

Resolution Number 09-

County of Sonoma  
Santa Rosa, California

March 5, 2009  
PLP04-0046 Steve Padovan

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING TO THE BOARD OF SUPERVISORS APPROVAL OF AN AMENDMENT TO THE GENERAL PLAN LAND USE ELEMENT THROUGH THE ADDITION OF AN AREA POLICY THAT ALLOWS BARGE DOCKING AND OFF-LOADING OPERATIONS RELATED TO THE DUTRA HAYSTACK LANDING ASPHALT AND RECYCLING FACILITY TO EXCEED NOISE STANDARDS CONTAINED IN THE NOISE ELEMENT FOR THE PARCEL IDENTIFIED AS APN 019-220-001; ZONED M2 (HEAVY INDUSTRIAL) B8 (FROZEN LOT), F2 (FLOODPLAIN), BR (BIOTIC RESOURCE); SUPERVISORIAL DISTRICT NO. 2

WHEREAS, the applicant, Dutra Materials, Inc., filed an application with the Sonoma County Permit and Resource Management Department for a General Plan Amendment, General Plan Text Amendment, Area Plan Amendment, Zone Change, Use Permit, and Design Review Permit to establish an asphalt batch plant, an aggregate distribution facility and a concrete and asphalt recycling facility with a maximum annual production/capacity of 665,000 tons including new dock facilities on the Petaluma River to receive barged sand and aggregates on three parcels totaling 38 acres located at 3355 Petaluma Boulevard South, Petaluma, APNs 019-220-001, 019-320-022 and 019-320-023; zoned M2 (Heavy Industrial) B8 (Frozen Lot), F2 (Floodplain), BR (Biotic Resource) and LC (Limited Commercial), HD (Historic District), SR (Scenic Resources), SD (Scenic Design), F2 (Floodplain); Supervisorial District No. 2; and

WHEREAS, staff determined that an environmental impact report ("EIR") was required for the Proposed Project to comply with the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines. The County contracted with Christopher A. Joseph and Associates (CAJA) to prepare the EIR. In addition to CAJA, the environmental study team included Baseline Environmental Consulting ("the EIR Hydrogeologist/Geologist and Environmental Health Specialists"), Dowling Associates, Inc. ("the EIR traffic consultant"), Environmental Collaborative ("the EIR biologist"), and Tom Origer and Associates ("the EIR archaeologist"); and

WHEREAS, the County circulated a Notice of Preparation (NOP) of a Draft EIR (DEIR) for the proposed project to the State Clearinghouse and interested agencies and persons on February 17, 2006 for a 30-day review period and conducted a scoping meeting on February 27, 2006. Comments received on the NOP and comments received at the public scoping meeting were both considered in the preparation of the DEIR; and

WHEREAS, the Draft EIR was duly noticed and made available for public review and circulated to public agencies for comment on January 14, 2008; and

WHEREAS, on February 7, 2008, the Sonoma County Planning Commission ("the Planning Commission") conducted a duly noticed public hearing on the Draft EIR. At the

hearing, the Commission heard and received all relevant oral and written testimony and evidence presented or filed, and considered the Draft EIR. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Planning Commission extended the DEIR public review period to March 4, 2008 and continued the public hearing to March 6, 2008; and

WHEREAS, the Sonoma County Planning Commission ("the Planning Commission") reopened the public hearing on the Draft EIR on March 6, 2008. At the conclusion of public testimony, the Commission closed the hearing and gave its comments on the Draft EIR; and

WHEREAS, on July 18, 2008, a Final Environmental Impact Report (FEIR) was completed for the Proposed Project ("the FEIR") and made available to the public and forwarded to public agencies; and

WHEREAS, on August 21, 2008, the Planning Commission discussed and considered the Draft EIR and FEIR, including additional information submitted before the hearings, closed the public hearing and continued the item to the October 16, 2008 regularly scheduled hearing; and

