., some data was obtained from the previous report prepared by Associated Transportation Engineers (ATE) in October 2002). In addition to being out of date, there is a discrepancy between existing peak hour intersection levels of service (LOS) in recent City reports (e.g., "Essex Apartments Traffic Analysis" dated April 2005, "Traffic Impact Study for 110-Unit Residential Development Casey Road" dated June 2006, etc.) and the existing LOS reported in the Grimes Canyon Quarries traffic study (e.g., High Street at Moorpark Avenue is operating at LOS "C" in recent City reports and LOS "A" in the Grimes Canyon Quarries study and Spring Street at Los Angeles Avenue is operating at LOS "D" in recent City reports and LOS "B" in the Grimes Canyon Quarries study). These differences may be due to different count years or different lane assumptions, but the result is that the Grimes Canyon Quarries traffic study does not adequately identify the impacts from the proposed expansion on these intersections since they would be operating at

46-6

unacceptable levels of service with the proposed project. The intersection volume counts in the City of Moorpark need to be updated for a realistic depiction of current conditions and for projected short-range conditions.

46-6

- The Grimes Canyon Quarries traffic study concludes that the proposed project has a significant impact at the intersection of Walnut Canyon Road and Casey Road and identifies planned signal modifications as mitigation for this impact; however, the City last summer completed the addition of a protected left-turn phase from northbound Walnut Canyon Road to westbound Casey Road at this location. A simultaneous right-turn arrow from eastbound Casey Road to southbound Walnut Canyon Road has not been installed. The project should determine project impacts under current conditions and identify additional mitigation measures if needed at this or any other locations in the City of Moorpark at which updated peak hour counts reveal additional significant impacts.

46-7

- The Grimes Canyon Quarries traffic study recognizes the City of Moorpark's opposition to the use of Walnut Canyon Road/Moorpark Avenue as a haul route for trucks, and offers the use of Grimes Canyon Road south of Broadway as an alternative route to mitigate the inconsistency with the City of Moorpark General Plan. All quarry truck traffic, including existing trucks, would be prohibited from using Walnut Canyon Road/Moorpark Avenue. The removal of truck traffic from Walnut Canyon Road/Moorpark Avenue is seen as a positive impact; however, the increase of project trucks on South Grimes Canyon Road is considered an unacceptable impact to the City's residents along Grimes Canyon Road south of Broadway and on Los Angeles Avenue (SR-118) west of Moorpark Avenue.

46-8

- Projected buildout volumes were obtained from the County's traffic model. These volumes differ from buildout volumes produced by the Moorpark Traffic Analysis Model (MTAM). In this case, the county model produces a worse level of service at study intersections than the MTAM volumes. These discrepancies may be attributable to two major circulation improvements assumed in the MTAM that are not assumed in the County's model (i.e., construction of North Hills Parkway and extension of Spring Road to Walnut Canyon Road, the latter now under construction). Although the buildout volume projections differ, the proposed project is not expected to produce any long-term negative impacts that would not be addressed under short-range conditions.

46-9

The preceding comments summarize our concerns regarding the overall methodology and conclusions of the traffic study. The following comments refer to specific items throughout the report.

- Page 13: The traffic study discusses the use of the City of Moorpark's peak hour operating standard for determining significant impacts (i.e., project causes .02 or more increase in the intersection capacity utilization (ICU) value at intersections which reach LOS "D"); however, the ICU analysis does not use the City of Moorpark's saturation flow rate assumptions (1,600 vehicles per hour (vph) per through lane and 1,500 vph per left- or right-turn lane). In addition, the traffic analysis does not apply a passenger car equivalent (PCE) adjustment to the background volumes for non-project-related existing heavy truck traffic on the roadways. Given the higher than average amount of existing heavy truck traffic on Walnut Canyon Road/Moorpark Avenue and on Los Angeles Avenue (SR-118), the use of 1,800 vph per lane in the traffic analysis for all movements is too high. The ICU values at locations within the City of Moorpark should be calculated assuming the City's saturation flow rates. **46-10**
- Figure 2: To what does "TDS Counts 10/15" in the legend of Figure 2, Figures 16-22, Figures 28-31, and Figures 35-36 refer? **46-11**
- Page 21, Table 6: The existing ICU values in Table 6 do not match the ICU values in the calculation worksheets in Appendix B. In addition, the calculation worksheets for the intersection of Walnut Canyon Road at Casey Road are missing from Appendix B. **46-12**
- Page 34, Table 10: The Scenario 2 (year 2006 with existing permit levels of project traffic) AM peak hour ICU value for the intersection of Moorpark Avenue at Los Angeles Avenue (SR-118) in Table 10 (.526 LOS "A") does not match the ICU value in the calculation worksheet in Appendix C (1.376 LOS "F"). **46-13**
- Page 45, Table 14: The Scenario 5 (year 2025 with existing permit levels of project traffic) AM peak hour ICU values in Table 14 do not match the ICU values in the calculation worksheets in Appendix E for the intersections of Moorpark Avenue at Poindexter Avenue (.519 LOS "A" in Table 14 and .514 LOS "A" in Appendix E) and Moorpark Avenue at Los Angeles Avenue (SR-118) (.679 LOS "B" in Table 14 and .989 LOS "E" in Appendix E). **46-14**
- Page 49: The traffic analysis states that the counts of existing truck traffic were approximately 50 percent lower than expected based upon the existing volume of material and the expected number of trucks for each site. How was the expected number of trucks determined? What is amount of material per truck assumed for the analysis? Also, please provide additional details about how the truck traffic activity was normalized. **46-15**
- Page 50, Table 16: The Rate per Million Tons for both Cars and Trucks are incorrect for Grimes Rock and Best Rock (e.g., 4 cars/.952 million tons **46-16**

- = 4.20 cars/million tons not 4.00 cars/million tons). As a result of these errors, the Average Car Rate and Average Truck Rate are incorrect. Are the Average Car Rate and Average Truck Rate used to determine the requested amount of project traffic? **46-16**
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- Page 51, Table 17: Please provide more details on how the permitted peak hour trips in Table 17 were arrived at. The Best Rock trips are supposed to be based on the existing counts because there is no CUP trip restriction, but the volumes in the table do not correspond with the existing truck counts contained in Appendix A. **46-20**
- Page 52: The last paragraph again refers to "requested" levels of traffic although this section is about the existing permitted traffic. **46-21**
- Page 53, Table 18: The car trip volumes have no relation to the existing counts or the calculated average rate per million tons from Table 16. How was the permitted amount of car trips determined? **46-22**
- Page 53, Table 18: Do the permitted traffic generation truck volumes in Table 18 include trucks delivering imported materials to the Wayne J site? The Notice of Preparation states that the Wayne J site currently averages 50 to 100 tons of imported materials per day. **46-23**
- Page 55, Table 20: How was the Requested Traffic Generation for each site determined? The requested truck trips do not appear to be factored up from existing counts or permitted trips, or calculated based on the average truck rate per million tons presented in Table 16. **46-24**
- Page 55, Table 20A and Appendix A: The existing counts of truck traffic at the project entrances (Appendix A) indicate that the current distribution of gravel trucks is 50 percent north of the site and 50 percent south of the site for Best Rock during the AM peak hour, 61 percent north of the site and 39 percent south of the site for Grimes Rock during the AM peak hour, and 44 percent north of the site and 56 percent south of the site for Wayne J during the AM peak hour. These distribution patterns are occurring now while the route restrictions along Walnut Canyon Road/Moorpark Avenue are supposedly in place. The project sites are requesting the removal of the route restrictions along Walnut Canyon **46-25**

- Road/Moorpark Avenue as part of the proposed expansion, and yet the traffic analysis assumes that the distribution of truck traffic from Best Rock and Grimes Rock to the north will increase to 70 percent. Why is the percentage of truck traffic to the north from Best Rock and Grimes Rock expected to increase during the AM peak hour? If the route restrictions are removed as requested, won't the amount of truck traffic to the south increase?
- Page 60: Discussion of the trip distribution in paragraph 6 refers to distribution for the two northern projects shown in Figure 16a and two southern projects shown in Figure 16b, for a total of four project sites. Discussions on pages 76, 81, 84, and 87 also refer to four project sites. Are there three or four sites as part of the proposed project?
 - Figure 16a: The legend or title should indicate which project sites are considered "Northern Projects" since there is no other reference to the northern projects in the report.
 - Figure 16b: The legend or title should indicate which project sites are considered "Southern Projects" since there is no other reference to the southern projects in the report.
 - Figure 20: The volumes in and out of the Grimes Rock site do not add up to the AM peak hour trip generation in Table 22. The through volumes at the Grimes Rock entrance and the Wayne's Way intersection do not add up to the volumes at the adjacent intersections.
 - Figure 22: The through volumes at the Wayne's Way intersection do not add up to the volumes at the adjacent intersections.
 - Page 71, Table 23: The ICU values for Moorpark Avenue at Los Angeles Avenue (SR-118) in Table 23 (.582 LOS "A" AM, .679 LOS "B" PM) do not match the ICU values in the calculation sheets in Appendix C (1.412 LOS "F" AM, .989 LOS "E" PM).
 - Page 77, Table 25: The AM peak hour ICU value for Moorpark Avenue at Los Angeles Avenue (SR-118) in Table 25 (.679 LOS "B") does not match the ICU value in the calculation worksheet in Appendix E (.989 LOS "E").
 - Page 83, Table 28: The existing 2004 ICU values do not match the ICU values in the calculation worksheets in Appendix B. The Scenario 3 (year 2006 with proposed permits) ICU values for Moorpark Avenue at Los Angeles Avenue (SR-118) in Table 28 (.582 LOS "A" AM, .680 LOS "B" PM) do not match the ICU values from the worksheets in Appendix C (1.412 LOS "F" AM, .989 LOS "E" PM). The project has a significant impact at the intersection of Moorpark Avenue and Los Angeles Avenue (SR-118) based on the ICU values in Appendix C.

- Page 85: The text should include a discussion of the projects' significant impact on the intersection of Moorpark Avenue and Los Angeles Avenue (SR-118) based on the ICU values in Appendix C. **46-34**
- Page 89, Table 31: The AM peak hour ICU value for Moorpark Avenue at Los Angeles Avenue (SR-118) in Table 31 (.679 LOS "B") does not match the ICU value in the worksheet in Appendix E (.989 LOS "E"); however, the project has no significant impact on this intersection under buildout conditions. **46-35**
- Page 91: The City of Moorpark has completed the signal modification referred to in the discussion of Walnut Canyon Road and Casey Road mitigation. Project impacts with the current signal operation should be identified. There is no discussion of the significant project impact at Moorpark Avenue and Los Angeles Avenue (SR-118) identified in Table 31. **46-36**
- Page 92: There is no discussion as to why only the Wayne J site has an impact at Moorpark Avenue and Los Angeles Avenue (SR-118) under 2025 conditions. **46-37**
- Page 94: The intersection of Moorpark Avenue and Los Angeles Avenue (SR-118) needs to be included in the list of year 2006 impacted locations based on the ICU values in Appendix C. **46-38**
- Page 96: Discussion of project impacts on the intersection of Moorpark Avenue and Los Angeles Avenue (SR-118) under buildout conditions based on ICU values in Appendix E and subsequent mitigation measures need to be included in the text. **46-39**
- Page 97, Table 34: Table 34 should include the intersection of Moorpark Avenue and Los Angeles Avenue (SR-118) in the evaluation of mitigation for year 2006 conditions based on the ICU values in Appendix C. **46-40**
- Page 97, Table 34: The ICU values in Table 34 are not included in the ICU calculations worksheets in the Appendix. **46-41**
- Page 98: Walnut Canyon Road/Moorpark Avenue is not a truck route on the City of Moorpark General Plan. As stated in the text, the City of Moorpark objects to the use of Walnut Canyon Road/Moorpark Avenue by heavy trucks. However, the offer to redistribute the project trucks to Grimes Canyon Road south of Broadway will simply transfer the impacts of increased truck traffic to the residents along South Grimes Canyon Road and along Los Angeles Avenue (SR-118) west of Moorpark Avenue. **46-42**
- Page 98: If the gravel trucks are to use Grimes Canyon Road south of Broadway as a mitigation measure, then the project impacts at Moorpark Avenue and Los Angeles Avenue (SR-118) as a result of the redistribution of truck traffic still needs to be addressed. **46-43**

- Page 109: The discussion of Buildout Year (2025) mitigation needs to show that the City's signal modification improvements at Walnut Canyon Road and Casey Road result in an acceptable LOS, and that the project has no significant impact at this location. **46-44**
- Figure 35 and Figure 36: The peak hour figures do not show the correct number of project trips traveling on Los Angeles Avenue (SR-118) east of Grimes Canyon Road. **46-45**
- Page 117: The enforcement of route restrictions must be actively pursued and meaningful penalties must be imposed. **46-46**
- Page 127: The mitigation costs will need to be recalculated after updated traffic counts are obtained and corrected lane assumptions and signal operations are taken into consideration, which may result in additional project impacts. **46-47**
- Page 133: The project impacts identified in the report are based on trips requested by the project applicants. What assurances does the City have that these levels of peak hour traffic will not be exceeded? **46-48**

Other comments are as follows:

Page 4.1-53: Impacts on Pavement. Moorpark Avenue has been severely damaged by the extensive volume of heavy trucks, the vast majority of which are sand and gravel trucks. A doubling of the truck volumes, as proposed collectively by Wayne J, Grimes Rock, and Best Rock, is more that a slight variation in truck usage, as noted in the Draft EIR. Deep depressions in the asphalt can now be seen on Moorpark Avenue where the sand and gravel trucks travel on a daily basis. These depressions were not caused by passenger vehicles. What can Moorpark expect with an even greater number of trucks? Mitigation is needed to repair this damage that is a direct result of the quarry operations. **46-49**

Page 4.1-62: Mitigation Measure T 1-2. A protected left-turn phase has been provided from northbound Walnut Canyon Road to westbound Casey Road in the summer of 2005, however, a simultaneous right-turn arrow from eastbound Casey Road to southbound Walnut Canyon Road has not been installed. **46-50**

Page 4.1-64: Mitigation Measure T-1-5. As evidenced from previous attempts to prevent Best Rock and Grimes Rock sand and gravel trucks from using Walnut Canyon Road/Moorpark Avenue, measures that attempt to prohibit trucks on roads where trucks are normally permitted are unenforceable without full-time code enforcement efforts. **46-51**

Page 4.1-67: Mitigation Measure T 3-4. The City of Moorpark has a reciprocal Traffic Impact Mitigation Fee agreement with the County, therefore this mitigation is not infeasible as stated. **46-52**

Page 4.1-69: Mitigation Measure T 6-1. Repair to the Moorpark Avenue roadway damage caused by heavy trucks should be included in the mitigation, since sand and gravel trucks account for the vast majority of trucks, and weighing ten times or more the weight of passenger cars, account for the majority of the pavement damage.

46-53

7. **Noise (Section 4.3)** – The noise impact is understated for residential areas already experiencing severe traffic noise. The threshold of significance used in the noise analysis for Moorpark is a 3 dB CNEL or greater increase for sensitive noise environments experiencing noise greater than 65 dB CNEL. Though a similar threshold is often used in environmental assessments, this is not an appropriate threshold in areas experiencing substantial noise such as the residences along Walnut Canyon Road/Moorpark Avenue and Los Angeles Avenue. Because decibels are measured on a logarithmic scale, a 3 decibel increase in noise at 75 dB CNEL (approximate exterior noise levels measure on Walnut Canyon Road/Moorpark Avenue and Los Angeles Avenue) represents a substantially greater amount of sound energy that a 3 decibel increase at 60 dB CNEL. Therefore, under the proposed threshold, the louder (and more incompatible for sensitive uses) the existing noise environment, the more additional noise is allowed before considered significant. Such a threshold becomes illogical in extremely loud environments such as those experienced on Walnut Canyon Road/ Moorpark Avenue and Los Angeles Avenue.

46-54

Other comments are as follows:

Page 4.3-13: Table 4.3-6. Under Los Angeles Avenue, "W of Walnut Cyn" and "E of Walnut Cyn" should be changed to "W of Moorpark Ave" and "E of Moorpark Ave" as Walnut Canyon Road changes names to Moorpark Avenue at Everett Street.

46-55

Page 4.3-17: Mitigation Measure N 3-3. This mitigation measure places the burden on the City to adopt a noise mitigation program for impacts caused directly by quarry activities. Contrary to what is stated in the Draft EIR, there is no need for the City to have a noise mitigation program for this mitigation to be feasible. Such a program should be run by the County as a permitting agency for the quarry operations and should be in place prior to allow additional mining activities to take place.

46-56

8. **Land Use and Planning (Section 4.4)** – The City concurs with the conclusion of the analysis in the Draft EIR that this project would have a significant and immitigable community character impact in Moorpark.

Other comments are as follows:

Page 4.4-3: Figure 4.4-1. Industrial uses should have a different color than mining uses on this exhibit; residential land use has filled in the west side of Walnut Canyon Road to just north of Championship Drive; the area north of Los Angeles Avenue and east of Science Drive is industrial, not commercial; the west half of the area

46-57

north of Los Angeles Avenue between Spring Road and the Arroyo Simi is commercial, not residential.

Page 4.4-4: Project Site General Plan Land Use Designation and Zoning. For clarity, the goals and policies of the General Plan related to mineral resources and the purpose of the MRP Zone should be listed verbatim here. This is particularly important since one of the thresholds of significance in the land use analysis is the consistency of the project with the General Plan goals and policies. The paraphrasing in this document has left out words that may be critical to understanding the proposed project. For example, the description of the MRP land use designation (more accurately "overlay zone") in the second paragraph alludes to the purpose of the zone as to, "ensure access to and supply of mineral resources." The Zoning Ordinance text includes as a stated purpose, "to facilitate a long-term supply of mineral resources within the County." The General Plan includes as a goal to, "minimize incompatibility between the extraction and production of the resource and neighboring land uses and the environment," yet this goal is not even stated in this section.

46-57

9. **Alternatives (Chapter 5.0)** – The Draft EIR examines and rejects a number of alternatives. Nonetheless, the analysis does not provide for a reasonable range of alternatives as required by §15126.6 of the CEQA Guidelines. Many of the immitigable impacts of this project are site specific, and at least two of the project objectives could be achieved at different locations. One alternative in particular missing from the analysis is an alternative site for the extraction of aggregate resources, described in the paragraph below. This alternative would contribute substantially to the ability to make an informed decision on the project proposal and identifying ways that environmental damage can be avoided or significantly reduced, two basic purposes of CEQA.

