

**COUNTY OF SONOMA
AGENDA ITEM
SUMMARY REPORT**

Clerk of the Board Use Only
 Meeting Date Held Until
 ___/___/___ ___/___/___
 Agenda Item No: Agenda Item No:

Department: Permit and Resource Management
 Department

() 4/5 Vote Required

Contact:
 Ken Ellison

Phone:
 (707) 565-1928

Board Date:
 June 2, 2009

Deadline for Board Action:
 NA

AGENDA SHORT TITLE:

Request for a one year extension of a previously approved tolling of the Canyon Rock Use Permit (PLP97-0046) while litigation continues over the project.

REQUESTED BOARD ACTION:

Authorize a request by Canyon Rock Quarry for a one year extension of a previously approved tolling of the Canyon Rock Use Permit (PLP97-0046) to January 29, 2010, while litigation continues over the project.

CURRENT FISCAL YEAR FINANCIAL IMPACT

EXPENDITURES

ADD'L FUNDS REQUIRING BOARD APPROVAL

Estimated Cost \$

Contingencies \$
 (Fund Name:)

Amount Budgeted \$

Unanticipated Revenue \$
 (Source:)

Other Avail Approp \$
 (Explain below)

Other Transfer(s) \$
 (Source:)

Additional Requested: \$

Add'l Funds Requested: \$

Explanation (if required):

Prior Board Action(s):

On June 20, 2006 the Board of Supervisors approved an expansion of the Canyon Rock Quarry (PLP97-0046). On October 24, 2007, the Board rescinded the approval pursuant to a court order. On January 29, 2008, the Board resolved the issue the Court had with the original project approval, and approved a new Canyon Rock Quarry Use Permit.

Alternatives - Results of Non-Approval:

If an extension of the tolling is not granted, the Use Permit time lines for vesting of the permit (2 years), and length of the total permit (20 years), will have started as of January 29, 2009.

Background:

On June 20, 2006 the Board of Supervisors approved an expansion of the Canyon Rock Quarry (File PLP97-0046). Forestville Citizens for Sensible Growth subsequently brought a lawsuit against the project. The Superior Court judgement on the case granted in part, and denied in part, the petitioners request. Pursuant to that decision, on October 24, 2007, the Board rescinded the Use Permit portion of the project approval. On January 29, 2008, the Board completed resolving the issue the Court had with the original project approval, and approved a new Canyon Rock Quarry Use Permit. Forestville Citizens for Sensible Growth has continued the lawsuit by appealing portions of the original court judgement to the First District Court of Appeal (Court of Appeal Case No. A119543).

On April 30, 2008, pursuant to county code section 26-92-270(e), PRMD administratively granted a one year tolling of the Use Permit timeline to January 29, 2009. The lawsuit appeal has continued, and on January 28, 2009 the applicant requested a one year extension of the tolling period. Pursuant to code section 26-92-270(f), granting of tolling for more than one year (and up to three years) is discretionary, and must be acted upon by the body which issued the entitlement. Historically, the County has usually approved extension of time requests in one year increments.

It is recommended the Board authorize the requested one year stay, to January 29, 2010.

Attachments:

Exhibit A: Request for extension of tolling

On File With Clerk:

CLERK OF THE BOARD USE ONLY

Board Action (If other than "Requested")

Vote: