

COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
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August 2, 2019

Sid Goldstien
2030 Dermanak Drive
Solvang, CA 93463

PLANNING COMMISSION
HEARING OF JULY 31, 2019

RE: *Ellwood Quarry Revised Conditional Use Permit and Reclamation Plan; 17RVP-00000-00082, 18RVP-00000-00016*

Hearing on the request of Sid Goldstien, civil engineer and agent for the applicant, Santa Barbara Sand and Topsoil, to consider Case Nos. 17RVP-00000-00082 and 18RVP-00000-00016 [application filed on September 25, 2017] for approval of a revision to Conditional Use Permit Case No. 02CUP-00000-00006 and Reclamation Plan Case No. 02RPP-00000-00001 to extend the life of the existing mining operation for 25 years to December 31, 2043; and to accept the July 31, 2019 Addendum to the previously certified Environmental Impact Report (Case No. 87-EIR-3) as adequate to meet the environmental review requirements for this proposal, pursuant to CEQA Guidelines Section 15164. The application involves Assessor Parcel No. 079-100-017, located on Ellwood Ranch approximately one-half mile north of Cathedral Oaks Road near the western end of the City of Goleta, in the Goleta Community Plan area, Third Supervisorial District. (Continued from 4/04/18)

Dear Mr. Goldstien:

At the Planning Commission hearing of July 31, 2019, Commissioner Cooney moved, seconded by Commissioner Brown and carried by a vote of 5 to 0 to:

1. Make the required findings for approval of the project specified in Attachment A of the memo dated July 31, 2019, including CEQA findings.
2. After considering the environmental review documents included as Attachments C & D [Addendum dated July 31, 2019 together with previously adopted EIR], determine that as reflected in the CEQA findings, no subsequent Environmental Impact Report shall be prepared for this project.
3. Consider all comments from the Director of the Department of Conservation (Attachment F) and approve the project, Case Nos. 17RVP-00000-00082 and 18RVP-00000-00016, subject to the revised conditions included as Attachment B of the memo dated July 31, 2019.
4. Direct staff to forward the revised Reclamation Plan to the California State Division of Mine Reclamation (DMR).

The following changes were made by the Planning Commission during the July 31, 2019 hearing:

Condition of Approval No. 6 was amended:

6. Upon the issuance of a Zoning Clearance (refer to Condition #4 above), this Conditional Use Permit shall be effective until December 31, 2043, or the date upon which the quarry slopes reach final grade as specified in the approved reclamation plan, whichever occurs first. The applicant may request a modification of this condition of approval in accordance with the procedures established at the time of the request.

Every fifth year after the issuance of a Zoning Clearance, and for the life of the project, the Planning Commission shall hold a noticed public hearing to review the permit compliance record for the operation.

~~Upon issuance of a Land Use Permit (refer to Condition #4 above), this permit shall be effective for a period of fifteen (15) years subject to adjustment as follows: If during the fifteenth (15th) year after issuance of the Land Use Permit, the volume of remaining sand reserves is determined by the County to be 50,000 cubic yards or more, Condition #50 shall then apply in the same manner as if sand reserves were then determined to be 50,000 cubic yards or less.~~

~~During the fifth (5th) year after issuance of the Land Use Permit, the Planning Commission shall hold a public hearing to review the permit compliance record of the operation.~~

~~During the tenth (10th) year after issuance of the Land Use Permit, the Planning Commission shall hold a public hearing to review the permit compliance record of the operation. If determined by the Planning Commission that the existing permit conditions are inadequate to effectively minimize adverse effects caused by the project, the Planning Commission may impose other reasonable and feasible permit conditions to further reduce these effects. In considering whether to impose any such other conditions, the Planning Commission shall consider the economic burdens to be imposed, the benefits to be derived from the new condition, and the remaining permitted life of the operation.~~

Condition of Approval No. 9 was amended:

9. The existing private roadway from Cathedral Oaks Road to Ellwood Ranch Quarry bridge shall be repaired with AC Paving where needed, as proposed by the applicant and with the review and concurrence of County staff. Subsequent to the repairs, the private roadway from Cathedral Oaks Road to Ellwood Ranch Quarry bridge shall be sealed with the appropriate material, as proposed by the applicant and with the review and concurrence of County staff. The existing roadway shall be inspected annually and shall be maintained yearly at an acceptable level based upon review and concurrence by County staff.

Timing: Within 60 days of the issuance of the Zoning Clearance the applicant shall commence repairs on the existing roadway which shall be completed within one year from the issuance of the Zoning Clearance.

~~Prior to issuance of a Land Use Permit, the applicant shall provide security that within one year of issuance of the Land Use Permit, the existing access road passing through the Bradley property shall be widened to 20 feet, the existing sharp curve shall be straightened, and an all-weather oiled surface on the access road shall be maintained.~~

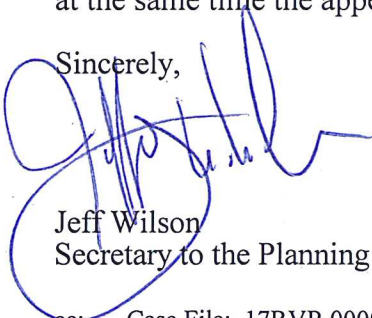
The attached findings and conditions reflect the Planning Commission's actions of July 31, 2019.

The action of the Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on Monday, August 12, 2019 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$659.92 and must be delivered to the Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA at the same time the appeal is filed.

Sincerely,



Jeff Wilson
Secretary to the Planning Commission

cc: Case File: 17RVP-00000-00082, 18RVP-00000-00016
Planning Commission File
Owner: Ellwood Ranch, Inc., 1300 Ellwood Ranch Road, Goleta, CA 93117
Operator: Santa Barbara Sand & Topsoil, Vic Batastini, P.O. Box 4824, Santa Barbara, CA 93140
APCD
Joan Hartmann, Third District Supervisor
John Parke, Third District Planning Commissioner
Jenna Richardson, Deputy County Counsel
Errin Briggs, Energy Specialist

**Attachments: Attachment A – Findings
 Attachment B – Conditions of Approval**

JW/dmv

ATTACHMENT A – FINDINGS

1.0 CEQA FINDINGS

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15162 AND 15164:

1.1 CONSIDERATION OF THE ADDENDUM AND FULL DISCLOSURE

The Planning Commission has considered the Addendum dated July 31, 2019 together with the previously certified Environmental Impact Report (87-EIR-3) for the Ellwood Quarry project. The Addendum reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA. The Addendum, together with the EIR, is adequate for this proposal. On the basis of the whole record, including the Addendum, the previously certified CEQA document, and any public comments received, the Planning Commission finds that the project changes described in the Addendum will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment nor present new information of substantial importance pursuant to CEQA Guideline 15162.

1.2 LOCATION OF DOCUMENTS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Planning Commission of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101.

1.3 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

1.4 FINDINGS ADDRESSING ADDENDUM ISSUE AREAS

The Addendum prepared for the project addressed the following issues: Traffic Circulation and Roads, Air Quality, Noise, Aesthetics and Trails. Each of these issue areas is summarized below.

Traffic and Circulation: Impacts on traffic and circulation due to truck trips associated with sand deliveries from Ellwood Quarry are determined in 87-EIR-3 to be less than significant. This finding is based on the limitation of truck trips to the historic level associated with the adjacent and now-closed Pulice Ranch Quarry. The proposed revised Conditional Use Permit would reduce the current limit of 96 trips per day (48 trips in and 48 trips out) to 40 trips per day (20 trips in and 20 trips out). As proposed, the project is consistent with 87-EIR-3 and no additional impacts related to traffic and circulation are anticipated.