Alternative Site(s) for the Extraction of Aggregate Resources – As noted in the Draft EIR, the four sand and gravel mines along Grimes Canyon Road are currently providing for the aggregate demand for all of Ventura County, due to the end of extraction activities in the Santa Clara River (Page 2-17). Grimes Rock, in particular, provides "nearly all" its material to a batch plant in the Western (Ventura County) Production Consumption Region. In addition, though not stated in the Draft EIR, aggregate resources are also currently being exported to Los Angeles County from these sand and gravel mines. The Draft EIR does not evaluate alternative sites to provide aggregate to the Western (Ventura County) Production Consumption Region or western Los Angeles County. Appropriate sites closer to their markets could better meet the stated project objectives, "to continue to make available to the public and construction industry adequate supplies of aggregate, concrete and asphalt products at a reasonable price," and "to provide a local source of aggregate products, which would reduce regional air quality impacts of truck traffic caused by the long-distance importation." Alternative sites could also better achieve General

46-58

Plan and Zoning objectives, which should have been included as project objectives (see comment no. 3).

↑
46-58

Other comments are as follows:

Grimes Canyon Road South: The improvement of Grimes Canyon Road South to accommodate sand and gravel trucks would only shift the trucking impacts from residents and businesses along Walnut Canyon Road/Moorpark Avenue to residents and businesses along Grimes Canyon Road South and Los Angeles Avenue. Therefore, since this alternative doesn't reduce impacts, it is not acceptable.

46-59

SR-23 Bypass: The Draft EIR fails to discuss how this alternative might be implemented, thereby precluding any meaningful evaluation of this alternative.

46-60

The City looks forward for a response to these comments and would appreciate notification of any upcoming public hearings or meetings on this project. Please let me know if you have any questions.

Sincerely,



Barry K. Hogan
Community Development Director

- C: Honorable City Council
- Honorable City of Moorpark Planning Commission
- Honorable Ventura County Board of Supervisors
- Honorable Ventura County Planning Commission
- Supervisorial Candidate Jim Dantona
- Supervisorial Candidate Peter Foy
- Steven Kueny, City Manager
- Joseph M. Montes, City Attorney
- Chron
- File

Response to Commenter No. 46: Barry Hogan, City of Moorpark, August 4, 2006

46-1 The EIR discusses the existing and proposed mining activity using a few descriptors that are the basis for different permit limits and/or environmental impacts. For example, the Conditional Use Permit (CUP) limits plant throughput based on tons per year yet some air quality impact thresholds are based on daily emissions and therefore tons per day becomes a relevant descriptor for this analysis. The number of trucks traveling to and from the site is another important aspect of the requested CUP modifications. This truck limit is expressed in terms on one-way trips per day. This limit is not based on conversion of the annual throughput to truckloads. The applicant did not indicate a correlation between the two.

Each truckload generates two one-way trips (one inbound and one outbound). Whether trucks are delivering materials to the project site or exporting materials from the project site, they are counted toward the permitted truck trip limits, which are based on one-way trips. A clarification to this effect was made to Section 2.2 in the FEIR.

In looking at the Grimes Canyon region, the region tends to contain a high ratio of sand relative to gravel, which means there is the potential that gravel would be imported from more gravel-rich mines in Los Angeles County locations, such as Solidad Canyon, and sand would be exported from the site to the mines or plants in Los Angeles County so that proper mixes can be made with the required combinations of sand and gravel for each locale. In that sense, the proposed project could be helping to serve the Los Angeles County area and vice versa. More detail on this issue is provided in FEIR Chapter 5.0 Alternatives.

While State Ready Mix in Saticoy is the primary customer of CUP 4784, the percentage of product going to that site changes day to day. The County has no specific definition of what the term "nearly all" means in CUP Condition 1 in relationship to the products of the project being sent to the State Ready Mix. Therefore the EIR cannot be more specific.

See Response 46-4 regarding issues related to projections of market demands within various production-consumption regions.

46-2 Under CEQA the "existing environment" for the project is a combination of: (1) the physical activities associated with the project; and, (2) any permit limits that existed at the time of the Notice of Preparation (NOP). Where there is conflict between what the project is actually doing and the permit conditions (i.e. the project is violating the terms of the permit) CEQA requires that the larger project be considered the "existing environment". Therefore even if the physical activities violate the permit conditions, under CEQA they are still part of the "existing environment".

Once an EIR establishes an "existing environment" as it existed at the time of the NOP, this "existing environment" is assumed not to change. The "existing environment" is considered to continue into the future, even beyond the expiration date of the existing permit. Under CEQA, for purposes of analysis, the mine is assumed to continue operating up to the 2025 time horizon of the EIR, even though the permit actually expires earlier.

Per CUP 4874 Condition 87, this comment is correct that Grimes Rock is prohibited from using Walnut Canyon Road. However, at the time of the NOP the project was routinely violating that prohibition, therefore under CEQA that the project traffic is part of the "existing environment". A formal Notice of Violation (NOV) was later issued because of this violation. However enforcement of the NOV was suspended in that the only alternative route, Grimes Canyon Road south of Broadway, was closed to heavy trucks for a few years due to ongoing flood repairs. However, the route was reopened to trucks in late 2008.

- 46-3 As per CEQA Guidelines Section 15124(b), the objectives stated in the project description are those sought by the proposed project; in this case the applicants for the proposed projects are the mining operators. Typically project objectives do not include consistency with Zoning and General Plan requirements. These are two of a large number of local, State and Federal laws, rules and regulations that any project is potentially subject to. There is no basis to single out these two legal requirements and not list other equally important regulations. A project objective may or may not be met, but Zoning and General Plan consistency are mandatory. Including Zoning and General plan consistency as project objectives would tend to blur the difference between mandatory legal requirements and desirable end states (i.e. the objectives as currently listed).

In regard to consistency with the Mineral Resources Protection Overlay Zone (MRP) additional text has been added to the FEIR to discuss this Zone in more detail.

- 46-4 A detailed discussion of aggregate supply and demand has been added to the FEIR in Chapter 5 Alternatives. Aggregate supply and demand issues have also been taken into consideration in the policy consistency analysis provided in Section 4.4 Land Use and Planning in the FEIR.
- 46-5 The related projects list and map in the FEIR has been updated according to this comment (see Chapter 3.0). New counts have been done and the necessary updates have been made in the FEIR Traffic Study for counts originally taken prior to the Notice of Preparation.
- 46-6 The Traffic Study was revised as requested.

- 46-7 The Traffic Study was revised as requested.
- 46-8 The FEIR analysis is generally consistent with this comment. Section 4.4.3 Impact LU-6 concludes that use of Walnut Canyon Road by project related traffic would result in a significant impact on the community character along that road. Section 5.6.4 makes the same finding if traffic is diverted to Grimes Canyon Road south of Broadway. Also, in both cases, these impacts are considered significant and unavoidable (Class I) impacts if they are allowed to occur. The term "unacceptable" is not used in CEQA. However the determination of what is "unacceptable" will be made by Ventura County when the decision-makers evaluate whether these and other Class I impacts are "unacceptable" or "acceptable" given the benefits derived from the project.
- 46-9 The County model is the only one that covered this area in adequate detail. The use of a different model is not expected to reveal any traffic impacts that would not be identified by the model used for analysis.
- 46-10 The necessary changes have been made to reflect City of Moorpark saturation flow rates within City boundaries; however it should be noted that the values stipulated by the City are lower than typical measurements of saturation flow rate and generally will produce level of service results that are lower than observed conditions. Typically background truck traffic is presumed and built into intersection capacity assumptions for lane capacities. This is especially true in Moorpark, where saturation rates stipulated for use are extremely low compared to measured values.
- 46-11 TDS is a traffic count company from Santa Ana that provided the counts. October 15, 2006 was the date of the counts.
- 46-12 The FEIR Traffic Study was revised to reflect proper values, as updated by replacement traffic counts. The missing page was also added to the Study.
- 46-13 The FEIR Traffic Study was revised to reflect proper values, as updated by replacement traffic counts.
- 46-14 The report revised to reflect proper values, as updated by replacement traffic counts.
- 46-15 Differences between observed levels during data collection and permit allowed levels were fully explained in the Trip Generation Section of the Traffic Study. Observed levels were much lower than permit levels would expect. The traffic generation is based upon permitted or requested levels, not existing activity levels.

- 46-16 The Traffic Study was revised as noted. However, trip generation is based upon permitted or requested rates, not observed activity levels.
- 46-17 The asterisk means that the average was taken from all three sites; this has been included in the FEIR Traffic Study.
- 46-18 Requested daily traffic trips are discussed because it was used to obtain the additional volume of site traffic needed to account for the existing permit levels, because the measured activity was much lower than the permitted activity.
- 46-19 The Traffic Study was revised as requested.
- 46-20 The permitted trips are based on what the mines are currently allowed under the existing CUPs. The mines are not all currently at the maximum allowed under their existing CUPs, so the permitted trips are not the same as the existing trips (described on pgs 50-51 of the Traffic Study). Appendix B and the EIR are based on data supplied by the applicant regarding average traffic volumes. The actual traffic counts are a single snapshot in time compiled over a few days. The average volumes are not likely to match a very short term snapshot. The more accurate average provided by the applicant was considered most appropriate to use.
- 46-21 Requested daily traffic trips are discussed because it was used to obtain the additional volume of site traffic needed to account for the existing permit levels, because the measured activity was much lower than the permitted activity.
- 46-22 The volume attributed to cars is based upon the existing automobile trip generation rates that were measured for the sites and the amount of the permit request.
- 46-23 Yes, the permitted traffic generation includes truck deliveries.
- 46-24 The traffic generation was determined using the same methodology that was used for the existing permitted trip generation shown on DEIR Traffic Study pg 50 last paragraph.
- 46-25 The project distributions were derived in conjunction with the mines and County staff and are expected to accurately reflect project conditions. The overall distribution is believed to be correct. The northern legs are only shown at 70 percent to the north for two of the four projects in question, with 30 percent to the north for the other two mines. The distributions assume that trucks will avoid the steep grades of Grimes Canyon Road if this does not result in misdirected travel.

