

SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report for the Ellwood Quarry Revised Conditional Use Permit and Reclamation Plan

Hearing Date: April 4, 2018
Staff Report Date: March 15, 2018
Case Nos.: 17RVP-00000-00082 & 18RVP-00000-00016
CEQA Document: Addendum to 87-EIR-3
(CEQA Guidelines Section 15164)

Division: Energy & Minerals
Supervising Planner: Errin Briggs
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VICINITY MAP



This site is identified as Assessor Parcel Number 079-100-017, located on Ellwood Ranch about one-half mile north of Cathedral Oaks Road near the western end of the City of Goleta, Third Supervisorial District.

Application Submittal: September 14, 2017
Application Complete: February 14, 2018

1.0 REQUEST

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 conceptual 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 March 15, 2018 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.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conceptually approve Case Nos. 17RVP-00000-00082 and 18RVP-00000-00016, marked "Officially Accepted, County of Santa Barbara April 4, 2018, County Planning Commission Attachments A through F", based upon the project's consistency with the Comprehensive Plan, including the Goleta Community Plan, and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Conceptually make the required findings for approval of the project specified in Attachment A of this staff report, including CEQA findings.
2. After considering the environmental review documents included as Attachments C and D [Addendum dated March 15, 2018 together with previously adopted EIR] conceptually determine that as reflected in the CEQA findings, no subsequent Environmental Impact Report shall be prepared for this project.
3. Conceptually approve the project, Case Nos. 17RVP-00000-00082 and 18RVP-00000-00016, subject to the conditions included as Attachments B-1 and B-2.
4. Direct staff to refer the revised Reclamation Plan to the California State Division of Mine Reclamation (DMR) for review and then return to the Planning Commission for final action after receiving direction from DMR.

Refer back to staff if the County Planning Commission takes other than the recommended action for appropriate findings and conditions.

3.0 JURISDICTION

This project is being considered by the County Planning Commission based upon Conditional Use Permit Case No. 02CUP-00000-00006 Condition of Approval Nos. 6 and 50, which require Planning Commission approval of time extensions to the permit:

6. Upon issuance of a Land Use Permit, 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.

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 once, not to exceed one year, by the Director of Planning and Development for good cause shown. Any extensions thereafter must be approved by the Planning Commission.

As required by Public Resources Code Section 2772.1, reclamation plans must be reviewed by the Department of Conservation's Division of Mine Reclamation (DMR) prior to final approval by the County. Therefore, the Planning Commission is being asked to conceptually approve the project at this time. Once the revised Reclamation Plan is conceptually approved by the Planning Commission, it will be forwarded to DMR for review and then will return to the Planning Commission for final action. Your Commission's conceptual action is not appealable but final action on the project by your Commission will be appealable pursuant to the County's standard appeal procedures.

4.0 ISSUE SUMMARY

The existing Reclamation Plan (Case No. 02RPP-00000-00001) was approved by the County Planning Commission in 2002 and the Conditional Use Permit (CUP) (Case No. 02CUP-00000-00006) 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. 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. Due to lower market demand than originally estimated, the mining authorized under 02RPP-00000-00001 will not be completed within the 15-year timeframe originally

estimated. Condition of Approval #50 of 02CUP-00000-00006 requires that any extensions to the permit beyond an initial one year time extension be approved by the Planning Commission.

At an average annual production rate of 16,000 cubic yards per year, it would require approximately 21 years to complete mining of the remaining reserves. As such, the applicant now requests a revision to extend the life of the existing mining operation for 25 years to December 31, 2043. This time extension request requires modification of CUP conditions of Approval #6 and #50 involving the time period for mining as well as a revision to the Reclamation Plan project description to remove the expiration date. No other changes in the operation of the Ellwood Quarry are proposed. 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 would be processed only for the Conditional Use Permit; this Reclamation Plan (Case No. 18RVP-00000-00016 to 02RPP-00000-00016) would not expire and shall be implemented at the termination of mining at the site. This change in process is consistent with State Division of Mine Reclamation implementation practices for SMARA Reclamation Plans.

Additionally, Conditions 4, 8, 16, 24, 52, 55, and 56 of Attachment B-1 and Conditions 4 and 11 of Attachment B-2 have been revised to reflect current County permitting process updates, existing on-site conditions, and limitations on daily truck trips due to CEQA air thresholds.

Staff’s recommendation for approval is based on the absence of any new or increased environmental impacts associated with the proposed time extension and the consistency of the project with applicable County ordinances and State regulations pertaining to surface mining. The project primarily serves to allow completion of mining previously authorized by the County.

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	Rural Area, AC, Agriculture Commercial, Goleta Community Plan
Ordinance, Zone	County Land Use and Development Code, AG-II-100, Agriculture with a 100-acre minimum parcel size, ESH and Riparian Corridor Overlay
Site Size	191 acres (12 acres included in Reclamation Plan Boundary)
Present Use & Development	Operating sand mine within an active agricultural operation

Site Information	
Surrounding Uses/Zone(s)	North: Agriculture, AG-II-100 South: Agriculture, AG-I-10 East: Agriculture, AG-II-100 West: Agriculture, AG-II-100
Access	Ellwood Canyon Road off of Cathedral Oaks Road
Other	Agricultural Preserve Contract No. 77-AP-047
Public Services	Water Supply: Onsite private water well. Sewage: Portable toilet for office. Fire: Santa Barbara County Fire Department Police Services: County Sheriff

5.2 Setting

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, septic effluent disposal system, truck scale, shop building, and water system. Eight full-time employees are involved in the mining operation.

Ellwood Quarry occupies a small portion of the 191-acre parcel and is located in the rural area north of the urban area of Goleta. The Quarry is located on the hillside that forms the western boundary of Ellwood Canyon. Areas of native vegetation and cultivated agriculture are present in the vicinity of the quarry. The homes nearest to the quarry are located on Ellwood Ridge Road about 1,500 feet to the southwest. The Winchester Canyon and Winchester Commons residential developments are located about 2,000 feet to the south.

5.3 Description

The project request is for a revision (Case No. 17RVP-00000-00082) to Conditional Use Permit 02CUP-00000-00006 and 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.

Conditional Use Permit

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.

Reclamation Plan

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, currently 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 would be processed only for the Conditional Use Permit; this Reclamation Plan (Case No. 18RVP-00000-00016 to 02RPP-00000-00016) would 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.

5.4 Background Information

Ellwood Quarry was originally proposed (and approved) in 1987 as a replacement for the Pulice Ranch Quarry, a nearby similar sand mine that had operated since 1962 and was nearing exhaustion of material reserves. The Pulice Ranch Quarry, located about 1,000 feet east of Ellwood Quarry, was closed and the site reclaimed in 1992. At that time, mining operations commenced at Ellwood Quarry. The primary offsite effect of the proposed Ellwood Quarry operation, the truck traffic required for sand transport, was limited by the conditions of approval of 86-CP-060 to the existing

level of truck trips associated with the Pulice Ranch Quarry. Thus, no new truck traffic was found to be associated with the Ellwood Quarry and impacts on Traffic and Circulation were determined to be less than significant in 87-EIR-3.

Ellwood Quarry has operated over the past two decades in compliance with the conditions of approval of 02CUP-00000-00006 and 02RPP-00000-00001. Mitigation measures required during initial development of the quarry to address project impacts have been implemented. Required annual inspections by County staff have not identified any problems associated with this facility and have consistently found the facility to be in compliance with project conditions and SMARA standards.

In 1998 and 1999, construction of the nearby Winchester Commons and Mountain View housing developments occurred. During this period, complaints were received by the County regarding dust generation and truck traffic noise associated with the temporary construction of these housing developments and the pre-existing Ellwood Quarry operations. As the new housing developments are now completed, such a concentration of earth-moving and construction activity in the local area is not anticipated to recur.

6.0 PROJECT ANALYSIS

6.1 Environmental Review

The environmental impacts of the approved Ellwood Quarry project are analyzed in Environmental Impact Report 87-EIR-3 (Attachment D). Because 87-EIR-3 was adopted for the ongoing Ellwood Quarry Mining and Reclamation Project, CEQA Guidelines Section 15162 states that no subsequent EIR or ND shall be prepared unless one or more of the following have occurred: 1) substantial changes are proposed in the project which will require major revisions to the Supplemental EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; 2) substantial changes will occur with respect to the circumstances under which the project is undertaken which will require major revisions to the Supplemental EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or 3) new information of substantial importance which was not known and could not have been known at the time the previous Supplemental EIR was certified as complete has become available.

There are no substantial changes or changed circumstances under which the proposed project is to be undertaken. No new significant environmental effects or a substantial increase in the severity of previously identified significant effects under the adopted Environmental Impact

Report (87-EIR-3) have been found with the proposed project, as analyzed in the Addendum to the EIR (contained in Attachment C of this staff report). Further, there is no new information that the proposed project will have one or more significant effects not discussed in the adopted 87-EIR-3. The project proposes the same uses as previously analyzed, the analysis contained within 87-EIR-3 addresses the impacts that would be associated with the proposed project, and identifies measures that would mitigate those impacts to a less than significant level. Mitigation measures identified in 87-EIR-3 are incorporated into the conditions of approval of revision Case No. 17RVP-00000-00082 to Conditional Use Permit Case No. 02CUP-00000-00006.

Because none of the conditions in CEQA Guidelines Section 15162 have occurred, no subsequent EIR is required for this project. Therefore, an Addendum to 87-EIR-3 is the appropriate document for the proposed time extension to 02CUP-00000-00006 and 02RPP-00000-00001 to extend the mining end date by 25 years.

Provided below is a summary of impacts identified in 87-EIR-3 for the Ellwood Quarry project.

6.1.1 Impacts and Mitigation Measures

Class I: Significant unavoidable adverse impacts for which a decision-maker must issue a “Statement of Overriding Considerations” under Section 15093 of the State CEQA Guidelines if the project is approved.			
Issue Area	Impact	Mitigation Measures	Residual Impact
Air Quality	Quarry operations would generate an estimated 26.1 lbs/hour of NOx emissions. This exceeds the County’s threshold of significance of 2.5 lbs/hour.	<ol style="list-style-type: none"> 1. Diesel equipment shall be well-maintained. 2. Pre-chamber diesel engines or their equivalent shall be used if feasible and available. 3. An overnight parking area for all diesel and transport trucks shall be established approximately 2,240 feet north of the sand loading site. Initial warm-up of the trucks shall occur at this parking area. 4. Combined truck traffic shall not exceed 96 Average Daily Trips. 	Significant

Class II. Significant environmental impacts that can be feasibly mitigated or avoided for which the decision-maker must make “findings” under Section 15093 of the State CEQA Guidelines if the project is approved.			
Air Quality	Dust and other particulate emissions would be potentially significant.	<ul style="list-style-type: none"> 5. The quarry access road shall be oiled. 6. Loads shall be sprinkled with water after being loaded into trucks. 7. Dirt access roads shall be watered as needed to control dust. 8. Treat all disturbed areas not subject to immediate quarrying with water/chemical mix to control dust. Apply grass seed to bared areas to be left undisturbed for a year or more. 9. Area of active disturbance limited to one acre or less. 	Less than significant
Traffic	Access road to the quarry site is not adequate to support heavy truck traffic.	10. The existing access road shall be widened to 20 feet, the sharp curve straightened and an all-weather oiled surface shall be maintained.	Less than significant
	Quarry-generated truck traffic would accelerate deterioration of area streets.	11. Truck traffic shall be directed to the same streets as used by the existing quarry until Cathedral Oaks Road is completed.	Less than significant
	Quarry trucks would exit onto Winchester Canyon Road by crossing a route used by school children to reach a school bus stop.	12. Installation of a new STOP sign required.	Less than significant
Noise	Noise generated by proposed quarry operation would occur at higher elevation than existing quarry and radiate over wider area.	13. An 8-10 foot high berm shall be maintained on the south side of quarry excavation areas.	Less than significant

	Truck traffic would generate noise on area streets.	14. Truck trips limited to a maximum of 10 in the PM peak hour. 15. "Jakes Brakes" shall not be used off of the highway. 16. Truck traffic limited to 7:30am to 4:30pm on weekdays.	Less than significant
Biological Resources	Project would result in removal of 75 mature oak trees and associated chamise/chaparral area.	17. Oaks shall be replanted on a 3:1 basis (225 trees) at a four-acre portion of land adjacent to the quarry.	Less than significant
	Potential grading for access road on southwestern side of quarry may disrupt riparian corridor.	18. A chain link fence shall be installed along the western edge of the quarry.	Less than significant
	Soil erosion from the quarry site could impact Ellwood Creek	19. The primary desilting basin shall be sized for a 10-year runoff event.	Less than significant
	Soil erosion from the truck parking area could impact Ellwood Creek.	20. A desilting basin adequate for a 10-year runoff event shall be installed at the truck parking area.	Less than significant
Cultural Resources	Disturbance of an area where cultural artifacts were found.	21. The site shall be resurveyed and all artifacts mapped and collected. 22. Excavation of the site shall be monitored by an archaeologist and Native American. 23. Soils containing artifacts shall be stockpiled at a separate location and not transported to other areas.	Less than significant
Aesthetics and Trails	Quarry operations could cause significant disruption of slope visible from residential areas below.	13. An 8-10 feet high berm shall be maintained on the south side of quarry excavation areas. 24. Stockpiling of sand shall be limited to the west side of the quarry. No sidecasting permitted on the south face of the quarry.	Less than significant
	Grading for access road in	25. The existing access road	Less than

	southwestern part of the site could disturb slope face and be visible from offsite.	along the southwest side of the quarry shall not be widened or its alignment altered.	significant
Class III. Adverse impacts found not to be significant.			
Biological Resources	Quarry trucks would potentially disturb turkey vultures residing in eucalyptus trees located along the access road.	No mitigation required as vultures appear to tolerate the truck traffic.	Less than significant
Alternatives. Four project alternatives are evaluated in 87-EIR-3 including No Project, Alternative Quarry Design, Alternative Uses of the mining site, and Alternative Location. The EIR concluded that “the proposed quarry is considered to be the environmentally superior alternative, except for the No Project alternative.			

6.2 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
Adequate Services	
<i>Land Use Development Policy 4: Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.</i>	Consistent: The ongoing operation of Ellwood Quarry would not be substantially changed with the approval of the proposed time extension. No new facilities, services, or resources would be required beyond those already available and in use at the site. Site access has been improved since original project approval in 1987 with the completion of Cathedral Oaks Road. A more direct route for quarry trucks to reach U.S. 101 is now available. Therefore, the project is consistent with this policy.
Agriculture	
<i>Agriculture Policy I.A: The integrity of</i>	Consistent: The project site is currently under

agricultural operations shall not be violated by recreational or other non-compatible uses.

Agriculture Policy I.D: *The use of the Williamson Act (Agricultural Preserve Program) shall be strongly encouraged and supported. The County shall also explore and support other agricultural land protection programs.*

Agriculture Policy I.F: *The quality and availability of water, air, and soil resources shall be protected through provisions including but not limited to, the stability of Urban/Rural Boundary Lines, maintenance of buffer areas around agricultural areas, and the promotion of conservation practices.*

an Agriculture Preserve contract (77-AP-047). The proposed time extension would not alter or affect the site’s enrollment in the County’s Agricultural Preserve Program and portions of the property used for mining would be returned to agriculture upon the cessation of mining activities. The County’s Uniform Rules, governing the Agricultural Preserve program addresses the use of preserve land for mining purposes. Uniform Rule #4 says that “the mining, extraction and quarrying of natural resources are compatible to an agricultural preserve...” The project was originally reviewed by the Agricultural Preserve Advisory Committee (APAC) on October 10, 1986 and the Committee recommended approval of the proposed quarry on the grounds that it is compatible with the Agricultural Preserve Program. This time extension project has been scheduled for formal review with the APAC on May 4, 2018.

The quality and availability of water, air and soil resources at the project site would be protected by ongoing practices employed by the applicant and required by project conditions of approval. Topsoil consisting of prime soil is required to be stockpiled, protected, and reused to reestablish agriculturally productive fields upon cessation of mining activities. Water for mining activities is supplied by an on-site water well. Water utilized for operations is returned to a sedimentation pond and allowed to infiltrate into the ground where it directly recharges the groundwater basin it was extracted from. Therefore, the project is consistent with these policies.

Air Quality

Goleta Community Plan Policy AQ-GV-1: **Consistent:** The proposed time extension

The County shall impose appropriate restrictions and control measures upon construction activities associated with each future development project, in order to avoid significant deterioration of air quality.

Goleta Community Plan DevStd AQ-GV-1.1:
Future project construction should follow all requirements of the SBCAPCD, and should institute Best Available Control Technology (BACT) where necessary to reduce emissions below APCD threshold levels.

Goleta Community Plan DevStd AQ-GV-1.2:
Project construction shall minimize the generation of pollution and fugitive dust during construction.

request was reviewed by the Santa Barbara County Air Pollution Control District (APCD) and determined to be below all air threshold levels for particulates and greenhouse gases. To ensure the project stays below APCD threshold levels, Condition 8 of Attachment B-1, would limit the maximum daily trips for semi-truck/tractor/dump trucks receiving materials for on-road activities to 20 round trips. The air impacts associated with the mining activities were analyzed in the original project EIR (Case No. 87-EIR-3) and were determined to be significant. Nine separate mitigation measures were incorporated into the EIR and are included as Conditions of Approval 12 through 21 of Attachment B-1. Additionally, Condition of Approval 55 has been added to protect nearby neighbors from potential dust impacts from sand trucks driving on Cathedral Oaks Road. While the time extension project would allow a continuation of existing on-site impacts originally considered significant by 87-EIR-3, the proposed project would not exceed the levels analyzed in 87-EIR-3 or current County CEQA air thresholds.

Conditions 12 through 15 of Attachment B-1 include provisions that minimize the creation of dust at the project site by limiting the area of active disturbance in the quarry to not more than one acre at a time and requiring watering of dirt roads as well as watering of all trucks hauling sand from the site. There are no changes proposed to site operations and the time extension would not result in increased dust production. Therefore, the project is consistent with these policies.

Biology	
<p><i>Goleta Community Plan Policy BIO-GV-5:</i> Native woodlands designated as environmentally sensitive habitats shall be preserved and protected.</p> <p><i>Goleta Community Plan Development Standard BIO-GV-5.2:</i> Onsite mitigation such as revegetation, erosion and water quality protection, and other measures which would minimize the impact of development on native woodlands shall be included in the project design as necessary.</p> <p><i>Goleta Community Plan Policy BIO-GV-17:</i> Oak trees shall be protected to the maximum extent feasible. All land use development applications shall be processed in such a manner as to avoid damage to native oak trees. Regeneration of oak trees shall be encouraged.</p>	<p>Consistent: The originally approved reclamation plan (86-RP-060) and the proposed revised Reclamation Plan (18RVP-00000-00016 to 02RPP-00000-00001) contain measures adequate to achieve consistency with these policies. The successful planting of 225 oak trees has already been accomplished as onsite mitigation to offset the loss of 75 trees due to mining excavation. No further impacts to protected trees or to habitat are proposed. Therefore, the project is consistent with these policies.</p>
Hillside and Watershed	
<p><i>Hillside and Watershed Protection Policy 1:</i> Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.</p>	<p>Consistent: Surface mining operations by their nature involve substantial alteration of the natural terrain. This type of project cannot, in general, be carried out “with less alteration of the natural terrain.” These alterations are, however, addressed by reclamation plans required under the California Surface Mining and Reclamation Act. The proposed revision to the Conditional Use Permit and Reclamation Plan simply involves a request for additional time to carry out the excavation that was previously approved as part of the project. No other revisions to the project are proposed.</p> <p>Based on the above discussion, the proposal would be consistent with this policy.</p>
<p><i>Hillside and Watershed Protection Policy 2:</i></p>	<p>Consistent: No changes to the currently</p>

<p><i>All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.</i></p>	<p>approved grading and site preparation are included as part of the time extension revision request. The currently approved grading and site preparation is the minimum amount necessary to accomplish the objectives of the project. As discussed above, surface mining operations involve substantial alteration of the natural terrain. The disturbance of natural features, landforms and native vegetation at Ellwood Quarry are effectively addressed in the proposed revised Reclamation Plan and Conditional Use Permit. Based on the above discussion, the proposed revisions to 02CUP-00000-00006 and 02RPP-00000-00001 would be consistent with this policy.</p>
<p><i>Hillside and Watershed Protection Policy 3:</i> <i>For necessary grading operations on hillsides, the smallest practical area of land shall be exposed at any one time during development and the length of exposure shall be kept to the shortest practicable amount of time. The clearing of land should be avoided during the winter rainy season and all measures for removing sediments and stabilizing slopes should be in place before the beginning of the rainy season.</i></p> <p><i>Hillside and Watershed Protection Policy 4:</i> <i>Sediment basins (including debris basins, desilting basins, or silt traps) shall be installed on the project site in conjunction with the initial grading operations and maintained through the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an appropriate dumping location.</i></p>	<p>Consistent: The proposed revised Conditional Use Permit does not include any change in the area allowed to be under active disturbance or the erosion control measures already implemented at the site. Erosion control facilities, including sedimentation basins have already been constructed on the project site. The proposed time extension would not alter these basins or other existing erosion control facilities. These facilities effectively minimize onsite erosion and sedimentation of nearby watercourses. In addition, a condition of approval of the existing Conditional Use Permit requires the operator to obtain a Storm Water Permit from the Regional Water Quality Control Board (RWQCB). The operator has obtained the required Storm Water Permit from RWQCB and is in full compliance with this condition.</p> <p>With these existing measures, substantial degradation of the water quality of nearby streams is not anticipated to result from the</p>

<p>Hillside and Watershed Protection Policy 6: <i>Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Water runoff shall be retained onsite whenever possible to facilitate groundwater recharge.</i></p> <p>Hillside and Watershed Protection Policy 7: <i>Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.</i></p> <p>Streams and Creeks Policy 1: <i>All permitted construction and grading within the stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation or thermal pollution.</i></p>	<p>implementation of the proposed time extension.</p>
<p>Hillside and Watershed Protection Policy 5: <i>Temporary vegetation, seeding, mulching, or other suitable stabilization method shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized as rapidly as possible with planting of native grasses and shrubs, appropriate non-native plants, or with accepted landscaping practices.</i></p>	<p>Consistent: Measures consistent with this policy are included in the existing Conditional Use Permit (02CUP-00000-00006). The proposed time extension would not alter these existing requirements. The final revegetation of the site would be accomplished in accordance with an approved reclamation plan consistent with Surface Mining and Reclamation Act (SMARA) performance standards.</p>

Noise	
<p>Noise Element Recommendation 1: <i>In the planning of land use, 65 dB Day-Night Average Sound Level should be regarded as the maximum exterior noise exposure compatible with noise-sensitive uses unless noise mitigation features are included in project designs.</i></p>	<p>Consistent. Impacts associated with the original project were analyzed in 87-EIR-3, which identified that noise generated by the proposed quarry operation would occur at a higher elevation than the quarry it was replacing and noise would radiate over a wider area. To mitigate those noise impacts, the project was required to include an 8-10 foot high berm to be maintained on the south side of the quarry excavation areas. This berm remains on-site and is inspected annually by County staff. No noise complaints have been received by County staff. Moreover, mining and reclamation activities are/would be limited to daytime hours of 7:00 am to 4:30 pm. Because existing operations would be exactly the same as those proposed, the project would not result in any new noise impacts. Therefore, the project is consistent with this recommendation.</p>
Visual Resources	
<p>Land Use Element Visual Resource Policy 2: <i>In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.</i></p> <p>Goleta Community Plan Policy VIS-GV-3:</p>	<p>Consistent. At the time of its original approval in 1987, the most significant visual impact of Ellwood Quarry was the view from US Highway 101. Currently, there is no view of the site from US Highway 101 due to the development of the Winchester Commons housing project. The quarry is currently visible from several short segments of Cathedral Oaks Road and a segment of east-bound Calle Real. The quarry does not dominate views from these limited vantage points.</p> <p>Although the final cut slopes created under the proposed revised Conditional Use Permit and</p>

<p><i>Maintenance and expansion of Goleta's tree population shall be a high priority in the Goleta planning area. The County shall encourage projects which expand on-site and offsite provision of appropriate tree plantings, both in terms of quantity and species diversity.</i></p>	<p>reclamation plan may not qualify as “structures”, it is anticipated that with the ongoing reclamation and revegetation proposed in the revised Reclamation Plan, the visual character will be compatible with the surrounding area. With completion of the revegetation specified under the reclamation plan and required under SMARA, the visual character of the quarry area would blend with the adjacent areas supporting native vegetation and agricultural operations.</p> <p>Therefore, the proposed project is consistent with these policies.</p>
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6.3 Zoning: Land Use and Development Code Compliance

6.3.1 Compliance with Land Use and Development Code Requirements

Surface Mine Operations – Performance Standards

Mining and extraction of natural resources is a conditionally allowed use in the AG-II District pursuant to Section 35.21.030 of the LUDC, subject to the provisions of Section 35.82.160 (Reclamation and Surface Mining Permits). Section 35.82.160.H of the Land Use Development Code provides the following performance standards for surface mine operations:

Appearance. Mining operations shall be conducted in a neat and orderly manner, free from junk, trash, or unnecessary debris. Where in public view, salvageable equipment stored in a non-operating condition shall be suitably screened or stored in an enclosed structure.

The mine operates with minimal equipment and the site has historically been kept clean and in a neat and orderly manner. No accumulation of trash, junk, or debris has occurred. Annual inspections by the County would continue to occur and Financial Assurances updated to ensure appropriate reclamation of the site following termination of mining activities. The mining and reclamation activities are industrial by nature but orderly in appearance, as viewed from Cathedral Oaks Road. The site would continue to be re-contoured and revegetated in phases to conform to the surrounding natural environment and be suitable for agriculture and open space as specified in the revised Reclamation Plan.

Noise and vibration. Noise and ground vibration shall be controlled so as to minimize any disturbance of neighbors. The volume of sound measured outside during calm air conditions, generated by any use on the subject property shall not exceed 65 dB(A) LDN as measured at the location of the nearest noise sensitive use (as defined in the County Noise Element) beyond the property line of the mining operation.

Impacts associated with the original project were analyzed in 87-EIR-3, which identified that noise generated by the proposed quarry operation would occur at a higher elevation than the quarry it was replacing and noise would radiate over a wider area. To mitigate those noise impacts, the project was required to include an 8-10 foot high berm to be maintained on the south side of the quarry excavation areas. This berm remains on-site and is inspected annually by County staff. No noise complaints have been received by County staff. Moreover, mining and reclamation activities are/would be limited to daytime hours of 7:00 am to 4:30 pm. The project would also not be a significant source of vibration-related impacts, due to the type of mining conducted at the site. Because existing operations would be exactly the same as those proposed, the project would not result in any new noise impacts.

Traffic safety.

- a) **Parking shall be provided in compliance with Chapter 35.36 (Parking and Loading Standards). Adequate provision shall be made for the queuing and loading of trucks.**
- b) **Haul roads shall be located away from property lines where possible, except where adjoining property is part of the mining operation. Where processing facilities are not located on the same site as the mining operation, off-site haul routes shall be specified in the mining permit. The haul routes as well as other transport routes from the processing facilities to market destinations shall avoid, to the maximum extent feasible, routing through residential neighborhoods.**
- c) **The number and location of access points to the mining operation shall be specified in the mining permit.**

The mining site has adequate access and parking to serve the proposed uses and parking complies with Chapter 35.36 of the County's LUDC. There is only one access point to the mining area which is directly from Cathedral Oaks Road and is clearly defined and controlled. All queuing and loading of trucks occur internally at the site so as to not impact traffic operations on surrounding streets/highways. The proposed project involves no changes with regard to the rate or quantity of material transported. All access roads comply with County Standards and there is no evidence that there are any significant traffic safety issues. Additionally, Condition 22 of Attachment B-1 requires quarry truck traffic to use Cathedral Oaks Road and Calle Real to

travel between the mining site and U.S. Highway 101, avoiding residential neighborhoods to the maximum extent possible.

Dust control. During hours of operations, all access roads shall be contained, protected, or wetted in a manner designed to minimize the generation of dust.

Condition of approval Nos. 12 through 15 of Attachment B-1 include provisions that minimize the creation of dust at the project site by limiting the area of active disturbance in the quarry to not more than one acre at a time and requiring watering of dirt roads as well as watering of all trucks hauling sand from the site. There are no changes proposed to site operations and the time extension revision would not result in increased dust production.

Public health and safety.

- a) **Appropriate measures, including fencing, shall be provided where determined by the review authority to be necessary for public safety.**
- b) **Excavations shall be posted to give reasonable public notice where determined by the review authority to be necessary for public safety.**
- c) **A body of water created during operations within the excavation shall be maintained in a manner designed to provide for maximum mosquito control and to prevent the creation of health hazards or a public nuisance.**
- d) **Any generation of offensive fumes or odors, glare, heat, noxious gases or liquids, or radiation and all other activities shall be conducted in a manner that will not be injurious to the health, safety, or general welfare of persons residing or working in the neighborhood by reason of danger to life or property.**

The parcel upon which the mining activities are located is fenced and gated during non-operating hours to prevent public access. The proposed mining, reclamation and processing activities do not create water bodies because of onsite infiltration of storm water and these activities including reclamation do not involve substantial quantities of hazardous materials that could pose an increased threat to public health and safety. Customers are not exposed to mining hazards because of the setback from the customer service area and the mine.

Screening. To the maximum extent feasible, screening or other aesthetic treatments (e.g., berms, fences, plantings of suitable shrubs and/or trees) shall be required, where necessary, to minimize visibility from public view of cut slopes or mining operations, structures, and equipment. Mining operations that are visible from a scenic highway designated in the Comprehensive Plan, as well as from a route classified as having highest scenic values in the Open Space Element, shall be screened or other appropriate and effective aesthetic treatments shall be used to minimize impacts on scenic resources.

The view of the quarry cut slope from offsite viewing places was identified as a potentially significant (Class II) impact in 87-EIR-3. The “most significant source of potential visual impact” cited in 87-EIR-3 is the view of the mining site from US 101. This view, however, no longer exists as it has been completely obstructed by the Winchester Commons housing development. Public views of the quarry are currently limited to short segments along Cathedral Oaks Road and Calle Real.

Protection of streams and groundwater basins. All surface mining operations shall incorporate measures to protect surface and groundwater quality as determined necessary and required by law by relevant county, state and federal agencies.

Mining and reclamation activities would continue to avoid impacts to onsite or downstream beneficial uses. The existing streams would remain unchanged. The work proposed by this revised Conditional Use Permit is not anticipated to create any potential impact to water quality, storage capacity or recharge potential at any groundwater aquifers. Sedimentation basins are in place to control runoff and reduce sedimentation of drainage courses. The existing sedimentation basins were designed, constructed and accepted by Santa Barbara County in 1992 as meeting the established criteria. Since that time the basins have performed satisfactorily and have adequately controlled discharge of silt to downstream drainages. Financial assurances include adequate amounts for the occasional need to maintain the basins.

Annual inspections would continue to be performed by the lead agency to determine compliance with the plan and to observe any erosion problems. The mine has been operating since 1992 and has not experienced significant erosion. If such problems should arise, they would be corrected on a daily basis, as the operator can easily adjust mining techniques. Additionally, the lead agency would direct corrective action as a result of its annual inspection.

Slope stability. All excavation or placement of fill associated with mining operations shall be conducted in a manner that avoids landslides or other slope instabilities.

All grading activities at the quarry shall be consistent with applicable provisions of the County Grading Ordinance as described in the Reclamation Plan. The design steepness of cut slopes conforms to County Grading Ordinance requirements. All slopes shall be at a stable gradient of 2:1 maximum to assure slope stability. A Geology Report is provided as Exhibit G to the revised Reclamation Plan and concludes that the final designed slopes of the quarry are in accordance with the geologic environment and are feasible from an engineering geologic standpoint.

Annual report. Each surface mining operator shall forward an annual status report to the Director of the Department of Conservation and the Department on a date established by the Director of the Department of Conservation upon forms furnished by the State Mining and Geology Board. (Public Resources Code Section 2207, Subdivisions (a) through (g))

Ellwood Quarry has been and would continue to be inspected annually as required by SMARA. The site has historically maintained compliance, as evidenced by the annual inspection reports. Annual inspections of the mine have found that reclamation and mitigation efforts to date have been successful.

Reclamation Plan – Performance Standards

Section 35.82.160 of the LUDC provides requirements that apply to the submittal and evaluation of proposed reclamation and mining permits. The proposed Reclamation Plan's conformance with applicable requirements of Section 35.82.160 is evaluated below.

Compliance with State Standards. Section 35.82.160.H.2.a of the LUDC requires that *“each new or substantially amended Reclamation Plan shall comply with the minimum statewide performance standards required by SMARA Section 2773(b), and identified in California Code of Regulations, Title 14, Section 3700 et seq., regarding: (1) Backfilling, recontouring; (2) Regrading, revegetation, and slope stability; (3) Closure of surface openings; diversion structures, drainage, erosion control, and waterways; (4) Prime agricultural land reclamation, other agricultural land, equipment, and structure removal; (5) Stream protection, including groundwater and surface; (6) Tailing and mine waste management; (7) Topsoil maintenance, redistribution, and salvage; and (8) Wildlife habitat.*

As explained in Section 6.4 below, the proposed project is consistent with all minimum statewide performance standards.

Compliance with County Standards. Section 35.82.160.H.2.b of the LUDC requires the following in addition to State requirements:

Revegetation. This standard requires that: *“All revegetation and/or re-establishment shall comply with an approved landscaping plan.”*

The Revegetation Plan included as Exhibit E of the revised Reclamation Plan (Case No. 18RVP-00000-00016) indicates the areas to be seeded with erosion control seed mixes and the planting locations for oak trees. Full mitigation for all biological impacts identified in 87-EIR-3 has been completed with the planting and successful growth of 225 oak trees.

Visual Resources. This standard requires that: *“The Reclamation Plan shall, to the maximum extent feasible, provide for the protection and reclamation of the visual resources of the area affected by the mining operation. Measures may include re-soiling, re-contouring of the land to be compatible with the surrounding natural topography, and re-vegetation and the end uses specified by the landowner. Where the mining operation requires the cutting, leveling, removal, or other alteration of ridgelines on slopes of 20 percent or more, the Reclamation Plan shall ensure that the mined areas are found compatible with the surrounding natural topography and other resources of the site.”*

The proposed revised Reclamation Plan provides for the protection and reclamation of the visual resources of the area through the revegetation of the site with native vegetation and with orchard agriculture. The phasing of reclamation minimizes the visual effects of mining during the operational life of the facility. Upon the completion of reclamation, the site would be visually compatible with surrounding areas.

The view of the quarry cut slope from offsite viewing places is identified as a potentially significant (Class II) impact in 87-EIR-3. The “most significant source of potential visual impact” cited in 87-EIR-3 is the view of the mining site from US 101. This view, however, no longer exists as it has been completely obstructed by the Winchester Commons housing development. Public views of the quarry are currently limited to short segments along Cathedral Oaks Road and Calle Real.

Grading Regulations. This standard requires that: *“Each Reclamation Plan shall comply with applicable provisions of the Grading Ordinance.”*

Reclamation grading activities at the quarry shall be consistent with applicable provisions of the County Grading Ordinance as described in the Reclamation Plan. The design steepness of cut slopes conforms to County Grading Ordinance requirements. All slopes shall be at a stable gradient of 2:1 maximum. A Geology Report is provided as Exhibit G to the revised Reclamation Plan and concludes that the final designed slopes of the quarry are in accordance with the geologic environment and are feasible from an engineering geologic standpoint.

Phasing of Reclamation. This standard requires that: *“(a) A Reclamation Plan shall include a description of and plan for the type of surface mining to be employed and an estimated time schedule that will provide for the completion of surface mining on each segment of the mined lands so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation; (b) Where appropriate, interim management may also be required for mined lands that have been disturbed and will be disturbed again in future operations and yet do not qualify as “idle” within the meaning of SMARA Section 2727.1; (c) The interim*

management is for the purpose of minimizing adverse environmental impacts during extended periods of inactivity before resumption of mining and ultimate reclamation; (d) Reclamation may be done on an annual basis, or in stages compatible with continuing operations, or on completion of all excavation, fill, or removal as approved by the review authority; (e) Each phase of reclamation shall be specifically described in the Reclamation Plan and shall include the estimated beginning and ending dates for each phase, all reclamation activities required, criteria for measuring completion of specific reclamation activities, and estimated costs in compliance with Subsection J. (Financial assurances for Reclamation Plans) below; and (f) The reclamation schedule shall be subject to review authority approval.”

Reclamation of the mined areas will continue to occur concurrently with mining operations. As cut slopes are completed, the slopes will be reclaimed according to the proposed revised Reclamation Plan. Reclamation will be completed within 24 months of the termination of mining. The Reclamation Plan has been designed to provide for reclamation on a phased basis. This will allow for establishment of vegetative cover (primarily native species on the remnant cut slope) as quickly as possible.

Preparation of disturbed areas for reclamation and completion of reclamation activities as specified in the reclamation plan will occur annually on those excavations that will not be impacted by continuing mining activities. All final quarry slopes will be graded to achieve a 2:1 slope angle. When quarrying ceases and the final slopes are completed, revegetation and other reclamation activities will be completed.

