

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
105 East Anapamu Street, Room 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: 9/22/2006
Department Name: P&D
Department No.: 053
Agenda Date: 10/10/2006
Placement: Administrative
Estimate Time: 45 minutes on 10/24/2006
Continued Item: NO
If Yes, date from:
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TO: Board of Supervisors

FROM: John Baker, Director
Planning & Development

STAFF CONTACT: Dianne M. Black (568-2086)
Assistant Director

SUBJECT: Set hearing to consider a zoning ordinance text amendment to the Santa Barbara County Land Use and Development Code to allow an expedited permit process for Agricultural Soil Export Mining under the Surface Mining and Reclamation Act (SMARA).

Recommendation:

That the Board of Supervisors set for hearing of October 24, 2006 to consider the recommendations of the County Planning Commission and:

- A. Find that this amendment is categorically exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA.
- B. Adopt findings for approval of the proposed amendment.
- C. Adopt an Ordinance (Case No. 06ORD-00000-00014) amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35 of the County Code.

Estimated hearing time: staff presentation 15 minutes; total time 45 minutes.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with Goal No. 1., *An Efficient Government Able to Respond Effectively to the Needs of the Community*, Goal No. 4., *A Community that is Economically Vital and Sustainable*, Goal No. 5., *A High Quality of Life for All Residents*, and is required by law or routine business necessity.

Executive Summary and Discussion:

Earlier this year, Planning and Development placed a Stop Work Order (SWO) on an agricultural property in North County that was exporting large volumes of soil to serve as fill material for a

housing project in the City of Santa Maria. The SWO was placed on the property due to violations with State and County SMARA regulations. It was determined that over 1,000 yards of material was moved from an area greater than one acre, which are two specific triggers to require a permit under SMARA. The landowner believed that since the removal of the material was enhancing onsite farming operations that the soil removal should have been allowed under the "agricultural grading" provisions of the County's Grading Ordinance. If the agricultural improvements did not require the export of soil from the site, then no discretionary permit would be required.

An appeal was filed and your Board conducted a public hearing on May 16, 2006. After considering the staff report and testimony, you voted 5-0 to uphold the SWO. At the same time you recognized the need for farmers and ranchers at times to export soil in order to improve their agricultural operations. As a result, staff was directed to expedite the processing of an ordinance amendment that would provide a streamlined surface mining and reclamation process to obtain the necessary permits for agricultural soil export. Staff organized a group of people interested in the revisions. The group consisted of farmers and ranchers from the Santa Maria and Lompoc valleys, surface mining operators, trucking firms, County Counsel, the agricultural planner from the Agricultural Commissioner's Office, a Deputy CEO, and P&D staff and management. The ordinance was reviewed by the County's Agricultural Preserve Advisory Committee as well as the Agricultural Advisory Committee.

The group met several times to discuss various options to process the export requests. A revised and simplified application form was developed (12 vs. 26 pages), and a new permit process was developed utilizing the Zoning Administrator for review through a minor conditional use permit. The current process requires approval of a major conditional use permit through the Planning Commission. If a project were exempt from CEQA, there could be a savings of over four months from the normal processing time. This is significantly less time than a standard application that can take 290 days or more.

The revisions are relatively minor in nature to accomplish the streamlining. First, the Agriculture II zone district would be amended to include "agricultural soil export mining" as a use permitted with a minor conditional use permit. A definition would be included in the definitions section to distinguish between traditional mining operations and agricultural soil export mining. Finally, the processing section of SMARA would be revised to show that only a minor conditional use permit, reclamation plan, and financial assurances would be required for agricultural soil export mining.

On September 13, 2006 the Santa Barbara County Planning Commission, by a 4-1 vote, recommended that your Board approve this ordinance amendment. The Commission's staff report is attached which includes analysis of the ordinance amendment, the CEQA exemption. Additionally, the Commission Resolution, and Action Letter are attached.

Mandates and Service Levels: Amendments to Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35 of the County Code are legislative acts under the jurisdiction of the Board of Supervisors.

Fiscal and Facilities Impacts: Funding for this ordinance amendment work effort is budgeted in the Permitting and Compliance Program of the Development Review North Division as shown on page D-294 and the Planning Support program of the Administration Division on page D-286 of the adopted Planning and Development Department's budget for fiscal year 2006-07. There are no facilities impacts.

Special Instructions: The Planning and Development Department will satisfy all noticing requirements.

Concurrence: None. (Cintia, since the Ordinance is being signed by CoCo, do we say something other than “none” here?)

Prepared by: Larry Appel, Supervising Planner (934-6261)

Attachments:

- A. Findings
- B. CEQA Notice of Exemption
- C. Draft Ordinance
- D. County Planning Commission Staff Report
- E. Planning Commission Resolution

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