- 46-26 There are 3 project sites -- Grimes Rock, Best Rock, and Wayne J; CEMEX is not currently proposing to amend their CUP, and is not a subject of this study but its contribution to truck traffic is considered in a cumulative context.
- 46-27 The Traffic Study figure has been revised as requested.
- 46-28 The Traffic Study figure has been revised as requested.
- 46-29 Table 20 only includes the traffic generation for truck trips and does not include PCE's. Table 22 includes the cars, trucks and PCE's, which reflects Table 20 and 21 combined including the PCE numbers.
- 46-30 This has been corrected in the FEIR Traffic Study.
- 46-31 This has been corrected in the FEIR Traffic Study.
- 46-32 This has been corrected in the FEIR Traffic Study.
- 46-33 This has been corrected in the FEIR Traffic Study.
- 46-34 The requested text discussion has been added to the FEIR Traffic Study.
- 46-35 This has been corrected in the FEIR Traffic Study.
- 46-36 The Traffic Study has been revised as requested.
- 46-37 The requested text discussion has been added to the FEIR Traffic Study.
- 46-38 The Traffic Study has been revised as requested.
- 46-39 The requested text discussion has been added to the FEIR Traffic Study.
- 46-40 The Traffic Study has been revised as requested.
- 46-41 New counts have been taken and the necessary updates have been made as well as the Moorpark saturation rate.
- 46-42 The Traffic Study and EIR fully disclose the impacts of the proposed project and the alternative route. The County will consider these in deciding whether or not to approve the project or an alternative.
- 46-43 Impacts at this location and mitigation measures are discussed.
- 46-44 The Traffic Study has been revised as requested.

- 46-45 This comment is correct, and the impacts of this diversion to Grimes Canyon south of Broadway is discussed in the FEIR.
- 46-46 As discussed starting on FEIR Appendix B page 118, the County staff may propose an aggressive permit condition monitoring and penalty program, with a major focus on enforcing traffic conditions. While such a program would require a major policy decision by the Ventura County decision-makers, it would be the type of program requested by this comment.
- 46-47 The Traffic Study has been revised as requested.
- 46-48 See response to Comment 46-46.
- 46-49 The EIR discusses a mitigation measure for pavement impacts, however notes that it may not be feasible to implement. For clarification, the measure has been modified to indicate that it applies to SR-23 between SR-126 and SR-118.
- 46-50 The Traffic Study was revised as requested to reflect current conditions.
- 46-51 See response to Comment 46-46.
- 46-52 The FEIR has been amended to reflect the County/Moorpark reciprocal traffic agreement.
- 46-53 See Response 46– 49.
- 46-54 The threshold of significance for Moorpark residents includes both a condition of a change from an acceptable to an excessive exterior noise exposure, as well as an incremental increase that is substantial (+ 3 dB). The commenter correctly notes that the change in acoustic energy is much higher for a 3 dB increase from a 75 dB baseline than from a 60 dB baseline. However, CEQA requires consideration of the change from the baseline. If the change is below the human perception threshold because the baseline is already markedly elevated, it is very noisy now and will be very noisy in the future. However, a listener will not be able to perceive a clear-cut difference. The combination of a clearly perceptible change (+ 3 dB) and the possible increase of the noise impact envelope to encompass sensitive uses not previously impacted represents standard significance thresholds that are in common use in most CEQA analyses.
- 46-55 Table 4.3-6 has been revised accordingly.
- 46-56 As shown in Section 4.3 Table 4.3-6, the total increase in traffic from all three mines does not exceed the 3.0 dBA significance threshold at 50 feet from centerline for project-specific noise impacts. As such, no individual project

exceeds the threshold. The same result occurs for cumulative non-mining traffic which also does not exceed the 3.0 dBA threshold.

As shown on Table 4.3-8, in 2006 the three mines result in an additional 34 homes in Moorpark being exposed to the 65 CNEL noise contour which is also a significance threshold (Moorpark rows, 2006 With Project minus 2006 Baseline). In 2025 the mines result in an additional 10 homes being exposed to 65 CNEL (Moorpark rows, 2025 With Projects minus 2025 Baseline). These impacts are identified as significant in the EIR.

However, between 2006 and 2025, the cumulative non-mining traffic results in an additional 74 homes exceeding the 65 CNEL baseline (Moorpark rows, 2025 Baseline minus 2006 Baseline). Since the non-mining traffic impacts occur later than the 2006 mining impacts, and non-mining traffic impacts a larger number of houses, the 74 additional homes impacted by the non-mining traffic in 2025 will include the 34 homes impacted by the mining traffic in 2006. That means that the 34 homes impacted by the mines in 2006 will be impacted in the future with or without the mines – the mines just cause the impacts to occur earlier than they would occur otherwise. However, the 10 additional houses impacted by the mines in 2025 would not be impacted by non-mining traffic within the time horizon considered by the EIR (i.e. to 2025), therefore the noise impacts to these houses can be assigned to the mines.

In summary, cumulative non-mining traffic along the mining access routes is going to subject an additional approximately 74 homes in Moorpark to noise levels which exceed the 65 CNEL city noise threshold. The mines will subject 34 of those homes to noise levels above 65 CNEL earlier than would occur without the mines, but sometime between now and 2025 the homes will be exposed to levels above 65 CNEL with or without the mines. In addition, in 2025 the mines will expose 10 homes to noise levels in excess of 65 dBA that would otherwise not be exposed to those levels.

This comment says it is feasible to mitigate these impacts by the Ventura County developing a noise mitigation program within the City of Moorpark. The great majority of the projected impacts come from non-mining traffic. Mining traffic accelerates exceeding the 65 CNEL noise levels for 34 homes, and is responsible for exceeding the threshold for 10 houses sometime before 2025. Non-mining traffic has a significant impact on 74 homes.

The majority of the noise impacts are from non-mining traffic, and Ventura County does not have land use or building authority within the City of Moorpark. It is not politically or legally feasible for Ventura County to step in and create a noise mitigation program within the corporate limits of the City of Moorpark which could only address a relatively small part of the problem. It is more appropriate

for Moorpark to set up the program and for the County to require appropriate projects in the unincorporated area to contribute to it.

Ventura County has long recognized that traffic noise impacts from many sources are occurring along the mining haul routes in Moorpark. Consequently, mining projects in Grimes Canyon have been conditioned for several years to contribute their "fair share" to an appropriate noise mitigation program which Moorpark may establish. Even the County Los Angeles recognizes the appropriateness of this approach, in that Los Angeles conditioned every project in the 20,000 unit Newhall Ranch project just east of the County line to also contribute to a noise mitigation program if and when Moorpark develops one. The City of Moorpark, Ventura County, and Los Angeles County recognize that impacts are occurring, but the only politically and legally feasible mitigation measure to address this issue is for Moorpark to develop such a program.

- 46-57 Figure 4.4-1 has been revised accordingly. The verbatim purposes of the MRP overlay zone have been added to Section 4.4.3. See also Response 51-45.
- 46-58 Alternative local sites were not explicitly considered in the EIR because such sites are limited, and would apparently create similar or greater impacts than those in Grimes Canyon. Additional analysis in FEIR Section 5.1.1 has been added to clarify this issue.
- 46-59 The restriction of southbound trips to Grimes Canyon South is a physically feasible alternative that was identified through the Charrette process (see FEIR Section 5.1.3) as an option to consider in the EIR, primarily for the purpose of avoiding impacts within downtown Moorpark. The EIR alternatives analysis recognizes that this alternative would shift the project's trucking impacts, primarily noise impacts, from one location to another and concludes that as with the proposed project, this alternative would result in significant unavoidable noise impacts. However, as explained in EIR Sections 5.6.3 and 5.6.4, this alternative would reduce the severity of this impact because it would affect fewer residents. Therefore, this alternative would reduce impacts and is an acceptable and appropriate alternative for consideration in the EIR.
- 46-60 Section 5.0 of the EIR identifies the SR-23 Bypass as a future route envisioned in the City of Moorpark General Plan to decrease traffic through the downtown Moorpark Avenue. The EIR describes the measures the City has been taking with respect to development along the alignment of this route to allow for and facilitate implementation of this future roadway, as well as exiting obstacles to its completion. The EIR recognizes that this is a long-term plan that will not be implemented at the initiation of the proposed permit expansions. Therefore this is one sub-alternative to the southbound route alternative. The Grimes Canyon

South Alternative is also included as this alternative could feasibly be implemented in the short term until the SR-23 Bypass is completed.



City of Moorpark

COMMUNITY DEVELOPMENT DEPARTMENT: PLANNING – BUILDING AND SAFETY – CODE COMPLIANCE

799 Moorpark Avenue, Moorpark, California 93021 (805) 517-6200 fax (805) 532-2540

August 19, 2009

County of Ventura, Resource Management Agency
Planning Division
800 South Victoria Avenue
Ventura, CA 93009

Attention: Scott Ellison, Senior Planner

RE: Reply to Response to Comments on Final Environmental Impact Reports (EIRs) for

- 1. Modification No. 3 to CUP No. 4171, Best Rock Products Corp, [SCH 20060402], Located at 2500 Grimes Canyon Road, Fillmore**
- 2. Modification No. 2 to CUP No. 4874, Grimes Rock, Inc., [SCH 20060403], Located at 3500 Grimes Canyon Road, Fillmore**
- 3. Modification No. 6 to CUP No. 4571, Wayne J Sand and Gravel, [SCH 20060404], Located at 9455 Buena Vista Street, Moorpark**

Dear Mr. Ellison,

Thank you for sending the City a copy of the response to our comment letters for consideration of the Final EIRs for the proposed expansion of Best Rock's, Grimes Rock's and Wayne J's mining operations. The City of Moorpark recognizes the importance of the proper management of the County's aggregate resources to provide for present and future County needs. However, as has been clearly stated in past correspondence, expansion of any of the mining operations along State Route 23 north of Moorpark, that either increases the number of sand and gravel trucks in our downtown area or increases the hours in which the trucking occurs, is strongly opposed by the City. These trucks already significantly impact downtown area land uses, and any expansion would be in opposition to the City's efforts to improve the livability of this area and redevelop its downtown core into a vibrant commercial destination, consistent with the General Plan and Downtown Specific Plan.

The Final EIRs prepared for the expansion of Best Rock's, Grimes Rock's and Wayne J's mining operations do not adequately address the full extent of the project impacts. Although there may be numerous points of disagreement on the conclusions of the Final EIR, this letter focuses on the dismissing of the SR-23 bypass as a viable alternative, and the dismissing of establishing a fund to build the bypass as mitigation. The following points are offered for consideration by the Environmental Report Review Committee:

1. After review of the responses to our comment letters, and the contents of the proposed Final EIR, the City remains concerned that the Final EIR, without substantial analysis, dismisses the SR-23 bypass as a future project beyond the timeframe of the expansion of the proposed mining operations. The City of Moorpark has had this bypass identified in the General Plan Circulation Element since 1992, has had an alignment study prepared for this bypass in 2007, and is currently reviewing a proposal to prepare a preliminary engineering design for it. Although, as noted in the Final EIR, the bypass will be an expensive project, the Final EIR provides no evidence that the expense makes

JANICE S. PARVIN
Mayor

MARK VAN DAM
Mayor Pro Tem

ROSEANN MIKOS
Councilmember

KEITH F. MILLHOUSE
Councilmember

DAVID POLLOCK
Councilmember

this alternative infeasible. The bypass involves only three properties. One of these properties, currently under development with the Moorpark Highlands Specific Plan, will have the grading for the SR-23 bypass completed as part of its project improvements, with the land irrevocably offered for dedication. One of the properties is already Caltrans right-of-way, and the third property is currently just north of the City boundary in the unincorporated County. The Final EIRs do not even include this alternative in the discussion of environmentally superior alternatives.

2. Furthermore, the Final EIRs dismiss funding of the SR-23 bypass as required mitigation because a funding mechanism for this improvement does not currently exist. The Final EIRs have not provided any evidence to demonstrate that a funding mechanism is infeasible. Rather, a funding mechanism should be fairly easy to establish by the County as mitigation (i.e. fee per truckload). The proposed expansion of the mining operations should only be considered if the establishment of a funding mechanism is required as mitigation, and no increase in operations above what is currently permitted should take place unless the funding mechanism has been created.

The SR-23 bypass has a reasonable potential to mitigate impacts created by the sand and gravel trucks driving through the City's downtown. However, the Final EIR dismissed this alternative without substantial analysis. Therefore, the proposed Final EIRs are not sufficiently complete to warrant certification at this time. We request the Environmental Report Review Committee to direct that this analysis be completed and that this analysis of the SR-23 bypass be recirculated for public review prior to recommending certification.

As always, we would appreciate notification of any upcoming public hearings or meetings on this project. You may contact me directly or Joseph R. Vacca, Principal Planner at (805) 517-6236 or via email at jvacca@ci.moorpark.ca.us if you have any questions.

Sincerely,



David A. Bobardt
Planning Director

C: Honorable City Council
Honorable City of Moorpark Planning Commission
Honorable Ventura County Board of Supervisors
Honorable Ventura County Planning Commission
Steven Kueny, City Manager
Joseph M. Montes, City Attorney
Joseph R. Vacca
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City of Moorpark

COMMUNITY DEVELOPMENT DEPARTMENT: PLANNING – BUILDING AND SAFETY – CODE COMPLIANCE

799 Moorpark Avenue, Moorpark, California 93021 (805) 517-6200 fax (805) 532-2540

March 24, 2010

Scott Ellison, Senior Planner
County of Ventura, Resource Management Agency
Planning Division
800 South Victoria Avenue
Ventura, CA 93009

RE: Response to County Staff Request for Recommended Conditions of Approval for:

- 1. Modification No. 3 to CUP No. 4171, Best Rock Products Corp, [SCH 20060402], Located at 2500 Grimes Canyon Road, Fillmore**
- 2. Modification No. 2 to CUP No. 4874, Grimes Rock, Inc., [SCH 20060403], Located at 3500 Grimes Canyon Road, Fillmore**
- 3. Modification No. 6 to CUP No. 4571, Wayne J Sand and Gravel, [SCH 20060404], Located at 9455 Buena Vista Street, Moorpark**

Dear Mr. Ellison,

Thank you for contacting the City to obtain our recommended conditions of approval for the proposed expansion of Best Rock's, Grimes Rock's and Wayne J's mining operations. The City of Moorpark recognizes the importance of the proper management of the County's aggregate resources to provide for present and future County needs. However, as has been clearly stated in past correspondence, expansion of any of the mining operations along State Route 23 north of Moorpark, that either increases the number of sand and gravel trucks in our downtown area or increases the hours in which the trucking occurs, is strongly opposed by the City. These trucks already significantly impact downtown area land uses, and any expansion would be in opposition to the City's efforts to improve the livability of this area and redevelop its downtown core into a vibrant commercial destination, consistent with the General Plan and Downtown Specific Plan.

Given the current impact of truck traffic on the streets in the City of Moorpark, as well as the anticipated increase resulting from approval of these projects, each project should be conditioned to contribute its "fair share" of the anticipated cost of completion of the SR-23 bypass. As we communicated previously in connection with comments on the DEIR, the City of Moorpark has had this bypass identified in the General Plan Circulation Element since 1992, and an alignment study was prepared for this bypass in 2007. Currently the City is preparing a preliminary engineering design for it. The bypass involves only three properties. One of these properties, currently under development with the Moorpark Highlands Specific Plan, will have the grading for the SR-23 bypass completed as part of its project improvements, with the land irrevocably offered for dedication. One of the properties is already Caltrans right-of-way, and the third property is currently just north of the City boundary in the unincorporated County.

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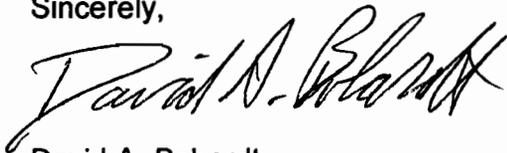
The SR-23 bypass has a reasonable potential to mitigate impacts created by the existing sand and gravel trucks driving through the City's central town core area. Once constructed, the SR-23 bypass will circumnavigate existing sand and gravel trucks, and additional trucks in the future if the proposed modification expansions are allowed, around the City's residential neighborhoods and commercial districts of the downtown. The trucks' use of the SR-23 bypass will be better served with uninterrupted access to their customers via direct connections to existing SR-118, for distribution of goods and materials. Furthermore, the trucks' use of the SR-23 bypass will alleviate noise, air quality, emissions, carrying capacities of roadways, traffic and storm water quality impacts on the existing downtown roadways of the City of Moorpark and will reduce the conflicts that exist between the passenger vehicles and trucks in these existing narrow roadways.

We would suggest that the timing of the payment of the fair share contribution be made prior to any increase in truck traffic over present levels. We would be happy to discuss with you the appropriate means of calculating the "fair share" as well as any other issues or concerns you may have with the suggested condition.

The function of a CUP is to ensure that appropriate conditions are imposed on a given use to mitigate the impacts on surrounding uses. The nexus between the activities described in the CUP and the truck traffic impacts on the streets in the City of Moorpark is clear. Limiting the required contribution to the applicants "fair share" of the cost of addressing those impacts will ensure that the mitigation is proportional to the impacts.

As always, we would appreciate notification of any upcoming public hearings or meetings on this project. You may contact me directly or Joseph R. Vacca, Principal Planner at (805) 517-6236 or via email at jvacca@ci.moorpark.ca.us if you have any questions.

Sincerely,



David A. Bobardt
Community Development Director

C: Honorable City Council
 Honorable Planning Commission
 Steven Kueny, City Manager
 Joseph M. Montes, City Attorney
 Yugal Lall, City Engineer/Public Works Director
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1.0 EXECUTIVE SUMMARY

1.1 INTRODUCTION

The County of Ventura has prepared this Recirculated Draft Environmental Impact Report (RDEIR) to assess particular potential environmental impacts of the proposed project to continue and expand the existing Grimes Rock, Inc. mining operation. This RDEIR has been prepared in accordance with the California Environmental Quality Act (CEQA) (Pub. Res. Code § 21000 et seq.), the CEQA Guidelines (14 Cal. Code of Regs., § 15000 et seq.), the County of Ventura's Administrative Supplement to the CEQA Guidelines, and the County's Initial Study Assessment Guidelines.

The project applicant, Grimes Rock, Inc. (Grimes Rock), requests that Modification No. 2 of Conditional Use Permit 4874 (CUP 4874-2) be granted and that an Amended Reclamation Plan prepared pursuant to the California Surface Mining and Reclamation Act (SMARA) (Pub. Res. Code § 2710 et seq.) be approved. The requested actions would authorize an expansion of the area subject to surface mining activities and allow for the continuation of surface mining activities to the year 2040.