The applicant provided a June 22, 2018 “Baseline and Cumulative Traffic Analysis” prepared by Associated Transportation Engineers (ATE) for the project (Attachment 1). The ATE report describes existing conditions of the area road network, levels of service and a cumulative analysis. Cumulative traffic volumes were forecast for the study-area roadways and intersections assuming development of the approved and pending projects located within the study area. The report concludes that cumulative traffic would operate at LOS B or better at study-area intersections. The report also concludes that the Project accounts for 1 to 3 trips during the A.M. peak hour and 0 trips during the P.M. peak hour at study-area intersections.

Air Quality: Emissions from sand transport trucks is identified in 87-EIR-3 as a significant and unavoidable impact on air quality. 87-EIR-3 analyzed the project assuming a total of 96 truck trips per day (48 trips in and 48 trips out). The proposed revised Conditional Use Permit would reduce the current limit of 96 trips per day to 40 trips per day (20 trips in and 20 trips out). Existing operations average 12 truck trips per day (6 trips in and 6 trips out) at the quarry. The level of quarry operations evaluated in 87-EIR-3 anticipated a production rate of 80,000 to 100,000 cubic yards of sand per year. The actual average production over the previous eleven reported years (2006 - 2016) of quarry operation has been only 13,963 cubic yards per year. This production rate is not expected to be exceeded over the remaining life of the mine. Thus, the annual vehicle exhaust emissions from the sand transport trucks have been and would continue to be reduced from that estimated in 87-EIR-3. Similarly, fugitive dust from truck sand loads and excavation activities would be less than estimated in 87-EIR-3. The air emissions associated with the proposed time extension fall below Air Pollution Control District thresholds of significance. As proposed, the project is consistent with 87-EIR-3 and no further mitigation would be necessary.

Noise: Noise generated by quarry operations and by sand transport trucks arriving and departing the site was identified as a potentially significant (Class II) impact in 87-EIR-3. Measures to reduce noise generation to a less than significant level were incorporated into the original Conditional Use Permit (86-CP-060) and remain a requirement of existing Conditional Use Permit (02CUP-00000-00006). These measures include the maintenance of an 8-10 foot berm in front of the active excavation area and limits on the hours of operation (7:00 am to 4:30 pm). No change in these requirements is proposed. Thus, no new impacts would be anticipated as a result of the proposed revised permit.

Aesthetics and Trails: The view of the quarry cut slope from offsite public viewing places is identified in 87-EIR-3 as a potentially significant (Class II) impact. In order to reduce this impact to a less than significant level, several measures were required under 86-CP-060. These include the maintenance of a 8-10 foot high berm on the southern side of the excavation area, limitations on the timing of excavation of the south-facing slope, a prohibition against the sidecasting of excavated sand over the south-facing slope, a prohibition on development of a new access road on the southern side of the quarry, and revegetation of the exposed cut slope as soon as possible. Ellwood Quarry has operated in conformance with these requirements and the current application does not propose that they be changed.

At the time of preparation of 87-EIR-3, the "most significant source of potential visual impact of the project" was the view of the site from US Highway 101. This is no longer an issue as the subsequently-developed Winchester Commons housing project has blocked all views of the quarry from Highway 101. The quarry is currently visible from several short segments of the new extension of Cathedral Oaks Road and from the east-bound segment of Calle Real from the Winchester Canyon overpass to the western end of Cathedral Oaks. The "Phase I" slope above the active quarry area is underlain by dark sandstone and silts of the Sespe Formation and visually appears similar to the surrounding hillside areas. Only a narrow horizontal band of light-colored sand in the active quarry area is visible. The quarry does not dominate the view from these points and only the upper portion of the quarry slope is visible. In any case, no new impacts on visual resources are anticipated.

2.0 ADMINISTRATIVE FINDINGS

2.1 Conditional Use Permit Findings

Pursuant to Section 35.82.060 of the Land Use and Development Code, a Conditional Use Permit application shall be approved or conditionally approved only if the review authority first makes all of the following findings, as applicable.

2.1.1 The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed;

Ellwood Quarry has been in operation for over 20 years and the proposed revised permit would allow for the completion of mining previously authorized by the County under Conditional Use Permits 86-CP-060 and 02CUP-00000-00006. The total volume of material excavated and the area of operation would not be altered. Thus, the site would continue to be adequate in size, shape, location and physical characteristics to accommodate the proposed quarry operation.

2.1.2 Significant environmental impacts will be mitigated to the maximum extent feasible.

Mitigation measures were imposed as part of the original project approval to address all potentially significant impacts identified in 87-EIR-3, included as Attachment D to the Planning Commission staff report dated July 31, 2019 and incorporated herein by reference. The Addendum to 87-EIR-3, dated July 31, 2019 and incorporated herein by reference, analyzed potential impacts associated with the time extension request and found no changes to impacts. No changes in the project are proposed that would require additional mitigation. Thus, this finding can be made.

2.1.3 Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

Mitigation measures imposed on the project as part of the original approval involved access road improvements and the need for a new stop sign. The required improvements have been completed and access to the site has been substantially improved with the completion of the extension of Cathedral Oaks Road. Thus, streets and highways are adequate and properly designed to accommodate quarry traffic.

2.1.4 There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the proposed project.

Ellwood Quarry has been in operation for more than 20 years and the available services and resources have proven adequate to support this facility. No changes in operations that would require new or additional services are proposed. Thus, this finding can be made.

2.1.5 The proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will be compatible with the surrounding area.

This finding was adopted by the Board of Supervisors on October 19, 1987 as part of the original approval of 86-CP-060 for Ellwood Quarry and again on January 21, 2003 for 02CUP-00000-00006. This facility has operated at a lower level of annual sand production than is authorized under 02CUP-00000-00006. No substantial public controversy regarding the quarry has occurred since the Board's 2003 approval of the project. The lower level of operation is anticipated to continue. In any case, no increase in the operational limits specified in the current CUP is proposed. Thus, this finding can be made.

2.1.6 The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan, including any applicable community or area plan (Goleta Community Plan).

As indicated in Sections 6.2 and 6.3 of the Planning Commission Staff Report dated March 15, 2018 and incorporated herein by reference, the project is in conformance with the applicable provisions and policies of the County Land Use and Development Code and the Comprehensive Plan, including the Goleta Community Plan.

2.1.7 *Within Rural areas as designated on the Comprehensive Plan maps, the proposed use will be compatible with and subordinate to the rural and scenic character of the area.*

Public views of Ellwood Quarry, under current conditions, are limited to several short segments along Cathedral Oaks Road and from the east-bound segment of Calle Real from the Winchester Canyon overpass to the western end of Cathedral Oaks. The "Phase I" slope above the active quarry area is underlain by dark sandstone and silts of the Sespe Formation and visually appears similar to the surrounding hillside areas. Only a narrow horizontal band of light-colored sand in the active quarry area is visible. The quarry does not dominate the view from these points and only the upper portion of the quarry slope is visible. As continued quarry excavation lowers the elevation of the active excavation area, the view of the quarry would decrease. Thus, the ongoing operation of Ellwood Quarry would be compatible with and subordinate to the scenic and rural character of the area. Furthermore, reclamation and revegetation of the site after completion of mining activities would restore the rural character to the area currently under active mining.

2.2 Surface Mining Operations Findings

Pursuant to LUDC Section 35.82.160.I(1) of the Land Use and Development Code, a surface mining permit shall only be approved or conditionally approved if the below finding is made.

2.2.1 *In addition to the findings required for the approval of a Conditional Use Permit or Minor Conditional Use Permit by Section 35.82.060, a Conditional Use Permit or Minor Conditional Use Permit application for surface mining operations shall be approved or conditionally approved only if the review authority also first finds that the project complies with Section 35.82.160.H.1 of the Land Use and Development Code.*

As detailed in Section 6.3 of the Planning Commission Staff Report dated March 15, 2018, and incorporated herein by reference, the project is in conformance with the applicable provisions of the County Land Use and Development Code.

2.3 Reclamation Plan Findings

Pursuant to Section 35.82.160.I(2) of the Land Use and Development Code, a reclamation plan shall only be approved or conditionally approved if all of the following findings are made.

2.3.1 *The Reclamation Plan complies with applicable requirements of SMARA and associated State Regulations, with applicable provisions of the County's Grading Ordinance (County Code Chapter 14), and with other appropriate engineering and geologic standards.*

The proposed reclamation plan complies with the applicable requirements of State regulations and with the appropriate provisions of the County Grading Ordinance as discussed in Sections 6.3 and 6.4 of the Planning Commission staff report dated March 15, 2018, herein incorporated by reference. The proposed future reclamation activities would also be consistent with appropriate engineering and geologic standards as discussed in Sections 6.3 and 6.4 of the staff report dated March 15, 2018.

2.3.2 *The Reclamation Plan and the potential use of reclaimed land in compliance with the plan are consistent with the provisions of this Development Code and the Comprehensive Plan.*

The proposed end uses of open space and agriculture are allowed within the AC (Agriculture Commercial) land use designation. The reclamation plan is also consistent with the applicable comprehensive plan policies as discussed in Section 6.2 of the Planning Commission staff report dated March 15, 2018, herein incorporated by reference. The reclamation plan also complies with the applicable provisions of the Land Use and Development Code as discussed in Section 6.3 of the Planning Commission staff report dated March 15, 2018.

2.3.3 *In approving or conditionally approving the Reclamation Plan, the required findings in compliance with the California Environmental Quality Act can be made.*

The required CEQA findings can be made and are provided in Section 1.0 of Attachment A of the Planning Commission staff report dated July 31, 2019 and incorporated herein by reference.

2.3.4 *The land and/or resources (e.g., water bodies to be reclaimed) will be reclaimed to a condition that is compatible with the surrounding natural environment, topography, and other resources.*

Reclamation activities included in the proposed reclamation plan revision would restore a portion of the mining site as a sloping, open space/habitat area revegetated with native species compatible with other hillside open space areas in the vicinity. The remainder of the mining area would be incorporated into the existing cultivated agricultural operations on the subject property. Thus, the site would be reclaimed in a manner compatible with the natural environment, topography and existing agriculture.

2.3.5 *The Reclamation Plan will reclaim the mined lands to a usable condition which is readily adaptable for alternative land uses specified by the landowner and consistent with the Development Code and the Comprehensive Plan. Any Reclamation Plan for Agricultural Soil Export Mining will reclaim the graded land solely for the purpose of agricultural activity, as defined in California Code of Regulations, Title 14, Section 3501.*

The proposed reclamation plan would reclaim the mined lands suitable for the proposed end uses of open space and agriculture. These proposed end uses are consistent with the Comprehensive Plan and would be compatible with the surrounding area.

2.3.6 *A written response to the Director of the Department of Conservation has been prepared, describing the disposition of the major issues raised by the Director of the Department of Conservation. Where the review authority does not agree with the recommendations and objections raised by the Director of the Department of Conservation, the response shall address, in detail, why specific comments and suggestions were not accepted. (SMARA, Section 2774(d)).*

The conceptually approved Reclamation Plan and financial assurance were provided to the State Department of Mine Reclamation (DMR) for review and comment. DMR subsequently provided a letter dated May 15, 2018 and had no further comment on the Reclamation Plan. Therefore, this finding can be made and no written response is required to be prepared because the DMR did not raise any major issues that require a response and there were no comments or suggestions that were not accepted.

ATTACHMENT B-1: CONDITIONS OF APPROVAL

**Ellwood Quarry Conditional Use Permit
17RVP-00000-00082 to 02CUP-00000-00006
CA Mine ID# 91-42-0020
APN 079-100-017**

Listed below are the Conditions of Approval included in Conditional Use Permit 02CUP-00000-00006 as revised by the Planning Commission on April 4, 2018 and July 31, 2019. These conditions have been modified as shown in ~~strikeout~~ and underline to reflect changes proposed by the applicant and the current conditions on the site. Monitoring of compliance with these conditions would be accomplished by County staff as part of the mandatory annual site inspections conducted pursuant to the Surface Mining and Reclamation Act.

- 1. Proj Des-01 Project Description.** This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked A-F, dated March 15, 2018, and marked A-F dated July 31, 2019 and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The project request is for a revision (Case No. 17RVP-00000-00082) to Conditional Use Permit 02CUP-00000-00006 to extend the life of the existing mining operation for 25 years to December 31, 2043. The existing Reclamation Plan was approved by the County Planning Commission in 2002 and the Conditional Use Permit (CUP) was approved by the Board of Supervisors in 2003. The CUP is scheduled to expire in August of 2018 while the Reclamation Plan is scheduled to expire on December 31, 2022.

Ellwood Quarry is an existing mining facility that produces sand through the excavation of a Vaqueros Formation outcrop located about one-half mile north of Cathedral Oaks Road, just west of Goleta. Other than size sorting, no processing of the produced sand takes place on the site. All support structures, access roads and other necessary facilities are in place and currently in use. These facilities include above-ground fuel tanks, an office trailer with a toilet, truck scale, shop building, and water system. Eight full-time employees are involved in the mining operation. The project site is zoned AG-II-100, totaling 191 acres on Assessor's Parcel Number 079-100-017, and located at 1300 Ellwood Ranch Road in Goleta, CA, Third Supervisorial District.

This mining facility currently operates under the authority of Conditional Use Permit 02CUP-00000-00006. Modification of CUP Conditions of Approval #6 and #50 involving the time period for mining is requested. No other changes in the permit conditions or operation of Ellwood Quarry are proposed.

The CUP authorized mining activities for a 15-year period, ending in August, 2018. Market demand during the previous 15 years has been lower than originally estimated and mining authorized under 02CUP-00000-00006 will not be completed within the timeframe originally estimated. The operator requests that Condition #6 be modified to extend the timeline for completion of mining by 25 years to December 31, 2043, subject to the requirements of Conditions of Approval #6 and #50. Discussed below are estimates of product volume and the remaining time required to complete mining.

Sand excavated from the Ellwood Quarry is used for a number of construction, landscaping, and commercial purposes. All of the excavated material is saleable product and no mining waste is generated. Topsoil is stockpiled for use in reclamation. The total excavation volume approved under 02CUP-00000-00006 is 1,028,250 cubic yards. Of this total, 332,300 cubic yards of material remains within the limits specified in the original CUP and Reclamation Plan. At an average annual production rate of 16,000 cubic yards per year, it would require approximately 21 years to complete mining. As indicated above, the applicant proposes to extend the timeframe for completion of mining for 25 years to account for potential future downturns in market demand.

Ellwood Quarry is operated Monday through Friday (except national holidays) from 7:00 am to 4:30 pm. Sand is transported from the quarry site during these hours via large trucks operated by the quarry and by customers of the quarry.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. Lighting shall be designed so as not to interfere with vehicular traffic on any portion of the streets.
3. All signs shall comply with Santa Barbara County Code Chapter 35 (Sign Regulations).
4. ~~Within 90 days of approval of the proposed Revised Conditional Use Permit, the applicant shall obtain an updated Land Use Permit that incorporates the conditions of approval of this conditional use permit. After 90 days, this CUP shall not be in effect unless a Land Use Permit has been obtained.~~
4. **Rules-12 CUP Expiration.** The Owner/Applicant shall obtain the required Zoning Clearance within the 18 months following the effective date of this Conditional Use Permit. If the required Zoning Clearance is not issued within the 18 months following the effective date of this Conditional Use Permit, or within such extended period of time as may be authorized in compliance with Section 35.83.030 of the County Land Use And Development Code, and an application for an extension has not been submitted to the Planning and Development Department, then Conditional Use Permit shall be considered void and of no further effect.
5. Deleted. ~~Compliance with departmental letters:
a. Environmental Health letter dated June 18, 1987.
b. Flood Control letter dated September 16, 1986.
c. Public Works letters dated June 19, 1987 and September 16, 1987, with the condition that the centerline stripe on Winchester Canyon Road shall be removed as a solid double yellow line two feet to the east of the existing location after any road improvements required by condition on Winchester Canyon Road are completed.~~

Note: This condition was deleted with the approval of 02CUP-00000-00006 and is no longer an active condition. The conditions from these department letters have been satisfied and are no longer applicable.

6. Upon the issuance of a Zoning Clearance (refer to Condition #4 above), this Conditional Use Permit shall be effective until December 31, 2043, or the date upon which the quarry slopes reach final grade as specified in the approved reclamation plan, whichever occurs first. The applicant may request a modification of this condition of approval in accordance with the procedures established at the time of the request.

Every fifth year after the issuance of a Zoning Clearance, and for the life of the project, the Planning Commission shall hold a noticed public hearing to review the permit compliance record for the operation.

Note: This language was added by the Planning Commission at the July 31, 2019 hearing.

~~Upon issuance of a Land Use Permit (refer to Condition #4 above), this permit shall be effective for a period of fifteen (15) years subject to adjustment as follows: If during the~~

~~fifteenth (15th) year after issuance of the Land Use Permit, the volume of remaining sand reserves is determined by the County to be 50,000 cubic yards or more, Condition #50 shall then apply in the same manner as if sand reserves were then determined to be 50,000 cubic yards or less.~~

~~During the fifth (5th) year after issuance of the Land Use Permit, the Planning Commission shall hold a public hearing to review the permit compliance record of the operation.~~

~~During the tenth (10th) year after issuance of the Land Use Permit, the Planning Commission shall hold a public hearing to review the permit compliance record of the operation. If determined by the Planning Commission that the existing permit conditions are inadequate to effectively minimize adverse effects caused by the project, the Planning Commission may impose other reasonable and feasible permit conditions to further reduce these effects. In considering whether to impose any such other conditions, the Planning Commission shall consider the economic burdens to be imposed, the benefits to be derived from the new condition, and the remaining permitted life of the operation.~~

7. Deleted. Prior to issuance of a Land Use Permit, the applicant shall oil the road section on his property which is currently unsealed shale (a section of about 1,500 feet).

Note: This condition was deleted with the approval of 02CUP-00000-00006 and is no longer an active condition. Work was completed at the time of initial quarry development.

8. The owner of the property and the operator of the sand quarry, Santa Barbara Sand and Topsoil, shall limit diesel sand transport trucks to 40 daily trips (20 trips in and 20 trips out) in any one. Operations would occur weekdays excluding national holidays, except in emergencies as determined by P&D involving threat to public health, safety or welfare. The operator shall inform P&D in writing of a response to such an emergency.

Monitoring: County staff shall monitor compliance with this condition by reviewing quarry records during the annual SMARA inspection and by response to complaints by the public.

9. The existing private roadway from Cathedral Oaks Road to Ellwood Ranch Quarry bridge shall be repaired with AC paving where needed, as proposed by the applicant and with the review and concurrence of County staff. Subsequent to the repairs, the private roadway from Cathedral Oaks Road to Ellwood Ranch Quarry bridge shall be sealed with the appropriate material, as proposed by the applicant and with the review and concurrence of County staff. The existing roadway shall be inspected annually and shall be maintained yearly at an acceptable level based upon review and concurrence by County staff.

Timing: Within 60 days of the issuance of the Zoning Clearance the applicant shall commence repairs on the existing roadway which shall be completed within one year from the issuance of the Zoning Clearance.

Note: This language was added by the Planning Commission at the July 31, 2019 hearing.

~~Prior to issuance of a Land Use Permit, the applicant shall provide security that within one year of issuance of the Land Use Permit, the existing access road passing through the Bradley property shall be widened to 20 feet, the existing sharp curve shall be straightened, and an all-weather oiled surface on the access road shall be maintained.~~

Note: This strikethrough language in this condition was deleted with the approval of 02CUP-00000-00006 and is no longer an active condition. This work was completed at the time of initial quarry development.

10. ~~Prior to issuance of a Land Use Permit, the applicant shall demonstrate legal access rights to the site via appropriate easements.~~

Note: This condition was deleted with the approval of 02CUP-00000-00006 and is no longer an active condition. Easement was obtained at the time of initial quarry development.

11. ~~Deleted. Prior to issuance of a Land Use Permit, the applicant shall install and maintain a stop sign at the intersection of the private road entering Winchester Canyon Road, in coordination with the Public Works Department. The applicant shall be responsible for funding and maintenance of the stop sign.~~

Note: This condition was deleted with the approval of 02CUP-00000-00006 and is no longer an active condition. This condition is no longer applicable due to the completion of the Cathedral Oaks Road extension.

12. The dirt access roads shall be treated in a manner to minimize dust generation (e.g. oiled or paved) and maintained in a compacted condition.

Monitoring: County staff shall inspect the condition of quarry access roads during the annual SMARA inspection and order corrections if required.

13. In order to control fugitive dust, each load shall be sprinkled with water after being loaded into trucks. The dirt access roads used in the quarry operation and loading area shall receive liberal applications of water by sprinkler truck or hose as frequently as needed to control dust.

Monitoring: County staff shall inspect the condition of quarry access roads and verify that facilities are in place for the watering of product loads during the annual SMARA inspection and order corrections if required.

14. The applicant shall allow Air Pollution Control District inspectors to inspect sand transport trucks outside the project boundaries to check the loads for adequate watering.

Monitoring: APCD inspectors shall respond to complaints regarding fugitive dust from sand transport trucks.

15. The area of active disturbance in the quarry shall be limited to not more than one acre at a time.

Monitoring: County staff would monitor compliance with this condition through inspection of the active quarry area during the annual SMARA inspection.

16. All parts of the quarry which have been disturbed, but are temporarily not subject to further quarrying, shall be specially treated with a water/dust control ~~chemical mix such as a polyvinyl acetate emulsion~~ on an as-needed basis to control dust generation. For bared portions of the site to remain undisturbed for a year or more, grass seed shall be added to control water erosion.

Monitoring: County staff shall monitor compliance with this condition through inspection of the active quarry area and other disturbed areas during the annual SMARA inspection. ~~County staff would order watering, chemical application~~

17. All diesel equipment shall be maintained in the best possible working order, with servicing undertaken at least as often as recommended by the manufacturer.

Monitoring: APCD inspectors shall respond to complaints regarding excessive emissions from sand transport trucks.

18. Prechamber diesel engines or their equivalent shall be used if feasible and available. In the event the applicant finds these engines are not available, the applicant shall submit a list of manufacturers contacted to provide evidence that the engines are not available.

Monitoring: APCD inspectors shall respond to complaints regarding excessive emissions from sand transport trucks.

19. An overnight parking area for all diesel sand transport trucks shall be established and maintained approximately 2240 feet north of the proposed sand loading site or at an established, legally permitted offsite parking area. All diesel trucks of the operator shall be parked at the designated location overnight and shall perform their initial warm-up at that site before going to the sand pit.

Monitoring: APCD inspectors shall respond to complaints regarding excessive emissions from sand transport trucks. County staff shall check the truck parking area for compliance during the annual SMARA inspection.

20. The diesel sand transporting trucks' engines shall be subjected to 4% timing retard to reduce NO_x emissions.

Monitoring: APCD inspectors shall respond to complaints regarding excessive emissions from sand transport trucks.

21. The applicant shall not operate the shaker-stacker without a valid permit from the Air Pollution Control District.

Note: The applicant has obtained the required permit.

22. Quarry truck traffic shall use Cathedral Oaks Road and Calle Real to travel between the mining site and U.S. Highway 101.

23. The operator shall direct truck drivers to disable the "Jakes Brakes" in use on the dump trucks for highway driving whenever the trucks leave the highway.

Monitoring: County Permit Compliance shall respond to complaints regarding excessive noise from sand transport trucks.

24. Truck traffic associated with the quarry shall be limited to hours of 7:00 a.m. to 4:30 p.m. on weekdays and shall not occur on weekends or national holidays. Should an emergency occur, the operator may request an ~~E~~ emergency Permit approval that could to authorize quarry operations outside of the hours listed above.

Monitoring: County staff shall respond to complaints regarding trucks operating outside of authorized hours.

25. The applicant shall maintain a berm, 8-10 feet high, on the south side of the excavation areas as Phases I, II and III proceed.

Monitoring: County staff would monitor compliance with this condition through inspection of the active quarry area during the annual SMARA inspection.

26. Deleted. Prior to issuance of a Land Use Permit, the applicant shall submit a written agreement with the operator of the quarry to the Resource Management Department indicating the number of truck trips during the afternoon peak hour (4:00-5:00 p.m.) would be limited to not more than ten (10) trips, except in an emergency involving threat to public health, safety, or welfare. The operator shall inform RMD in writing of a response to such an emergency.

Note: This condition was deleted with the approval of 02CUP-00000-00006 and is no longer an active condition. Operator complied with this requirement. Refer to revised condition #24 regarding an emergency.

27. Deleted. The applicant shall plant a four-acre portion of land adjacent to the project site with at least 225 oak trees. Oak trees from the same species shall be started from acorns collected onsite by germination in 8" x 15" growing tubes and planted at a density of one tree per 400 square feet. New planting shall be protected with one-half inch chicken wire tubes installed with the growing tubes and protected with adequate stakes. Long term maintenance would include occasional watering during the first three years with tapering off of the watering schedule to promote drought hardening in each tree. Any failed trees shall be replaced. The program shall be coordinated with the oak tree specialist with the Los Padres National Forest, currently Mark Borchard.

Note: This condition was deleted with the approval of 02CUP-00000-00006 and is no longer an active condition. The 225 oak trees were planted many years ago and are well established.

28. Deleted. The U.S. Forest Service shall be consulted prior to approval of the oak replanting scheme identified by the applicant. Copies of any agreement with the Forest Service as to the replanting program shall be submitted to RMD for review and approval. The Forest Service recommendations as to siting of the oak trees or vegetation management strategies shall be followed wherever practical.

Note: This condition was deleted with the approval of 02CUP-00000-00006 and is no longer an active condition. The 225 oak trees were planted many years ago and are well established.

29. Deleted. If the project revegetation detailed in Condition #27 has not been completed prior to issuance of a Land Use Permit for the project, the applicant shall post a bond of \$10,000 to assure completion of the planting. Prior to issuance of a Land Use Permit, a bond shall also be posted to ensure maintenance for a five-year period. The maintenance portion of the bond shall be released by the Clerk of the Board of Supervisors upon expiration of the five-year maintenance period and upon receipt of notice from RMD that maintenance has been adequate.

Note: This condition was deleted with the approval of 02CUP-00000-00006 and is no longer an active condition. The 225 oak trees were planted many years ago and are well established.

30. Deleted. Reports detailing the results of the program in condition #27 shall be submitted by the applicant to RMD and the Los Padres National Forest staff at 2, 5, and 10 year stages of the program. The reports shall indicate the trees' annual height increases, survival rates of all trees in the replanted area, causes of failure, and any recommendations for improving the experiment.

Note: This condition was deleted with the approval of 02CUP-00000-00006 and is no longer an active condition. The 225 oak trees were planted many years ago and are well established.

31. Site inspections to verify compliance with the conditions of approval of this permit shall be conducted at annual intervals in coordination with the annual inspections required by the Surface Mining and Reclamation Act. Additional inspections may be conducted if deemed necessary by the Director of Planning and Development in order to assure compliance. The applicant shall pay the cost of any required inspections by Planning and Development staff, or designated representative, based upon an hourly rate established by the Board of Supervisors. Payment of inspection fees shall be made within 30 days of written request by the County.
32. Tractor and skid loader access shall be limited to roads already existing onsite. Truck access shall be limited to the southwest corner of the quarry site. There shall be no intrusion into the drainage on the west side of the site.

Monitoring: County staff would monitor compliance with this condition through inspection of the active quarry area during the annual SMARA inspection.

33. All foot and equipment traffic shall be restricted to the immediate mining site, the loading area and the access road to reduce the potential of inducing root fungus into nearby orchards.

Monitoring: County staff would monitor compliance with this condition through inspection of the quarry area during the annual SMARA inspection.

34. The existing primary desilting basin shall be maintained at a sufficient size to contain storm run-off from a 10-year event. An additional desilting basin of sufficient size to contain a 10-year event shall be built to service the overnight truck parking area.

Monitoring: County staff would monitor compliance with this condition through inspection of the desilting basins during the annual SMARA inspection.

35. The chain link fence installed along the western edge of the quarry outside of the dripline of the oak trees present along the canyon drainage shall remain in place throughout all mining and reclamation activity.

36. Deleted. ~~Prior to issuance of a Land Use Permit, the 200' x 50' area of the landform where artifacts were recovered shall be resurveyed by a DER-qualified archaeologist with 2 meter (6 foot) transect intervals and all artifacts mapped and collected.~~

Note: This condition was deleted with the approval of 02CUP-00000-00006 and is no longer an active condition. The required survey was conducted at the time of initial quarry development.

37. Deleted. ~~All excavation on the landform within the upper five feet of soil, or to bedrock, shall be monitored by a DER-qualified archaeologist and a Native American, funded by the applicant. These individuals shall be empowered to temporarily suspend or redirect grading and/or excavation should potentially significant cultural resources be encountered. Work in such areas shall cease until the finds can be recorded, evaluated, and an appropriate mitigation program developed by the archaeologist, and funded by the applicant. An agreement between the applicant, the archaeologist, and the Native American consultant to perform the archaeological investigations shall be presented to RMD prior to issuance of a Land Use Permit.~~

Note: This condition was deleted with the approval of 02CUP-00000-00006 and is no longer an active condition. Excavation in the upper five feet of soil was completed several years ago.

- ~~38. Deleted. All soils removed from areas known to contain artifacts shall be stockpiled at a central location to prevent their transport to other locations beyond the project area. The location of the stockpiled soils shall be recorded by the archaeological monitor on a project map filed with the County of Santa Barbara and the Regional Office of the California Archaeological Site Survey, UCSB.~~

Note: This condition was deleted with the approval of 02CUP-00000-00006 and is no longer an active condition. Work was completed at the time of initial quarry development.

39. The exposed cut slope shall be revegetated or hydromulched as soon as practicable to help stabilize the slope, prevent erosion, and reduce slope visibility.

Monitoring: County staff shall monitor compliance with this condition through inspection of the active quarry area during the annual SMARA inspection. Finish grading and revegetation may be required of slopes determined by the County to be essentially at final grade.

40. A 2:1 final slope, conforming to natural bedding planes and the maximum stability, shall be provided for the south-facing hillside.

Monitoring: County staff would monitor compliance with this condition through inspection of the quarry slopes during the annual SMARA inspection.

41. Stockpiling of the quarried material shall be documented by moving it to the west side of the quarry site and downslope by gravity or skiploader. No side-casting shall be permitted over the south face of the quarry except for the area already disturbed by previous grading activity.

Monitoring: County staff shall monitor compliance with this condition through inspection of the active quarry area during the annual SMARA inspection.

42. Aesthetics shall be considered in the management of the access road along the southwest side of the quarry. This road shall not be widened or its alignment altered so as to cause excessive cuts or sidecasting of fill along the route of the access road, if such disturbance would be visible from public viewpoints to the south.

Monitoring: County staff shall monitor compliance with this condition through inspection of the quarry area during the annual SMARA inspection.

- ~~43. Deleted. Prior to issuance of a Land Use Permit, the applicant shall submit a letter from Southern California Edison indicating an alternative location of the transmission line has been agreed upon and any required easements have been secured. A map showing the proposed location of the transmission line shall also be submitted to RMD.~~

Note: This condition was deleted with the approval of 02CUP-00000-00006 and is no longer an active condition. Condition satisfied prior to issuance of LUP on October 14, 1989.

- ~~44. Deleted. The applicant shall pay for periodic site inspections by Public Works staff, based upon an hourly rate established by the Board of Supervisors upon receipt of a bill from the Public Works Department.~~

Note: This condition was deleted with the approval of 02CUP-00000-00006 and is no longer an active condition. Inspections by the County are addressed in Condition #31 above.

- ~~45. Deleted. The reclamation plan shall be adopted a part of the Conditional Use Permit. The amount and form of the performance security required by Article III for reclamation shall be~~

~~established through negotiations between the County Counsel, RMD, Public Works Department, and the applicant. The required performance security shall be posted prior to issuance of a Land Use Permit.~~

Note: This condition was deleted with the approval of 02CUP-00000-00006 and is no longer an active condition. The revised Reclamation Plan (18RVP-00000-00016 to 02RPP-00000-00001) would be a stand-alone document updated to meet current SMARA standards.

- ~~46. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul in whole or in part, the County's approval of this Conditional Use Permit. In the event that the County fails promptly to notify the developer of any such claim, action or proceeding, or that the county fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.~~

Rules-33 Indemnity and Separation. The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

- ~~47. Deleted. Truck traffic shall be directed to the same streets as used by the existing quarry (Winchester Canyon Road and Highway 101) until Cathedral Oaks is completed.~~

~~This permit is issued pursuant to the provisions of Section 35-315 and 35-320.10 of Article III of the code of Santa Barbara County, and is subject to the foregoing conditions and limitations; and this permit is further governed by the following provisions:~~

~~1. If any of the conditions of the Conditional Use Permit are not complied with, the Planning Commission, after written notice to the permittee and a noticed public hearing, may revoke the Conditional Use Permit.~~

~~2. A Conditional Use Permit for surface mining shall become null and void and automatically revoked within three (3) years after the granting of said permit, if the surface mining operations authorized by the permit have not been established or a use permitted under a surface mining permit issued subsequent to that effective date of this Section is discontinued for a period of more than three (3) years.~~

~~3. All time limits imposed may be extended by the Planning Commission for one, three year period for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with the Resource Management Department prior to the expiration date.~~

Note: This condition was deleted with the approval of 02CUP-00000-00006 and is no longer an active condition.

- ~~48. If any of the conditions of this Conditional Use Permit are not complied with, as determined by the Director of Planning and Development, a Notice of Violation shall be provided to the operator that provides for 60 30 days to correct the violation(s). If the violation(s) are not corrected within 60 30 days, Planning & Development shall proceed with enforcement actions~~

~~pursuant to Chapter 24A, Administrative Fines, of the County Code, the Planning Commission may revoke this Conditional Use Permit at a noticed public hearing.~~

49. This Conditional Use Permit (17RVP-00000-00082 to 02CUP-00000-00006) supercedes the previously approved CUPs (02CUP-00000-00006 and 86-CP-060).
50. This permit shall expire and the site reclaimed in accordance with the approved reclamation plan within three years of a determination by the County that the volume of remaining sand reserves within the approved excavation is 50,000 cubic yards or less. This time period may be extended by the Director of Planning and Development for good cause shown.
51. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.
52. Prior to the issuance of the ~~Land Use Permit Zoning Clearance~~ required to implement and effectuate this CUP, the applicant shall pay all outstanding permit processing fees in full.
53. Deleted. ~~In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.~~
54. Deleted. ~~The portable toilet used for the quarry office shall be replaced with a septic effluent disposal system installed under permit from Environmental Health Services within six months of the issuance of the Land Use Permit that effectuates this Conditional Use Permit.~~

Note: Condition satisfied upon issuance of LUP effectuating 02CUP-00000-00006.

55. In order to minimize dust emissions from sand transport trucks, the bed of all trucks carrying sand produced by Ellwood Quarry shall be covered with a tarp.

Plan Requirements and Timing: Signs stating this requirement shall be placed maintained on the mining site at all times prior to issuance of the ~~Land Use Permit required to effectuate Conditional Use Permit 02CUP-00000-00006~~. The use of tarps to cover all loads shall continue commence immediately upon the initiation of operations under the authority of 17RVP-00000-00082 to 02CUP-00000-00006 and the associated Zoning Clearance Land Use Permit.

Monitoring: P&D staff shall inspect the trucks to assure compliance during the annual inspection required by the Surface Mining and Reclamation Act (SMARA). P&D and APCD staff shall also respond to complaints from the public. The operator shall monitor compliance with the tarping requirement by inspection of each exiting truck to verify that loaded trucks are tarped before leaving the mining facility.

56. Improvements to the existing access to Ellwood Quarry (the segment of Ellwood Canyon Road approximately 80 feet in length located near the intersection of Ellwood Canyon Road and Ellwood Ridge Road) shall be provided, if/when needed as determined by P&D. In order to determine when future improvements are required, the distance from the top of the bank of the creek to the center line of Ellwood Canyon Road shall be measured annually, beginning immediately after the improvements are completed. The width of the roadway (including unpaved shoulders) shall be a maximum of 20 feet with a maximum of 16 feet of paved surface.

Any portion of Ellwood Ridge Road required to be modified as a result of an approved plan shall meet the same standards. The height of any retaining walls shall be minimized as part of the roadway improvements. The proposed repairs shall be limited to the existing roadway easement of Ellwood Canyon Road unless a revised easement or other agreement with all underlying property owners is in force.

Plan Requirements and Timing: If the width of the remaining roadway surface measured from the top edge of the slope that descends to Ellwood Creek to the eastern edge of the roadway surface (including unpaved shoulder) is found to be sixteen (16) feet or less, the applicant shall within 3 months thereafter submit to the County a Land Use Permit application that includes an engineering plan to further improve this portion of Ellwood Canyon Road to minimize the risk of failure. If a segment of Ellwood Canyon Road is determined by Planning and Development to be unsafe for quarry traffic, truck transport of mined material on this road shall cease until road repairs are completed to the satisfaction of the P&D Director. The Director of P&D may extend any of the above time periods for up to 90 days each for good cause. ~~Prior to the approval of the Land Use Permit required to effectuate this Conditional Use Permit, the applicant shall submit for County review and approval a plan to modify a segment of Ellwood Canyon Road approximately 80 feet in length located near the intersection of Ellwood Canyon Road and Ellwood Ridge Road. The modifications of Ellwood Canyon Road to be included in this plan shall provide for increased roadway (slope) stability, reduced roadway gradient and new roadway pavement. The applicant shall complete the required repairs within 180 days of the approval of the Conditional Use Permit and prior to the approval of the Land Use Permit. In the alternative, the Land Use Permit can be approved and issued prior to the 180-day deadline with the submittal by the applicant of a financial assurance for the approved road improvements. In this case, the improvements shall be completed within six months after issuance of the Land Use Permit.~~

Monitoring: P&D and Fire Department staff shall review and approve road improvement plans. P&D staff shall also review for sufficiency any proposed financial assurance. The condition of the roadway shall be monitored by P&D staff during the annual inspections of Ellwood Quarry required by SMARA.

