

SANTA BARBARA COUNTY BOARD AGENDA LETTER



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

Agenda Number:
Prepared on: 1/24/05
Department Name: Planning and Development
Department No.: 053
Agenda Date: 2/1/05
Placement: Administrative
Estimate Time: N/A
Continued Item: NO
If Yes, date from: N/A

TO: Board of Supervisors

FROM: Valentin Alexeeff, Director of Planning and Development

STAFF CONTACT: Brian R. Baca
Engineering Geologist 568-2004

SUBJECT: **Granite-Bazzi Temporary Mining Emergency Permit, 05EMP-0000-00005:**
Informational report on issuance of emergency permit.
400 S. Highway 101, Buellton area, APN 137-270-015,
Third Supervisorial District

Recommendation(s):

That the Board of Supervisors:

Receive the Director's report regarding an Emergency Permit issued to Dave White, agent for the landowner, to temporarily authorize the mining excavation of up to 145,000 cubic yards of sand and gravel from the Bazzi property located just south of the Santa Ynez River and east of U.S. Highway 101.

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with Goal No. 2., A Safe and Healthy Community in Which to Live, Work and Visit.

Executive Summary and Discussion:

Pursuant to Section 35-322 of Article III of the County's Zoning Ordinance, when an Emergency Permit is issued, the Director of the Planning and Development Department must report the nature of the emergency and the work involved to the Board of Supervisors in writing. This notification fulfills the ordinance requirement.

The subject emergency permit, approved and issued on January 24, 2005, authorized mining excavation of up to 145,000 cubic yards to occur over an area of approximately eight acres on the subject property. This excavation would produce approximately 100,000 tons of aggregate needed for the manufacture of asphalt paving materials at the adjacent existing Granite Buellton asphalt plant. In addition, an estimated 33,000 cubic

yards of topsoil would be removed from the excavation area and stockpiled onsite for use in future reclamation activities. The purpose of this new excavation is to obtain materials to be used to manufacture asphalt paving for the repair and restoration of County roads and State highways damaged in he recent winter storms.

Background Information

The winter storms of December 2004 and January 2005 have caused severe erosion and damage to public facilities, including County roads and State highways. A substantial number of pavement replacement projects is required to repair and place back in service these damaged rods and highways. One of the major sources of aggregate materials for paving, the Granite Gardner Ranch Pit, cannot currently supply the needed materials because it is inundated with standing groundwater. Without access to another source of aggregate, Granite Construction Company (a major contractor for the County and CALTRANS) would not be able to supply asphalt paving materials for needed road repairs.

The subject property is located immediately adjacent to the existing Granite Buellton Pit mining facility operated by Granite Construction Company. Granite's mining facility also includes a hot-mix asphalt plant. This plant is the major source of asphalt for road paving projects in the Santa Ynez Valley and South Coast areas of the County of Santa Barbara. The requested Emergency Permit would allow Granite to begin excavation on the Bazzi Mining Expansion Project approved by the County Planning Commission on January 12, 2005. At that meeting, the Commission approved a Conditional Use Permit (03CUP-00000-00024) and Reclamation Plan (03RPP-00000-00001) for mining on the Bazzi property over an area of about 100 acres. Although approved by the Planning Commission, various informational items remain to be addressed in order for final land use clearance to be granted. Production of aggregates for asphalt manufacture, however, is needed now to facilitate the repair and restoration of public roadways. It is not feasible for mining to be delayed the anticipated several weeks until final land use clearance is obtained. In any case, the mining and subsequent reclamation of the site would be done in conformance with the approved permit and reclamation plan.

For more information on the specifics of the emergency work, please refer to the attached permit.

Mandates and Service Levels:

None

Fiscal and Facilities Impacts:

County costs for the preparation of the emergency permit are reimbursed by the applicant in conformance with the current Board-approved fee resolution. The project causes no fiscal or facilities impacts to the County.

Special Instructions:

None

Concurrence:

County Counsel

Attachments:

Emergency Permit (05EMP-00000-00005 issued 1/24/05)

EMERGENCY PERMIT

05EMP-00000-00005



- Coastal Zone:**
Subject to the requirements of Section 35-171.2 of the Article II Coastal Zoning Ordinance and the policies of the Coastal Land Use Plan.
- Inland Area:**
Subject to the requirements of Section 35-322 of the Article III Inland Zoning Ordinance and the policies of the County Comprehensive Plan.