1.2 ORGANIZATION OF THE RDEIR

This RDEIR is divided into several sections that reflect the mandatory content of an EIR as required by Article 9 of the CEQA Guidelines. The key section of the EIR is Chapter 4.0. This chapter contains the evaluation of environmental impacts in the various issue areas for which the need for further analysis was identified in the Initial Study. Each of the impact analysis sections is divided into six subsections as follows:

- **Existing Conditions** – This subsection describes the existing environmental setting for each issue area.
- **Thresholds of Significance** – This subsection identifies the thresholds used to identify the significance of project impacts. These are based on the County of Ventura's Initial Study Assessment Guidelines or, where applicable, the City of Moorpark thresholds.
- **Project Impacts** – This subsection describes the extent to which the proposed project would affect the existing environment and whether that affect would constitute a potentially significant impact.
- **Cumulative Impacts** – This subsection evaluates the potential for significant impacts to result from the proposed project in combination with other anticipated development in the project area. Whether the proposed project contribution to any identified impact is cumulatively considerable is evaluated.
- **Mitigation Measures** – This subsection lists the mitigation measures required to reduce or eliminate the potentially significant environmental impacts identified for the proposed project.

- **Residual Environmental Impacts** – This subsection identifies the level of significance of the identified impacts with implementation of the identified mitigation measures.

1.3 SCOPE OF THE RDEIR

Prior to preparation of the original Draft EIR circulated for public review in 2006, an Initial Study was prepared in accordance with CEQA and the County's Initial Study Assessment Guidelines in effect at that time to identify potential environmental impacts associated with the proposed Grimes Rock project. This Initial Study is included as Appendix A of the original Draft EIR circulated for public review in 2006. The Initial Study identified potentially significant impacts in the following environmental issue areas:

- **Transportation/Circulation**
- **Air Quality**
- **Noise**
- **General Plan/Land Use Compatibility**
- **Hydrology and Water Resources**
- **Biological Resources**
- **Paleontology**
- **Visual Resources**

All of the issues listed above were addressed in the Draft EIR circulated for public review in 2006. Pursuant to CEQA Guidelines section 15088.5, this Recirculated Draft EIR has been prepared to incorporate changes in the project description, new County Initial Study Assessment Guidelines adopted in 2010, and a new amended Reclamation Plan. The requirement that the proposed modification of the CUP be considered concurrently with a complete Reclamation Plan is mandated by a 2010 California Appeals Court decision (*Nelson v. County of Kern*),

Section 15088.5(f)(1) of the CEQA reads as follows:

When an EIR is substantially revised and the entire document is recirculated, the lead agency may require reviewers to submit new comments and, in such cases, need not respond to those comments received during the earlier circulation period. The lead agency shall advise reviewers, either in the text of the revised EIR or by an attachment to the revised EIR, that although part of the administrative record, the previous comments do not require a written response in the final EIR, and that new comments must be submitted for the revised EIR.

The lead agency need only respond to those comments submitted in response to the recirculated revised EIR.

In accordance with the above guideline, this RDEIR constitutes a substantially revised entire EIR and responses to comments will only be prepared and included in the Final EIR for new comments submitted on this revised document. Note that the "General Plan/Land Use Compatibility" section has been replaced with a "Community Character" section in accordance with the 2010 ISAGs.

1.4 CLASSIFICATION OF IMPACTS

The following nomenclature is used to describe various levels of impact within this EIR:

- **Class I Impacts** – Potentially significant environmental impacts for which feasible mitigation that would reduce impacts to a less than significant level has not been identified. Pursuant to Section 15092(b) of the CEQA Guidelines, the County decision-makers must adopt a Statement of Overriding Considerations to approve a project with Class I impacts.
- **Class II Impacts** – Potentially significant environmental impacts that can be mitigated to a less than significant level with implementation of the mitigation measures identified in this EIR. The County must make "findings" pursuant to Section 15091(a) of CEQA Guidelines in order to approve the proposed project.
- **Class III Impacts** – Environmental impacts that are adverse, but less than significant.
- **Class IV Impacts** – Beneficial Impacts.

1.5 PROJECT DESCRIPTION

Summary:

The applicant requests approval of Modification No. 2 of Conditional Use Permit 4874 (CUP 4874-2) and the approval of a modified Reclamation Plan prepared pursuant to the Surface Mining and Reclamation Act (SMARA). The requested approvals would authorize:

- Changes to the permit boundary including the expansion of surface mining areas. The permit boundary would be expanded from approximately 164 acres to 231 acres. Parcels to be added to the CUP boundary include 500-0-050-34, 500-0-090-29, 500-0-090-05, and 500-0-090-33. The excavation area would be expanded from approximately 45.8 acres (current condition) to 135.3 acres. *(Note: The permitted area of excavation is 48.4 acres.)*

- An extension of the effective term of the CUP from 2013 to an estimated end date of surface mining operations in 2040.
- An increase in sand and gravel production (i.e., material export) from 952,500 tons per year to approximately 1.8 million tons per year.
- Material hauling to occur Monday through Saturday from 6:00 a.m. until dusk.
- Onsite mining operations to occur 24 hours per day on Monday through Saturday.
- An average daily hauling truck traffic volume of 460 one-way trips.
- A maximum peak daily hauling truck volume of 600 one-way trips.
- Material hauling along any route to any customer location.
- The elimination of volume and timing restrictions on trucks going south.
- An end or post-reclamation use of Open Space.

Mineral extraction operations:

Under the proposed modified CUP 4874-2 and amended Reclamation Plan, the mining facility will continue sand and gravel excavation and processing operations similar to those that are currently permitted under the existing permit with the changes as described above. Proposed mining excavation and reclamation will occur over three phases as shown on the Reclamation Plan maps and cross sections (Figure 2-5).

Anticipated operations at the site will include phased recovery of sand and gravel resources and materials processing. Mineral resource recovery operations (excavation) will be accomplished through the use of conventional earthmoving equipment. The extracted materials will be loaded into a crusher and conveyor system for movement to the processing plant (see Figure 2-6). In some areas, off-highway haul trucks may be used to move extracted rock to the processing plant area. The products exported from the subject facility would include washed concrete sand, washed gravel and fill sand.

Total future material production from the site is estimated to be 50 million tons (31,250,000 cubic yards). Excavation would occur over a 135.3-acre area with a maximum slope height of 365 feet. The total CUP/Reclamation Plan area will be 231 acres.

The estimated date for the termination of mining, based upon the proposed extraction rate and total volume of material to be exported, is January 1, 2040.

Reclamation:

Reclamation activities will occur on an ongoing basis throughout the project life as planned mining excavations are completed. The site will be reclaimed to a configuration that includes a nearly level floor surrounded by maximum 2:1 (h:v) gradient slopes. Runoff from the slopes will drain across the floor to be discharged at the low point

(approximately 1,000-foot elevation) where an existing drainage course intersects the floor.

Reclamation of final slopes will consist of establishing 2:1 gradient slope configurations and revegetation. The lower one-third of final slopes will be graded in a concave configuration in order to blend with the floor of the mine. Final reclamation will include removal of the processing plant and all mining equipment, followed by revegetation of any remaining disturbance areas that are not necessary for post-extraction uses (e.g. access roads). All compacted areas will be ripped to achieve a consistency and permeability similar to that of the original soils.

Finished slopes will be revegetated with a native seed mix approved by the County of Ventura and the State Office of Mine Reclamation (OMR). The objective is to restore the mining site with native vegetation that is similar in species composition and density to the pre-mining vegetation.

It is proposed that the site will be reclaimed to an end use of open space.

1.6 USE OF RDEIR

This RDEIR has been prepared to evaluate and disclose the environmental impacts associated with the proposed operational changes and expansion of the Grimes Rock mining facility that would be authorized by the requested approval of a modified CUP and an amended Reclamation Plan. It is intended that this document be adequate to satisfy the requirements for environmental review for each of the discretionary entitlements required to authorize the proposed changes in the facility. Listed below are the permits or plans required for approval of the proposed project.

| Permit or Plan | Regulation | Lead Agency |
|---------------------------------|---|---|
| Modified Conditional Use Permit | Ventura County Non-Coastal Zoning Ordinance | County of Ventura |
| Amended Reclamation Plan | Ventura County Non-Coastal Zoning Ordinance, and the Surface Mining and Reclamation Act | County of Ventura |
| Permit to Construct | California Health & Safety Code Section 42300 et seq. | Ventura County APCD |
| Permit to Operate | California Health & Safety Code Section 42300 et seq. | Ventura County APCD |
| Streambed Alteration Agreement | Section 1603 of the California Fish and Game Code | California Department of Fish & Game |
| Clean Water Act Certification | Section 401 of Federal Clean Water Act | California Regional Water Quality Control Board |

1.7 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

The following table summarizes the proposed project's environmental impacts and the measures identified to mitigate these impacts.