57. The operator shall deliver to the Winchester Commons Homeowner's Association written notice of the name and telephone number of a contact person designated to receive any complaints about the mining operation from residents or other members of the public. The operator of Ellwood Quarry shall maintain a written log of any such complaints received and provide a copy of the log to the Planning and Development Department upon request.
58. **Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.
59. **Rules-17 CUP-Void.** This Conditional Use Permit shall become void and be automatically revoked if the development and/or authorized use allowed by this Conditional Use Permit is discontinued for a period of more than 12 months, or within such extended period of time as may be authorized in compliance with Section 35.82.060.G(3) of the County Land Use and Development Code. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Zoning Clearance approved or issued pursuant to this Conditional Use Permit shall expire upon expiration or

revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit. [LUDC §35.82.060 & §35.84.060]

60. ~~The applicant shall obtain an encroachment permit for Haul Route(s) from the City of Goleta for all trucking activities that go over streets within the City Limits of the City of Goleta. All hauling shall be required to go south on Cathedral Oaks Road to US Highway 101 unless the delivery point is within the City Limits. Then City of Goleta staff will need to approve the haul route in order to minimize the public impacts. Prior to Zoning Clearance, the applicant shall be required to coordinate with the City of Goleta on obtaining Haul Permits within the City Limits, if necessary.~~

ATTACHMENT B-2: CONDITIONS OF APPROVAL

Ellwood Quarry Conditional Use Permit
18RVP-00000-00016 to 02RPP-00000-00001
CA Mine ID# 91-42-0020
APN 079-100-017

Listed below are the Conditions of Approval included in Reclamation Plan 02RPP-00000-00001 as approved by the Planning Commission on November 20, 2002. These conditions have been modified as shown in ~~strikeout~~ and underline to reflect changes proposed by the applicant and the current conditions on the site. Monitoring of compliance with these conditions would be accomplished by County staff as part of the mandatory annual site inspections conducted pursuant to the Surface Mining and Reclamation Act.

1. **Proj Des-01 Project Description.** This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked A-F, dated March 15, 2018, and marked A-F dated July 31, 2019 and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The project request is for a revision (Case No. 18RVP-00000-00016) to Reclamation Plan 02RPP-00000-00001 to extend the life of the existing mining operation for 25 years to December 31, 2043. The existing Reclamation Plan was approved by the County Planning Commission in 2002 and the Conditional Use Permit (CUP) was approved by the Board of Supervisors in 2003. The CUP is scheduled to expire in August of 2018 while the Reclamation Plan is scheduled to expire on December 31, 2022.

Ellwood Quarry is an existing mining facility that produces sand through the excavation of a Vaqueros Formation outcrop located about one-half mile north of Cathedral Oaks Road, just west of Goleta. Other than size sorting, no processing of the produced sand takes place on the site. All support structures, access roads and other necessary facilities are in place and currently in use. These facilities include above-ground fuel tanks, an office trailer with a toilet, truck scale, shop building, and water system. Eight full-time employees are involved in the mining operation. The project site is zoned AG-II-100, totaling 191 acres on Assessor's Parcel Number 079-100-017, and located at 1300 Ellwood Ranch Road in Goleta, CA, Third Supervisorial District.

Modification of the Reclamation Plan expiration date is requested. No other changes to the Reclamation Plan are proposed. The existing Reclamation Plan approved by the County Planning Commission in 2002 calls for the final configuration of the mining site to include a completed quarry slope and a level pad area below the slope. At the completion of mining, the final quarry slope will be at a 2:1 gradient. This final slope will include intervening 16-foot wide horizontal benches installed at least every fifty (50) feet in slope height. The quarry slope area will occupy about five acres of the 10 acres ultimately disturbed by excavation. The level pad area will be located at the base of the slope at an elevation of 150 feet MSL and encompass about five acres of the former excavation area.

The reclamation plan is divided into three phases. Phase I includes the uppermost portion of the quarry face and is separated from Phase II by a natural cemented sandstone "rock groin." Phase II includes the lower portion of the quarry face. Phase III is the area to be reclaimed as a level pad at the base of the quarry face. Mining in Phase I is complete and the restoration slope was completed in 2011. The Phase II and III areas incorporate the remaining volume of sand reserves and most of this area will be actively mined until quarry closure. The Phase II and III areas will be reclaimed at mine closure estimated to occur in 2043. Future time extension requests for the surface mining operation allowed under 17RVP-00000-00082 to 02CUP-00000-00006 that do not require substantive changes to this Reclamation Plan shall be processed only for the Conditional Use Permit; this Reclamation

Plan (Case No. 18RVP-00000-00016 to 02RPP-00000-00016) does not expire and shall be implemented at the termination of mining at the site.

The mining site will be reclaimed for both agricultural and open space end uses. The 2:1 gradient slopes will be seeded with native seed mix compatible with the surrounding natural habitat. The Phase I slope will also be planted with oak trees. The intervening level benches on the Phase I and Phase II slopes will be retained for agricultural (orchard) use. The level area included in Phase III will also be reclaimed for agricultural use. Approximately six acres will be reclaimed for agricultural use and four acres reclaimed as open space.

Upon termination of mining, all mining equipment will be removed from the site. The truck scale, fuel tanks and office will remain for use as part of the ongoing Ellwood Ranch agricultural operations. The existing sedimentation basin located downstream of the mining site will remain.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

Project Specific Conditions

2. The applicant shall obtain a NPDES Storm Water permit from the Regional Water Quality Control Board (RWQCB).

Plan Requirements and Timing: The applicant shall obtain a NPDES Storm Water permit or permit waiver from the RWQCB within one year of the approval of the revised Reclamation Plan.

Monitoring: P&D staff shall review the submitted documentation to assure compliance with this requirement of State regulations.

3. Permanent survey monuments shall be installed and inspected annually at Ellwood Quarry.

Plan Requirements and Timing: Two permanent survey monuments have been installed by a licensed land surveyor or a registered civil engineer at locations selected by the County in consultation with the mine operator. Detailed elevation and location information for each of these monuments were provided to the County at the time of installation. The monuments were placed at sites which will not be affected by the mining and reclamation activities described in the Reclamation Plan.

Monitoring: P&D staff shall inspect the monuments during the annual SMARA inspections to ensure they are maintained on-site.

4. In order to facilitate verification that the Reclamation Plan is implemented as approved, ~~aerial photographs~~ and an updated topographic map of the area included in the Ellwood Quarry Reclamation Plan shall be periodically provided to the County.

Plan Requirements and Timing: ~~Stereographic aerial photographs at a scale of approximately 1"=500' which incorporate the area included in the Reclamation Plan shall be provided by the mine operator to the County prior to the month of June in the year 2007 and prior to June every five years thereafter until the completion of site reclamation. An updated topographic map of the area included in the Reclamation Plan at a scale of approximately 1"=50' prepared from the~~

~~required stereographic aerial photographs~~ shall be provided by the mine operator to the County prior to the month of June in the year 2023 and prior to June every ten years thereafter until the completion of site reclamation. Prior to the approval of the ~~Land Use Permit Zoning Clearance~~ required to implement the Reclamation Plan, the mine operator shall provide a financial assurance to the County adequate to fund the cost of obtaining the required ~~aerial photographs~~ and topographic map.