All mining equipment not required for reclamation and drainage system protection will be removed from the site at the conclusion of mining. The office and other buildings presently on site to support operations will remain for the landowner’s use consistent with the designated end use, i.e., private open space and agriculture. Updated financial assurances adequate to reclaim the site in accordance with the proposed reclamation plan have been posted by the operator (refer to Exhibit F of the revised Reclamation Plan).

6.4 Consistency with the Reclamation Standards of the California Surface Mining and Reclamation Act

The following analyzes Ellwood Quarry’s reclamation plan relative to conformance with applicable provisions of the Surface Mining and Reclamation Act (SMARA).

Surface Mining and Reclamation Act of 1975 – Cal. Pub. Res. Code Section 2773.1, Financial Assurances

Reclamation Plans must be reviewed and approved by the State Division of Mine Reclamation (DMR) prior to final approval by the County. Likewise, financial assurances must be reviewed

and approved by DMR prior to final approval by the County. The Planning Commission is the review authority for Reclamation Plans and takes final action after considering input from DMR, input from the environmental document prepared pursuant to the California Environmental Quality Act (CEQA) and input from staff as to the Reclamation Plan's consistency with applicable policies, codes and standards. Once approved, the mine operator must post financial assurances pursuant to SMARA Section 2773.1 to guarantee that the approved reclamation will occur upon the cessation of mining activities. Financial assurances must be adequate to cover the cost of equipment removal and grading and vegetation planting consistent with the approved Reclamation Plan.

All mine operators must submit a financial assurance cost estimate (FACE) to the County for review annually. When the County is satisfied that the FACE is accurate, the FACE is sent to DMR for their review and approval. After DMR is satisfied that the FACE is accurate, the FACE is approved by the County and required financial assurances are posted. The financial assurances, made payable to the County and State Department of Conservation, ensure that all land mined in the coming year will be reclaimed. The current FACE in the amount of \$88,838.04 is consistent with the existing reclamation plan as well as the requirements of SMARA and was approved by the County on October 3, 2017 and by DMR on November 17, 2017.

Surface Mining and Reclamation Act of 1975 Regulations, Title 14, Article 9, Cal. Code Reg., Reclamation Standards

Section 3703 - Performance Standards for Wildlife Habitat. (a) Rare, threatened or endangered species shall be conserved. (b) Wildlife shall be established on disturbed land in a condition at least as good as that which existed before the lands were disturbed by surface mining operations. (c) Wetland Habitat shall be avoided. Any wetland habitat impacted as a consequence of surface mining operations shall be mitigated at a minimum of one to one ratio for wetland habitat acreage and wetland habitat value.

No rare, threatened or endangered species are known to exist on the quarry site. The reclamation plan provides for the re-establishment of vegetated habitat on portions of the mined lands (see Reclamation Plan Exhibit E). In addition to revegetating the mined area and establishing agricultural uses, the mining operator has planted 225 oak trees to enhance existing oak woodland habitat as mitigation for the initial and future disturbance to the site since 1987. Additional oaks have been planted as part of the Phase I revegetation plan. No wetland habitat would be disturbed by mining or reclamation activities.

Section 3704 - Performance Standards for Backfilling, Regrading, Slope Stability, and Recontouring. (a) Where backfilling is proposed for urban uses (e.g., roads, building sites,

or other improvements subject to settlement), the fill material shall be compacted in accordance with Section 7010, Chapter 70 of the UBC, or the local grading ordinance. (b) Where backfilling is required for resource conservation purposes, fill material shall be backfilled to the standards required for the resource conservation use involved. (c) Piles or dumps of mining waste shall be stockpiled in such a manner as to facilitate phased reclamation. They shall be segregated from topsoil, etc. (d) Final reclaimed fill slopes shall not exceed 2:1 (horizontal to vertical), except with support of geologic and engineering analysis. (e) At closure, all fill slopes, including permanent piles or dumps of mine waste and overburden, shall conform with the surrounding topography and/or approved end use. (f) Cut slopes, including final highwalls and quarry faces, shall have a minimum slope stability factor of safety that is suitable for the approved end use and conform with the surrounding topography and/or approved end use. (g) Permanent placement of piles or dumps of mining waste and overburden shall not occur within wetlands, unless mitigation acceptable to the lead agency has been proposed to offset wetland impacts and/or losses.

No backfilling is proposed as part of this reclamation plan for urban type uses. Topsoil would be spread over the finished slopes as needed in a loosely compacted manner suitable for planting. The standard for compaction shall be approximately 80% relative density. Topsoil is stockpiled in an area separate from mining materials. The topsoil is used, as needed, for reclamation activity. No waste material is generated. Any fill slopes shall be constructed at 2:1 (horizontal to vertical) or flatter. It is not expected that fill slopes would be needed. Final reclaimed slopes have been designed to be compatible with the designated end use, i.e., private open space/wildlife habitat. All cut slopes shall be constructed at 2:1 maximum gradient. This slope gradient in the Vaqueros Sandstone meets the minimum factor of safety for stability. These slopes are compatible with Santa Barbara County guidelines and existing slopes in the area. No piles or dumps of mining waste or overburden have been nor would be placed within any wetlands. Upon completion of reclamation activities, no piles would remain.

Section 3705 - Performance Standards for Revegetation.

(a) A vegetative cover suitable for the proposed end use and capable of self-regeneration without continued dependence on irrigation, soil amendments or fertilizer shall be established on disturbed land unless an artificially maintained landscape is consistent with the approved reclamation plan. Vegetative cover or density, and species-richness shall be, where appropriate, sufficient to stabilize the surface against effects of long-term erosion and shall be similar to naturally occurring habitats in the surrounding area. The vegetative density, cover and species richness of naturally occurring habitats shall be documented in baseline studies carried out prior to the initiation of mining activities. However, for areas that will not be reclaimed to prior conditions, the use of data from reference areas in lieu of baseline site data is permissible.

A revegetation plan has been developed as part of the Reclamation Plan. All finished slopes would be seeded with native plants, in addition to planting oak trees in Phase I. All terraces and pads would be put into crop production and/or planted orchards. Details of that plan are shown on Exhibit E of the Reclamation Plan.

Revegetation Monitoring: As required by Exhibit E (Revegetation Plan) of the Reclamation Plan, the total monitoring period from end of planting through the self-sustaining period shall be at least five years or until the revegetation standards have been met. It is required that monitoring shall continue at least two full years after irrigation has been terminated.

Revegetation Performance Standards: In addition to the revegetation standards presented in Reclamation Plan Exhibit E, criteria for cover, density and species richness follows. Cover at the end of five years shall be at least 60%. Density shall be 100 plants or seedlings per 200 square feet at the end of five years. Species richness shall be five species per 200 square feet at the end of five years.

The total area to be revegetated is approximately 3.9 acres. In order to provide an 80% confidence level that the above criteria have been achieved, it is necessary to analyze 14 sample areas randomly spaced throughout the revegetated zone. Each sample area shall encompass 200 square feet. The sample areas shall be staked and identified, enabling the monitor to analyze the same sample areas throughout the monitoring phase.

(b) Test plots conducted simultaneously with mining shall be required to determine the most appropriate planting procedures to be followed to ensure successful implementation of the proposed revegetation plan. The lead agency may waive the requirement to conduct test plots when the success of the proposed revegetation plan can be documented from experience with similar species and conditions or by relying on competent professional advice based on experience with the species to be planted.