| Issue Area | EIR Section | Impact | Mitigation Measures | | Residual Impact | |
|---------------------|-------------|---|--|--|--|----------------------------|
| | | | # | Requirement | | |
| Traffic/Circulation | 4.1 | Congestion of area roadways due to new project-related truck traffic. (T-1) | T 1-1 | Limit on peak-hour truck trips | Less than significant (II) | |
| | | | T 1-1A | Internal access road to be used to avoid congestion and safety effects on Grimes Grade segment of SR 23. | | |
| | | | T 1-1B | Overnight parking of heavy trucks. | | |
| | | | T 1-4 | Limit on peak-hour truck trips at the SR 118/ SR 34 intersection. | | |
| | | | Increase in traffic safety hazards due to increased project-related truck traffic. (T-2) | T 2-1 | Facility entrance improvements | Less than significant (II) |
| | | | Considerable contribution to cumulative traffic congestion. (T-3) | T 1-1 | Limit on peak-hour truck trips | |
| | | | | T 3-1 | Payment of traffic impact mitigation fees. | Less than significant |

| | | | | | |
|--|--------|--|--|--|-----------------------------|
| | | | | | (II) |
| | | Considerable contribution to cumulative congestion and safety effects at the mine entrance road. (T-4) | T 1-1 | Limit on peak-hour truck trips | Less than significant (II) |
| | T 2-1 | | Facility entrance improvements | | |
| | T 3-1 | | Payment of traffic impact mitigation fees. | | |
| | | Considerable contribution to traffic safety hazards on SR 23 due to increased project-related truck traffic. (T-5) | T 1-1A | Internal access road to be used to avoid congestion and safety effects on Grimes Grade segment of SR 23. | Less than significant (II) |
| | | | T 2-1 | Facility entrance improvements | |
| Air Quality | 4.2 | Onsite fugitive dust and PM10 emissions (AQ-1) | AQ 1-1 | Enhanced dust control plan | Less than significant (II) |
| | | | AQ 1-2 | Compliance with Air Pollution Control District rules and regulations | |
| | | | AQ 1-3 | Covering of loads | |
| | | Onsite ozone precursor emissions (AQ-2) | AQ 2-1 | Ozone precursor/carbon dioxide reduction in-lieu fee program | Less than significant (II) |
| | | Carbon monoxide concentrations (AQ-3) | | None | Less than significant (III) |
| | | Health risk for diesel particulate matter (AQ-4) | | None | Less than significant (III) |
| | | Cumulative onsite fugitive dust and PM10 emissions (AQ-5) | AQ 1-1 | Enhanced dust control plan | Less than significant (II) |
| | | | AQ 1-2 | Compliance with Air Pollution Control District rules and regulations | |
| | | | AQ 1-3 | Covering of loads | |
| | | Cumulative off-site dust generation along trucking routes (AQ-6) | | None | Significant (I) |
| Cumulative onsite ozone precursor emissions (AQ-7) | AQ 2-1 | Ozone precursor/carbon dioxide reduction in-lieu fee program | Less than significant (II) | | |
| Cumulative carbon monoxide concentrations | | None | Less than significant (III) | | |

| | | | | | |
|---|---------------------------|---|-----------------------------|---|-----------------------------|
| | | (AQ-8) Cumulative health risk for diesel particulate matter (AQ-9) | | None | Less than significant (III) |
| Noise | 4.3 | On-road truck noise (N-1) | N 3-1 | Limitation on truck arrival and departure times | Significant (I) |
| | | | N 3-2 | Restricted use of engine braking | |
| | | Noise from on-site operations (N-2) | | None | Less than significant (III) |
| | | Cumulative on-road truck noise (N-3) | N 3-1 | Limitation on truck arrival and departure times | Significant (I) |
| | | | N 3-2 | Restricted use of engine braking | |
| Cumulative noise from onsite operations (N-4) | | None | Less than significant (III) | | |
| Hydrology and Water Resources | 4.5 | Changes in groundwater recharge (WR 1) | WR 1-1 | Disposal of residual fine-grained material | Less than significant (III) |
| | | Depletion of groundwater supplies (WR 2) | | None | Less than significant (III) |
| | | Reduction in groundwater storage capacity (WR 3) | | None | Less than significant (III) |
| | | Degradation of surface water and groundwater quality (WR 4) | WR 4-1 | Design requirements for maintenance areas | Less than significant (II) |
| | | | WR 4-2 | General industrial stormwater permit | |
| | | | WR 4-3 | Restrictions on future animal keeping | |
| | | Alteration of drainage patterns resulting in erosion or flooding (WR 5) | WR 5-1 | Flood control facilities requirements | Less than significant (II) |
| WR 5-2 | Slope design requirements | | | | |
| Special-Status Plants (BR-1) | BR 1-1 | Mitigation of impacts through protection of offsite habitat areas | Less than significant (II) | | |
| | | Staking of permit boundary and disturbance area | | | |
| | | Limitation on disturbed area | | | |
| | Special-Status | BR 1-1 | Mitigation of impacts | Less than | |

1.0 EXECUTIVE SUMMARY

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|----------------------------|--------|---|----------------------------|--|----------------------------|
| Biological Resources | 4.6 | Wildlife (BR-2) | | through protection of offsite habitat areas | significant (II) |
| | | | BR 1-5 | Limitation on disturbed area | |
| | | | BR 4-1 | Obtain permits from Federal and State resource agencies, if necessary for the coastal California gnatcatcher | |
| | | | BR 7-1 | Protection of nesting birds | |
| | | | BR 7-2A | Protection of special-status wildlife | |
| | | | BR 7-2B | Woodrat nest avoidance and relocation | |
| | | | BR 10-1 | Avoidance of coastal California gnatcatcher | |
| | | | | | |
| | | Indirect Impacts on Special Status Species (BR-3) | BR 11-1 | Mitigation of lighting impacts on special-status wildlife | Less than significant (II) |
| | | | BR 1-5 | Limitation on disturbed area | |
| | | | AQ 1-1 | Enhanced dust control plan | |
| | | | AQ 1-2 | Compliance with Air Pollution Control District rules and regulations | |
| | | | AQ 1-3 | Covering of loads | |
| | | | N 3-1 | Limitation on truck arrival and departure times | |
| | | | N 3-2 | Restricted use of engine braking | |
| | | | N 3-1 | Limitation on truck arrival and departure times | |
| | | Sensitive Plant Communities (BR-4) | BR 1-1 | Mitigation of impacts through protection of offsite habitat areas | Less than significant (II) |
| | | | BR 1-3 | Staking of permit boundary and disturbance area | |
| | | | BR 1-5 | Limitation on disturbed area | |
| Waters and Wetlands (BR-5) | BR 1-1 | Mitigation of impacts through protection of offsite habitat areas | Less than significant (II) | | |
| | BR 4-1 | Obtain permits from | | | |

| | | | | | |
|---------------------------|-----|---|---------|---|-----------------------------|
| | | | | Federal and State resource agencies | |
| | | Habitat Connectivity (BR-6) | BR 1-5 | Limitation on disturbed area | Less than significant (III) |
| | | Cumulative impacts (BR-7) | BR 1-1 | Mitigation of impacts through protection of offsite habitat areas | Significant (I) |
| | | | BR 1-5 | Limitation on disturbed area | |
| | | | BR 7-1 | Protection of nesting birds | |
| | | | BR 7-2A | Protection of sensitive wildlife | |
| | | | BR 7-2B | Woodrat nest avoidance and relocation | |
| | | | BR 10-1 | Avoidance of California gnatcatcher | |
| | | | BR 11-1 | Protection of sensitive wildlife (limitation on night lighting) | |
| | | | | | |
| Paleontological Resources | 4.7 | Potential loss of paleontological resources (PR 1) | PR 1-1 | Recovery of paleontological resources | Significant (I) |
| | | Cumulative loss of paleontological resources (PR 2) | PR 1-1 | Recovery of paleontological resources | Significant (I) |
| Visual Resources | 4.8 | Alteration of views from SR 23 (VR 1) | VR 1-1 | Limitation on disturbed area (equivalent to BR 1-5) | Significant (I) |
| | | Generation of light and glare (VR 2) | BR 11-1 | Protection of sensitive wildlife (limitation on night lighting) | Less than significant (II) |
| | | Cumulative alteration of views from SR 23 (VR 3) | VR 1-1 | Limitation on disturbed area (equivalent to BR 1-5) | Significant (I) |
| | | Cumulative generation of light and glare (VR 4) | BR 11-1 | Protection of sensitive wildlife (limitation on night lighting) | Less than significant (II) |

1.8 SUMMARY OF PROJECT ALTERNATIVES

The alternatives developed for the RDEIR do not include alternate locations for the proposed project. As acknowledged in CEQA Guidelines Section 15126.6(f)(2)(B), there may be no feasible alternative locations for this project. In that CEQA Guidelines section, mining projects are cited as an example where there are no feasible alternative locations because of the need to be in close proximity to natural resources at a given location. In the current case, the proposed project involves the expansion and continued

operation of an existing mining facility. Thus, the project site has an existing environmental setting that includes mining operations and the associated noise, truck traffic, air quality and other effects. Continuing the mineral extraction use of the current site would have less impact than the installation of a new mining facility elsewhere. Thus, the alternatives evaluated in the RDEIR focus on operational intensity and extent of new ground disturbance as they would affect the significant and unavoidable (Class I) impacts related to noise, paleontology and visual resources identified in this RDEIR.

The following alternatives were selected for analysis in this RDEIR:

- Alternative 1: No project alternative.
- Alternative 2: Existing annual production level continued until the excavation limits specified in the existing Approved Reclamation Plan are reached.
- Alternative 3: Existing annual production level continued until the excavation limits specified in the proposed amended Reclamation Plan are reached.
- Alternative 4: Lower level of annual production than requested with operations continued until the excavation limits specified in the proposed amended Reclamation Plan are reached.
- Alternative 5: Lower level of annual production than requested with reduced excavation limits.

Each of these alternatives is described in more detail below.

Alternative 1: No Project

The existing permit (CUP 4874) that authorizes the operation of the Grimes Rock mining facility will expire in 2013. Under the No Project Alternative, the requested expansion of the mining area and production volume, and the extension of the effective term of the CUP to 2040 would not occur.

Alternative 2: Continuation of existing operations under current approved Reclamation Plan

Under this alternative, the requested expansion of the mining area and production volume, and the extension of the effective term of the CUP to 2040 would not occur. The mining facility would continue to operate under the terms of the current permit until the excavation reached the final reclaimed surface specified in the Approved Reclamation Plan. The effective term of the CUP would not end in 2013 but be extended to the time when the material available for excavation would be exhausted. Depended on material demand, it is estimated that the Grimes Rock facility could operate for as much as 3-5 more years beyond 2013.

Alternative 3: Continuation of existing operations under the proposed amended Reclamation Plan

Under this alternative, the mining facility would continue to operate within the existing permitted production levels but would be allowed to expand to the limits delineated in the proposed amended Reclamation Plan. Thus, the area of disturbance due to mining excavation would increase from 48 to 135 acres. At the current permitted rate of production, the volume of material above the final reclaimed floor in the proposed amended Reclamation Plan would last approximately 54 years beyond the current 2013 permit expiration date to the year 2067

Alternative 4: Increase in production level less than requested

Under this alternative, the annual material production at the Grimes Rock facility would be increased by 50 percent of the requested amount with operations continuing under the proposed amended Reclamation Plan. All other requested permit modifications would occur. The area of disturbance would increase from 48 acres to 135 acres as currently proposed. At the lower level of annual production (1,376,000 tons rather than 1,800,000 tons), the average daily truck trips would be decreased from 460 average daily one-way trips to 380 average daily trips. At the lower level of annual production, the volume of material above the final reclaimed floor in the proposed amended Reclamation Plan would last approximately 40 years beyond the current 2013 permit expiration date to the year 2053.

Alternative 5: Increase in production level and expansion of excavation area less than requested.

Under this alternative, the annual material production at the Grimes Rock facility would be increased by 50 percent of the requested amount with operations continuing under a reduced version of the proposed amended Reclamation Plan. All other requested permit modifications would occur. The area of disturbance is assumed to increase from 48 acres to 100 acres (rather than the 135 acres currently proposed), and the volume of material to be excavated would be adjusted, in order for mining to cease at approximately 2040. A revised Reclamation Plan that addresses a smaller excavation footprint would be required.

The effect of the alternatives on the identified significant impacts is illustrated in the following table.

Comparison of Alternatives

| Issue Area | Significant impact to remain (yes/no) | | | | |
|--|---------------------------------------|----|-----|-----|-----|
| | 1 | 2 | 3 | 4 | 5 |
| Noise | No | No | No | Yes | Yes |
| Paleontology | No | No | Yes | Yes | Yes |
| Visual | No | No | Yes | Yes | Yes |
| Attain project objectives? (Yes/No) | No | No | No | Yes | No |

In this case, the environmentally superior alternative is the No Project Alternative because it would avoid significant impacts related to noise, paleontological resources and visual resources associated with the proposed expansion of the mining facility and the increase in annual aggregate production.

Among the remaining alternatives, the environmentally superior alternative is Alternative 4 (Increase in production level less than requested with operations under the proposed Reclamation Plan). This alternative would "substantially lessen" the on-road noise impacts caused by the proposed Grimes Rock operation by reducing the increase in proposed truck trips. This alternative would feasibly attain most of the basic objectives of the project.



CITY OF MOORPARK

COMMUNITY DEVELOPMENT DEPARTMENT | 799 Moorpark Avenue, Moorpark, California 93021
Main City Phone Number (805) 517-6200 | Fax (805) 532-2540 | moorpark@ci.moorpark.ca.us

October ____, 2012

County of Ventura, Resource Management Agency
Planning Division
800 South Victoria Avenue
Ventura, CA 93009

Attention: Brian Baca

**RE: Recirculated Draft Environmental Impact Report (EIR)
Modification No. 2 to Conditional Use Permit No. 4874
Grimes Rock, Inc.
3500 Grimes Canyon Road, Fillmore**

Dear Mr. Baca:

Thank you for sending the City a copy of the response to our comment letters for consideration of the Recirculated Draft EIR, (RDEIR) for the proposed expansion of Grimes Rock Inc.'s mining operations. The City of Moorpark recognizes the importance of the proper management of the County's aggregate resources to provide for present and future County needs. However, as has been clearly stated in past correspondence, expansion of any of the mining operations along State Route 23 north of Moorpark, that either increases the number of sand and gravel trucks in our downtown area or increases the hours in which the trucking occurs, is strongly opposed by the City. These trucks already significantly impact downtown area land uses, and any expansion would be in opposition to the City's efforts to improve the livability of this area and redevelop its downtown core into a vibrant commercial destination, consistent with the General Plan and Downtown Specific Plan.

The RDEIR prepared for the expansion of Grimes Rock's mining operation does not adequately address the full extent of the project impacts. Based on the comments below related to the significance of impacts and the feasibility of mitigation measures, this document should be revised and recirculated for public comment prior to its use as a decision-making tool on this expansion proposal.

1. Project History and Existing Operations (Section 2.2) – The EIR also refers to truck trip limits in terms of one-way trips per day. Clarification should be provided on whether each truckload is considered one or two trips, and whether the trucks importing gravel to the site are counted as part of the permitted truck trips. This section should also provide more detail on the market for the material. Proper analysis and understanding of the permit request depends on knowing in approximate terms how much material is provided to the Simi Production Consumption Region, how much is provided to the Western (Ventura County) Production Consumption Region, and how much is provided to western

CC ATTACHMENT 7

Los Angeles County. If the four existing sand and gravel mines are now meeting the aggregate demand for Ventura County, where will the additional material go if the expansion is permitted? Also, this section does not state whether or not the Grimes Rock site is importing gravel to produce aggregate, as is occurring at the Wayne J. Sand and Gravel operation according to that EIR, or if sufficient gravel existing at this location to preclude the future need to import gravel if the expansion is approved. If gravel is currently being imported or will need to be imported if the project is approved, the EIR should document the source of that gravel and assess the impacts of the importation. This information is important in the understanding of the impacts and comparison of the alternatives. Finally, this section states the existing CUP currently limits the mine to deliver "nearly all" its product to the State Ready Mix batch plant in Saticoy. This term, while perhaps quoting a project condition, is vague. "Nearly all" needs to be more clearly defined to understand the baseline and the consequences of the applicant's requested modification to allow hauling via any route to any customer location, and eliminate any volume or timing restrictions on trucks going south.

2. Related Projects (Chapter 3.0) – With respect to the related projects list, the project list is not current for Moorpark and needs to be updated.
3. Traffic (Chapter 4.1) – The traffic mitigation is not adequate; nor is the proposed mitigation enforceable, measureable or monitorable and should be enhanced if the RDEIR is considering an increase in truck trips. After review of RDEIR, the City remains concerned that the RDEIR, without substantial analysis, dismisses the SR-23 bypass as a future project beyond the timeframe of the expansion of the proposed mining operations. The City of Moorpark has had this bypass identified in the General Plan Circulation Element since 1992, has had an alignment study was prepared for this bypass in 2007, and is currently reviewing a proposal to prepare a preliminary engineering design for it. The RDEIR provides no evidence that the expense makes this alternative infeasible. The bypass involves only three properties. One of these properties, currently under development with the Moorpark Highlands Specific Plan, will have the grading for the SR-23 bypass completed as part of its project improvements, with the land irrevocably offered for dedication. One of the properties is already Caltrans right-of-way, and the third property is currently just north of the City boundary in the unincorporated County. The RDEIRs does not even include this alternative in the discussion of environmentally superior alternatives. Furthermore, the RDEIR does not include funding of the SR-23 bypass as required mitigation and the past position has stated that this is because a funding mechanism for this improvement does not currently exist. The RDEIR has not provided any evidence to demonstrate that a funding mechanism is infeasible. Rather, a funding mechanism should be fairly easy to establish by the County as mitigation (i.e. fee per truckload). The proposed expansion of the mining operation should only be considered if the establishment of a funding mechanism is required as mitigation, and no increase in operations above what is currently permitted should take place unless the funding mechanism has been created.

4. Noise - The RDEIR indicates that project specific and off-site traffic noise impacts are significant and unavoidable. This is not acceptable to Moorpark as the citizens, residents and business present along SR-23 and SR-118 should not be subject to increased noise as a result of this project. This section of the RDEIR should include more analysis and adequate mitigation that is enforceable, measureable or monitorable.

The SR-23 bypass has a reasonable potential to mitigate impacts created by the sand and gravel trucks driving through the City's downtown. However, the RDEIR has not addressed this alternative and has not provided substantial analysis. Therefore, the proposed RDEIR is not sufficiently complete to warrant certification at this time. We request the Environmental Report Review Committee to direct that this analysis be completed and that this analysis of the SR-23 bypass be recirculated for public review prior to recommending certification.

As always, we would appreciate notification of any upcoming public hearings or meetings on this project.

You may contact me directly or Joseph R. Vacca, Principal Planner at (805) 517-6236 or via email at jvacca@ci.moorpark.ca.us if you have any questions.

Respectfully,

David A. Bobardt
Community Development Director

C: Honorable City Council
Honorable City of Moorpark Planning Commission
Honorable Ventura County Board of Supervisors
Honorable Ventura County Planning Commission
Steven Kueny, City Manager
Joseph M. Montes, City Attorney
Joseph R. Vacca, Principal Planner
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