WHEREAS, on October 16, 2008, the Planning Commission discussed and considered the Draft EIR and FEIR, including additional information submitted before the hearings, and found that the Final EIR had been prepared and completed in accordance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the County's CEQA Ordinance; and

WHEREAS, on October 16, 2008, on a 3-1-1 vote, the Planning Commission recommended approval of the project to the Board of Supervisors; and

WHEREAS, on December 9, 2008, the Board of Supervisors continued the item to the regularly scheduled February 3, 2009 hearing to allow staff and the applicant to respond to late information; and

WHEREAS, on February 3, 2009, the Board of Supervisors discussed and considered the Draft EIR and FEIR, including additional information submitted before the hearings, closed the public hearing and in conjunction with the approval of the project and findings related to consistency with the newly adopted 2020 General Plan, tentatively agreed to adopt a new Planning Area Policy to specifically address noise impacts from barge docking and off-loading on the river front parcel and directed staff to refer the matter to the Planning Commission for its recommendation on the new Planning Area Policy; and

WHEREAS, on March 5, 2009, the Planning Commission opened the public hearing and discussed and considered the General Plan Planning Area Policy, including additional noise analyses; and

WHEREAS, the Planning Commission determined that:

- a. The proposed text amendments to the General Plan Land Use Element with the

addition of Land Use Policy LU-19i reflects the industrial nature of the area. The amendment is in harmony with the other goals, objectives, and policies of the General Plan and is therefore consistent with the General Plan.

- b. Although the project is not in complete conformance with every policy stated in the General Plan, it is fully consistent with most policies and is compatible with the objectives, policies, general land uses and programs in the General Plan. In particular, the river dependent nature of the use, the site's direct access to river, rail and highway, the similarity of uses north of the site, and the nonconforming status of the adjacent residential land uses support a finding that the project is compatible with the objectives and policies of the General Plan.
- c. The new General Plan Planning Area Policy would be consistent with Noise Element Policy NE-1b which allows for a maximum average daytime noise level of 60 dB Ldn at the exterior of the noise sensitive receptors and 45 dB Ldn for the interior of the residences.
- d. The EIR for the project finds that the noise impacts from the proposed barge operations are significant and unavoidable and there are no feasible mitigation measures available to reduce the noise to a less than significant level as any noise reduction barriers would need to be located in the river channel.
- e. The noise impacts from the barge docking and unloading operations are limited in their duration as the barge off-loading facilities will typically be used twice a week for a period of 4 to 5 hours during high tides.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors approve:

- 1) a General Plan Text Amendment to the Land Use Element Policies by adding the following new policy:

**LU-19i - Noise generated by the Dutra Haystack Landing Asphalt, Aggregate and Recycling Facility (PLP04-0046), including barge operations, shall not exceed a 60 dB Ldn average day/night noise level at the exterior of the nearest noise sensitive receptor or at Shollenberger Park. Asphalt, aggregates and recycling operations shall not exceed the adjusted daytime maximum  $L_{50}$  of 55 dBA or adjusted nighttime maximum  $L_{50}$  of 50 dBA. On the riverfront parcel (APN 019-220-001), noise sources related to barge docking, off-loading and conveyor operations may exceed the adjusted maximum daytime  $L_{50}$  of 55 dBA and may exceed a nighttime maximum  $L_{50}$  of 50 dBA up to six nights per year but shall no exceed a maximum  $L_{50}$  of 67 dBA at the nearest noise sensitive receptor, subject to a noise management plan.**

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BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, California 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner \_\_\_\_\_, who moved its adoption seconded by Commissioner \_\_\_\_\_, and adopted on roll call by the following vote:

Commissioner  
Commissioner  
Commissioner  
Commissioner  
Commissioner

Ayes:                      Noes:                      Absent:                      Abstain:

WHEREUPON, the Chairman declared the above and foregoing resolution duly adopted; and

SO ORDERED.