Of the 10 acres to be mined (at the end of Phase III) 6.2 acres are to be reclaimed as agricultural production. Only 3.9 acres would be reclaimed as revegetated slopes. Approximately 4 acres were planted with 225 oak trees as full mitigation for loss of habitat on the entire 10 acres. The 225 oak trees were planted in 1992 and have demonstrated the ability for these plants to succeed. Additionally, Phase I is nearly complete with final slope contouring, oak tree planting and seeding. Phase I slope revegetation serves as the test plot for the remaining slopes in Phases II and III. Its success has been demonstrated. All criteria for soil preparation, planting, maintenance, monitoring, and criteria for success is detailed in Reclamation Plan Exhibit E.

(c) Where surface mining activities result in compaction of the soil, ripping, disking, or other means shall be used in areas to be revegetated to eliminate compaction and to establish a suitable root zone in preparation for planting.

The mining activities actually result in looser granular soils; however, should areas become compacted, they are to be ripped and/or disked to create a density not greater than 85% relative compaction in the top 6" soil zone. Topsoil is to then be placed to the same density and planted.

(d) Prior to closure, all access roads, haul roads, and other traffic routes to be reclaimed shall be stripped of any remaining roadbase materials, prepared in accordance with subsection 3705(g) of Article 9 SMARA regulations, covered with suitable growth media or topsoil, and revegetated. When it is not necessary to remove roadbase materials for revegetative purposes, lead agencies may set a different standard as specified in section 3700(b) of Article 9.

All access roads related to the mining operation also serve as access roads for agricultural activities on the ranch. Therefore, all access roads are to remain for ongoing ranch activities.

(e) Soil analysis shall be required to determine the presence or absence of elements essential for plant growth and to determine those soluble elements that may be toxic to plants, if the soil has been chemically altered or if the growth media consists of other than the native topsoil. If soil analysis suggests that fertility levels or soil constituents are inadequate to successfully implement the revegetative program, fertilizer or other soil amendments may be incorporated into the soil. When native plant materials are used, preference shall be given to slow-release fertilizers, including mineral and organic materials that mimic natural sources, and shall be added in amounts similar to those found in reference soils under natural vegetation of the type being reclaimed.

The prior success of the 225 oak trees, the surrounding native vegetation and what will be demonstrated on the test plot of Phase 1 is evidence that the existing soils are adequate and suitable to maintain healthy growth. Soil analyses would be conducted in the event that success is not achieved in Phase 1.

(f) Temporary access for exploration or other short-term uses on arid lands shall not disrupt the soil surface except where necessary to gain safe access. Barriers shall be installed when necessary to gain safe access. Barriers shall be installed when necessary to prevent unauthorized vehicular traffic from interfering with the reclamation of temporary access routes.

This mine is a well defined, concise deposit of uniform material. No exploration is proposed or contemplated. Therefore, no temporary access would be constructed.

(g) Native species shall be used for revegetation, except when introduced species are necessary to meet the end uses specified in the approved reclamation plan. Areas to be developed for industrial, commercial, or residential use shall be revegetated for the interim period, as necessary, to control erosion. In this circumstance, non-native plant species may be used if they are not noxious weeds and if they are species known not to displace native species in the area. (h) Planting shall be conducted during the most favorable period of the year for plant establishment.

The planting plan uses native plant species for this reclamation plan as shown in Reclamation Plan Exhibit E. Planting shall generally be conducted from early October to early November.

(i) Soil stabilizing practices shall be used where necessary to control erosion and for successful plant establishment. Irrigation may be used when necessary to establish vegetation.

As required by the Reclamation Plan, upon completion of final grading and resoiling, planting will take place as soon as possible within the time frame per item (h) above.

(j) If irrigation is used, the operator must demonstrate that the vegetation has been self-sustaining without irrigation for a minimum of two years prior to release of financial assurances by the lead agency, unless an artificially maintained landscape is consistent with the approved end use.

As described in the Reclamation Plan, irrigation would be used temporarily to establish plants. Once established, irrigation shall be discontinued and two years thereafter success of plantings shall be determined.

(k) Noxious weeds shall be managed: (1) when they threaten the success of the proposed revegetation; (2) to prevent spreading to nearby areas; and (3) to eliminate fire hazard.

As described in the Reclamation Plan, weeds shall be controlled and eradicated around native plantings.

(l) Protection measures, such as fencing of revegetated areas and/or the placement of cages over individual plants, shall be used in areas where grazing, trampling, herbivory, or other causes threaten the success of the proposed revegetation. Fencing shall be maintained until revegetation efforts are successfully completed and the lead agency authorizes removal.

No livestock is kept on the mining site. Protection from grazing or trampling by wild animals would be controlled by protective fencing around planted oak trees. See Reclamation Plan Exhibit E for details.

(m) Success of revegetation shall be judged based upon the effectiveness of the vegetation for the approved end use, and by comparing the quantified measures of vegetative cover, density, and species-richness of the reclaimed mined-lands to similar parameters of naturally occurring vegetation in the area.

Monitoring of the reclamation activities and planting program will continue to be performed by Santa Barbara County personnel. Annual, or more frequent, inspections shall be completed, and recommendations for corrective action shall be made. The following shall be used as a basis to determine effectiveness of the revegetation plan:

Revegetation would be monitored annually and evaluated for plant establishment and coverage as required by the revised Reclamation Plan. Revegetation shall be deemed successful when 80% coverage is achieved. The establishment of a plant cover that is predominantly native and free of invasive and exotic weed species is the realistic goal of the plan. Plant locations may shift as species installed and introduced through natural seeding become established in areas of adaptability. The total monitoring period from end of planting through the self-sustaining period shall be at least five years or until the revegetation standards have been met. Monitoring shall continue at least two full years after irrigation has stopped.

Section 3706 - Performance Standards for Drainage, Diversion Structures, Waterways and Erosion Control. (a) Surface mining and reclamation activities shall be conducted to protect on-site and downstream beneficial uses. (b) The quality of water, recharge potential, and storage capacity of groundwater aquifers shall not be diminished. (c) Erosion and sedimentation shall be controlled. (d) Surface runoff and drainage from surface mining operations shall be controlled. (e) Where natural drainages are covered, restricted, rerouted or otherwise impacted by surface mining activities, mitigating alternatives shall be proposed and specifically approved in the reclamation plan to assure that runoff shall not cause increased erosion or sedimentation. (f) When stream diversions are required, they shall be constructed in accordance with the stream and lake alteration agreement between the operator and State Department of Fish and Game; and the requirements of the Federal Clean Water Act. (g) When no longer needed, stream diversions shall be removed.

Reclamation of this site would not impact onsite or downstream beneficial uses. The existing streams would remain unchanged. The work proposed by this revised Reclamation Plan is not anticipated to create any potential impact to water quality, storage capacity or recharge potential at any groundwater aquifers.

Slopes as shown on the Reclamation Plan (Exhibit D) would be cut to a 2:1 maximum gradient to assure slope stability. Slopes in the mining area shall be revegetated and terraces and pads planted for agricultural production. Siltation basins are in place to control runoff and reduce sedimentation of drainage courses.

Erosion: Annual inspections would continue to be performed by the lead agency to determine compliance with the plan and to observe any problems such as erosion. The mine has been operating since 1992 and has not experienced significant erosion. If such problems should arise, they would be corrected on a daily basis, as the operator can easily adjust mining techniques. Additionally, the lead agency would direct corrective action as a result of its annual inspection.

Sedimentation Basin: The existing sedimentation basins were designed, constructed and accepted by Santa Barbara County in 1992 as meeting the established criteria. Since that time the basins have performed satisfactorily and have adequately controlled discharge of silt to downstream drainages.