Case Name: Granite-Bazzi Temporary Mining Pit
Case Number: 05EMP-00000-00005
Site Address: 400 S. Highway 101, Buellton CA 93426
APN: 137-270-015
Applicant/Agent Name: David White
Owner Name: Live Oak Bazzi Family Ranch LLC

South County Office
123 E. Anapamu Street
Santa Barbara, CA 93101
(805) 568-2000

Energy Division
30 E. Figueroa St.
Santa Barbara, CA 93101
(805) 568-2040

North County Office
624 W. Foster Road
Santa Maria, CA 93454
(805) 934-6250

PERMIT APPROVAL:

This is to inform you that an Emergency Permit has been approved for new mining excavation on the subject property in order to obtain earth materials required for asphalt production associated with State and Local agency road repair projects. The work would include the following:

Excavation of up to 145,000 cubic yards of sand and gravel from the Bazzi property located just south of the Santa Ynez River and east of U.S. Highway 101. This excavation would occur over an area of approximately eight acres on the subject property and serve to produce approximately 100,000 tons of aggregate to be used in the manufacture of asphalt paving materials at the adjacent existing Granite Buellton asphalt plant. In addition, an estimated 33,000 cubic yards of topsoil would be removed from the excavation area and stockpiled onsite for use in future reclamation activities. The limits of the authorized excavation are depicted on the attached site plan.

The winter storms of December 2004 and January 2005 have caused severe erosion and damage to public facilities, including County roads and State highways. A substantial number of pavement replacement projects is required to repair and place back in service these damaged roads and highways. One of the major sources of aggregate materials for paving, the Granite Gardner Ranch Pit, cannot currently supply the needed materials because it is inundated with standing groundwater. Without access to another source of aggregate, Granite Construction Company (a major contractor for the County and CALTRANS) would not be able to supply asphalt paving materials for needed road repairs. Therefore, this situation constitutes an emergency in accordance with the applicable zoning ordinance indicated above and immediate action is warranted. As the required findings (listed below) can be made, the emergency work is hereby approved, subject to compliance with the attached conditions of approval. This permit is not valid until signed by the owner/applicant and subsequently issued by the Planning and Development Department upon verification that all conditions of approval requiring action prior to permit issuance are satisfied.

Sincerely,

VALENTIN ALEXEEFF
Director

APPROVAL DATE: January 24, 2005

OWNER/APPLICANT AGREEMENT:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions of approval incorporated herein. The undersigned also acknowledges and agrees that:

- This Emergency Permit provides only temporary authorization for the proposed action and other applicable permits (such as a Conditional Use Permit, Coastal Development Permit, Land Use Permit) are required by law to validate the emergency work as permanent.
- Any evidence or findings contained herein, or upon which this permit relies, shall not constitute any limitation on the authority of the County of Santa Barbara to issue, grant, deny, rescind, or revoke this permit or any future permit(s) required for the activities described herein, or on the authority of the County of Santa Barbara to analyze, mitigate, or condition any future permit(s) required for the activities described herein.
- This permit does not authorize any work or construction activities outside of the scope of the project as indicated in the project description, conditions of approval and approved plans.
- This permit shall not be construed to authorize any violation of County ordinance or policy, or the violation of any State or Federal regulation.

Print Name

Signature

Date

PERMIT ISSUANCE:

Print Name

(For Valentin Alexeeff, Director)

Signature

Date

BACKGROUND:

The subject property is located immediately adjacent to the existing Granite Buellton Pit mining facility operated by Granite Construction Company. Granite's facility also includes a hot-mix asphalt plant. This facility is the major source of asphalt for road paving projects in the Santa Ynez Valley and South Coast areas of the County of Santa Barbara. The requested Emergency Permit would allow Granite to begin excavation on the Bazzi Mining Expansion Project approved by the County Planning Commission on January 12, 2005. At that meeting, the Commission approved a Conditional Use Permit (03CUP-00000-00024) and Reclamation Plan (03RPP-00000-00001) for mining on the Bazzi property over an area of about 100 acres. Although approved by the Planning Commission, various informational items remain to be addressed in order for final land use clearance to be granted. Production of aggregates for asphalt manufacture, however, is needed now to facilitate the repair and restoration of public roadways. It is not feasible for mining to be delayed the anticipated several weeks until final land use clearance is obtained. In any case, the mining and subsequent reclamation of the site would be done in conformance with the approved permit and reclamation plan.