Monitoring: ~~P&D staff shall review and approve the financial assurance proposed by the mine operator.~~ The County SMARA Mine Inspector shall review the submitted ~~photographs and topographic~~ maps to ensure that this condition is satisfied. In the event the mine operator does not provide the required items, the financial assurance shall be used to obtain these informational materials.

Standard Conditions for Reclamation Plans

5. All reclamation shall comply with the applicable provisions of the County's Grading Ordinance (Chapter 14 of the Santa Barbara County Code) as determined by the Director of Planning and Development.
6. The financial assurance shall be approved by the State Division of Mine Reclamation prior to final approval by the County. Within sixty (60) days of final approval of the Reclamation Plan and financial assurance, the applicant shall post a performance security with Planning and Development for the full amount of the approved financial assurance to ensure that reclamation will proceed in conformance with the approved plan. The type of performance security shall be consistent with Section 2773.1 of SMARA. The security for reclamation shall remain in effect until completion of reclamation with provision for annual renewal and adjustment to reflect changes in security requirements and/or changes in the cost of reclamation. The amount of the performance security shall be based upon the estimate by the applicant's engineer of the costs to complete the reclamation of the site. The form, amount, and duration of security shall be subject to review and approval by Planning and Development and County Counsel staff prior to posting the security. Security shall remain in effect through completion of reclamation.
7. As part of the annual review of the reclamation plan, the form and/or amount of security may be adjusted in accordance with the applicable regional Consumer Price Index, or other appropriate index as determined by Planning and Development, to maintain the same relative value of the security over the life of the reclamation plan and to assure that performance security still reflects the actual cost for completing reclamation on-site. In addition, the amount of Financial Assurance is adjusted annually to account for physical changes on the mining site. The amount of financial assurance posted for the site must reflect the cost of reclaiming the site in a manner consistent with the requirements of the approved reclamation plan and based upon the current condition of the site. If the County determines that additional or new security must be posted, the applicant shall provide the required security within 60 days of notification of deficiency.
8. Planning and Development may declare all or part of the security for reclamation forfeited, pursuant to notice to the applicant and a public hearing, if the Planning Commission determines that the mining operation has been abandoned, the operator is financially incapable of carrying out the reclamation plan, or any provision of the approved reclamation plan is violated as noted in Section 2773.1 (B) of SMARA. No security shall be released until compliance with all applicable conditions of the reclamation plan is verified to the satisfaction of Planning and Development. At least three years of monitoring by County staff will be required to assure the successful implementation of reclamation under the approved plan. Upon completion of reclamation, the County SMARA Inspector and/or Permit Compliance staff shall perform a final site inspection to verify that all requirements of the reclamation plan have been satisfied.

The operator shall be responsible for the costs of conducting and completing reclamation in accordance with the approved reclamation plan which are in excess of the proceeds from the forfeited financial assurances.

9. Site inspections to verify ongoing reclamation in conformance with the approved reclamation plan shall be conducted at annual intervals as required by the Surface Mining and Reclamation Act. Additional inspections may be conducted if deemed necessary by the Director of Planning and Development in order to assure reclamation of the site consistent with the approved Reclamation Plan. The applicant shall pay the cost of any required inspections by Planning and Development staff, or designated representative, based upon an hourly rate established by the Board of Supervisors, upon receipt of a bill from Santa Barbara County. Failure to pay the inspection fee within sixty (60) days of the due date shall constitute grounds for revocation of the reclamation plan by the Planning Commission and cessation of mining operations.
10. If, after conducting the inspections required under Condition No. 9, Planning and Development finds that the reclamation plan is not being implemented as approved, the mining operation shall be so notified and given a reasonable time to comply with the reclamation plan as specified in Section 2774.1 of the Public Resources Code. If at the end of this period of time, the reclamation plan is still not being implemented as approved, Planning and Development shall notify the mining operator and the Planning Commission of the continuing failure to comply. Planning and Development shall then set the matter for a public hearing before the Planning Commission. If the Planning Commission (or Board of Supervisors if appealed) determines that the reclamation plan is not being implemented as approved, the Planning Commission (or Board) shall have the authority to revoke the reclamation plan. Once the reclamation plan is revoked, all mining onsite shall cease in accordance with State law. If the Planning Commission or Board of Supervisors revoke the plan, Planning and Development shall declare all or part of the financial assurance (performance security) for reclamation forfeited in accordance with the assurance's provisions and State law.
11. Prior to issuance of Zoning Clearance, ~~Within sixty (60) days of final reclamation plan approval, the applicant shall execute and record an agreement, subject to Planning and Development approval, to complete the work outlined in the reclamation plan within the time limits of said plan and consistent with all requirements of said plan. This agreement shall bind the applicant and any future owners of the mine. This agreement shall be prepared to conform to the requirements of SMARA Section 2772(j) regarding an applicant statement of responsibility for reclamation.~~
12. All applicable requirements of the Surface Mining and Reclamation Act of 1975, as may be amended from time to time, are made a part of this Reclamation Plan by reference, with the same force and effect as if the provisions therein were specifically and fully set out herein.
13. The mine operator shall prepare and forward an annual status report on the mining operation and ongoing reclamation efforts to the State Geologist and Planning and Development on a date established by the State Geologist and upon forms furnished by the State Mining and Geology Board pursuant to Public Resource Code Section 2207.

County Rules and Regulations

14. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, or conducting any reclamation activities under an approved Reclamation Plan, the applicant shall obtain a Zoning Clearance from Planning and Development. The Zoning Clearance is required by ordinance and is necessary to ensure implementation of the conditions of approval required by

the Planning Commission. Before a Zoning Clearance will be issued by Planning and Development, the applicant must demonstrate compliance with all conditions of approval and obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available in Planning and Development. The approval of the reclamation plan by the County of Santa Barbara shall expire if the Zoning Clearance is not obtained within 18 months of reclamation plan approval, or a time extension is requested and granted pursuant to the requirements of County ordinance.

15. ~~Developer (mine operator) shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Reclamation Plan. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.~~

Rules-33 Indemnity and Separation. The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

16. Deleted. ~~In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.~~
17. Prior to approval of Zoning Clearance, the applicant shall pay all applicable P&D permit processing fees in full.
18. **Mitigation Monitoring required:** The applicant shall ensure that the project complies with all approved plans and all project conditions. To accomplish this, the applicant agrees to:
- a. Contact P&D compliance staff as soon as possible after Reclamation Plan approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
 - b. Contact P&D compliance staff (the County SMARA Inspector) at least two weeks prior to commencement of reclamation activities to schedule an onsite pre-construction meeting with the owner, compliance staff, other agency personnel, and with key construction personnel.
 - c. Pay fees prior to approval of Zoning Clearances as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants, when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project

into compliance. The decision of the Director of P&D shall be final in the event of a dispute.

19. Within 180 days of approval of the proposed revised Reclamation Plan (18RVP-00000-00016 to 02RPP-00000-00001), the applicant shall obtain a Zoning Clearance that incorporates the conditions of approval of this plan. Upon issuance of the Zoning Clearance, reclamation plan 02RPP-00000-00001 shall expire and this Reclamation Plan (18RVP-00000-00016 to 02RPP-00000-00001) shall be in effect. Mining without a County-approved Reclamation Plan is prohibited by the Surface Mining and Reclamation Act.
20. Prior to approval of the Zoning Clearance, applicant shall prepare four copies of the Final Reclamation Plan. One final copy of the Plan shall be kept at the project site; the other three shall be provided to Planning and Development.