FINDINGS OF APPROVAL:

1. The approval of this project shall not be held to permit or to be an approval of a violation of any provision of any County Ordinance or State Law.
2. Pursuant to Section 35-171.5 of Article II (for projects in the Coastal Zone) or Section 35-322.5.2 of Article III (for projects in the Inland Area) , an Emergency Permit may be granted if the Director of the Planning and Development Department makes the following findings:
 - a. *An emergency exists and requires action more quickly than provided for by the procedures for permit processing, and the action will be completed within 30 days unless otherwise specified by the terms of the permit.*

On January 15, 2005, Governor Schwarzenegger declared a State of Emergency in the County of Santa Barbara due to extreme storm-related damage. Repair of damaged pavement and the restoration of currently impassible public roads and highways is necessary to minimize hazards to public health and safety. The Granite Buellton facility is a major road pavement contractor to both Local and State agencies and must have a source of aggregates to complete road repairs. Therefore, this situation constitutes an emergency in accordance with the applicable zoning ordinance indicated above and immediate action is warranted. As the required findings (listed below) can be made, the emergency work is hereby approved, subject to compliance with the attached conditions of approval. This permit is not valid until signed by the owner/applicant and subsequently issued by the Planning and Development Department upon verification that all conditions of approval requiring action prior to permit issuance are satisfied.

- b. *The action proposed is consistent with the policies of the Coastal Land Use Plan and the requirements of the Article II Coastal Zoning Ordinance (for projects in the Coastal Zone), or the action is consistent with the policies of the Comprehensive Plan and the requirements of the Article III Zoning Ordinance (for projects in the Inland Area).*

The proposed excavation would be conducted in conformance with the terms and conditions of Conditional Use Permit 03CUP-00000-00024 and Reclamation Plan 3RPP-00000-00001 as approved by the County Planning Commission on January 12, 2005. As part of its decision,

the Planning Commission determined that the mining excavation on the subject property would be consistent with the policies of the Comprehensive Plan and would meet the requirements of the Article III Zoning Ordinance.

3. This action is not subject to the provisions of the California Environmental Quality Act, pursuant to State CEQA Guidelines Section 15269, statutory exemption for emergency projects.

EMERGENCY PERMIT CONDITIONS OF APPROVAL

1. This Emergency Permit is based upon and limited to compliance with the project description, and the conditions of approval set forth below. Any deviations from the project description or conditions must be reviewed and approved by the County for conformity with this approval. Deviations without the above-described approval will constitute a violation of permit approval. If it is determined that project activity is occurring in violation of any or all of the following conditions, the Director of Planning and Development may revoke this permit and all authorization for development. The decision of the Director to revoke the Emergency Permit may be appealed to the Planning Commission.

The project description is as follows:

Excavation of up to 145,000 cubic yards of sand and gravel from the Bazzi property located just south of the Santa Ynez River and east of U.S. Highway 101. This excavation would occur over an area of approximately eight acres on the subject property and serve to produce approximately 100,000 tons of aggregate to be used in the manufacture of asphalt paving materials at the adjacent existing Granite Buellton asphalt plant. In addition, an estimated 33,000 cubic yards of topsoil would be removed from the excavation area and stockpiled onsite for use in future reclamation activities. The limits of the authorized excavation are depicted on the attached site plan.

2. The applicant shall obtain a Land Use Permit to implement and make effective Conditional Use Permit 03CUP-00000-00024 and Reclamation Plan 03RPP-00000-00001 within 90 days of the issuance of this Emergency Permit. In the event that these permits are not ultimately made effective, the applicant shall backfill and restore the temporary excavation site to its pre-existing topography.
3. Only that emergency work specifically requested and deemed an emergency for the specific property mentioned is authorized. Any additional emergency work requires separate authorization from the Director of Planning and Development. The work authorized by this permit must be commenced within 30 days of the date of issuance of the permit and completed within 30 days after the beginning of construction. If construction activities are proposed by the applicant to commence after 30 days, separate authorization by the Director of P&D is required.
4. This permit does not preclude the necessity to obtain authorization and/or permits from other County Departments or other agencies.

5. The Director of Planning and Development may order the work authorized under this emergency permit to stop immediately if it is determined that unanticipated and substantial adverse environmental effects may occur with continued construction.
6. This Emergency Permit is not valid until signed by the applicant and subsequently issued by Planning and Development.

Attachments:

- A. Index Map
- B. Site Plan

cc: Brooks Firestone, Third District Supervisor
Dianne Meester, P&D
Zoraida Abresch, P&D
Jackie Campbell, P&D
Larry Appel, P&D
Dave Swenk, P&D
Mike Zimmer, P&D

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