Final Disposition of Sedimentation Basins: Financial assurances include adequate amounts for the occasional need to maintain the basins. Upon completion of all reclamation activities and the end of all monitoring periods and upon final acceptance of reclamation by the lead agency, the maintenance of the basins would no longer be necessary and would carry no further requirements. However, it is the owner's intent and desire to continue to utilize and maintain the basins as part of existing agricultural operations. Drainage would be controlled by implementation of this reclamation plan. Drainage basins, swales, ditches and devices would be installed to maintain general drainage patterns.

Section 3707 (prime soils) and 3708 (non-prime soils) - Performance Standards Related to Agricultural Lands. 3707 (a) Mining operations which will operate on prime agricultural lands, as defined by the Natural Resources Conservation Service, shall return all disturbed areas to a fertility level as specified in the approved reclamation plan. (b) When distinct soil horizons are present, topsoil shall be salvaged and segregated by defined A, B, and C horizons. Upon reconstruction of the soil, the sequence of horizons shall have the A atop the B, the B atop the C, and the C atop the overburden. (c) Reclamation shall be deemed complete when productive capability of the affected land is equivalent to or exceeds, for two consecutive crop years, that of the pre-mining condition or similar crop production in the area. Productivity rates, based on reference areas described in the approved reclamation plan shall be specified in the approved reclamation plan. (d) Use of fertilizers or soil amendments shall not cause contamination of surface or groundwater. **3708** In addition to the standards for topsoil salvage, maintenance, and redistribution, non-prime

agricultural lands shall be reclaimed so as to be capable of sustaining economically viable production of crops commonly grown in the surrounding areas.

The areas identified on Reclamation Plan Exhibit E as "crop/orchard" contain non-prime soils. As part of the ongoing crop and orchard activities on the Ellwood Ranch, which is immediately adjacent to the mine site and on the same parcel, use of the terraces and pad for these same activities is compatible with the long-term farming plan. Soils are consistent and irrigation supplies are established. Existing crops consist of lemon, orange, avocado and row crops. The economic viability of such crops on this ranch has been demonstrated by over 50 years of success. It is projected that three to five years will be required for orchard production.

Section 3709 - Performance Standards for Building, Structure and Equipment Removal.

(a) All equipment, supplies and other materials shall be stored in designated areas (as shown in the approved reclamation plan). All waste shall be disposed of in accordance with state and local health and safety ordinances; and that (b) All buildings, structures, and equipment shall be dismantled and removed prior to final mine closure except those buildings, structures, and equipment approved in the reclamation plan as necessary for the end use.

All Trucks and grading equipment are stored in the designated truck storage area shown on Reclamation Plan Exhibit D. All waste products would be disposed of in accordance with local, State and Federal health and safety ordinances/requirements. All buildings and structures would remain and be utilized for the ongoing farming/ranching operations at Ellwood Ranch. The truck scale would continue to be used to weigh agricultural deliveries. The mobile equipment would be sold and driven offsite to the new owners' location(s), and the shaker would be trucked offsite as well.

Section 3710 - Performance Standards for Stream Protection, including Surface and Groundwater. (a) Surface and groundwater shall be protected from pollutants. (b) Not Applicable (In-stream mining) (c) Not Applicable (Sand and Gravel extraction from rivers) (d) Not Applicable (Relates to in-stream mining activities)

The proposed project would not take place in a stream. No chemicals or hazardous materials are used to process the mined materials. Drainage from the mine site is directed to a siltation basin. The basin is used to clarify runoff from the mine site and reduce siltation. The mining area does not encroach into the drainage courses adjoining the mine. Specifically, the westerly drainage is fairly shallow (about four to five feet deep) and its banks are unaffected by the mine. The lead agency annually inspects this area and if any corrective measures are warranted, they would be made a requirement of the operator. To-date, no such measures have been warranted. No in-stream operations are proposed. No mining in river channels is proposed.

Section 3711 - Performance Standards for Topsoil Salvage. (a) All salvageable topsoil suitable for revegetation shall be removed as a separate layer from mining area. Topsoil removal shall not precede mining activities by more than one year without approval. (b) Topsoil resources shall be mapped prior to stripping and the location of topsoil stockpiles shall be shown on the reclamation plan. (c) Soil salvage operations and phases of reclamation shall be carried out in accordance with a schedule that: 1) is set forth in the approved reclamation plan; 2) minimizes the area disturbed; and 3) is designed to achieve maximum revegetation success. (d) Topsoil and suitable growth media shall be used to phase reclamation as soon as can be accommodated by the mining schedule presented in the approved reclamation plan following the mining of an area. Topsoil that cannot be used immediately should be stockpiled where it will not be disturbed. Topsoil shall be clearly identified to distinguish it from mine waste. Protect stockpiles from erosion and weed growth. Relocation of topsoil stockpiles must be approved. (e) Topsoil and growth media shall be redistributed in a manner that results in a stable, uniform thickness consistent with the approved end use, site configuration and drainage.

Topsoil would continue to be removed and stockpiled onsite. As slopes are finished in phases, topsoil would be redistributed as needed on a phased basis, thus limiting the time it is stockpiled. Topsoil would continue to be stockpiled within the mine site as shown on Reclamation Plan Exhibit D. Topsoil would continue to be protected from wind and water erosion either by tarp covers or by planting with seed mixture and mulching with straw. The seed mixture shall contain California sagebrush, annual lupine and/or California buckwheat. Onsite topsoil would continue to be used to finish slopes as needed at a thickness of 4 to 6 inches.

Section 3712 - Performance Standards for Tailing and Mine Waste Management. Mine waste shall be disposed of in accordance with State Water Resources Control Board mine waste disposal regulations in Article 1, Subchapter 1, Chapter 7 of Title 27, California Code of Regulations.

The Ellwood Quarry does not generate mining waste. A Storm Water Pollution Prevention Plan as required by the State Water Resources Control Board is in effect for this mine.

Section 3713 - Performance Standards for Closure of Surface Openings. (a) Except those used solely for blasting or those that will be mined through within one year, all drill holes, water wells, and monitoring wells shall be completed or abandoned in accordance with each of the following: (1) Water Code sections 13700, et seq. and 13800, et seq.; (2) the applicable local ordinance adopted pursuant to Water Code section 13803; (3) the applicable Department of Water Resources report issued pursuant to Water Code section 13800; and (4) Subdivisions (1) and (2) of section 2511(g) of Chapter 15 of Title 23

regarding discharge of waste to land. (b) Prior to closure, all portals, shafts, tunnels, or other surface openings to underground workings shall be gated or otherwise protected from public entry in order to eliminate any threat to public safety and to preserve access for wildlife habitat.

There are no such surface openings associated with the Ellwood Quarry project.

6.5 Subdivision/Development Review Committee

The proposed project was considered by the Subdivision/Development Review Committee (SDRC) on January 18, 2018. No comments or condition letters for the project were received.

6.6 Agricultural Preserve Advisory Committee

The project site is currently under an Agriculture Preserve contract (77-AP-047). The County's Uniform Rules, governing the Agricultural Preserve program addresses the use of preserve land for mining purposes. Uniform Rule #4 says that "the mining, extraction and quarrying of natural resources are compatible to an agricultural preserve..." The project was originally reviewed by the Agricultural Preserve Advisory Committee (APAC) on October 10, 1986 and the Committee recommended approval of the proposed quarry on the grounds that it is compatible with the Agricultural Preserve Program. The proposed time extension would not alter or affect the site's enrollment in the County's Agricultural Preserve Program and portions of the property used for mining would be returned to agriculture upon the cessation of mining activities. Staff has scheduled the project for review with APAC on May 4, 2018, prior to final approval by the Planning Commission.

7.0 APPEALS PROCEDURE

The conceptual action that is currently being recommended is not an appealable action. When the matter returns for final action, the final action of the Planning Commission will be appealable to the Board of Supervisors within 10 calendar days of said action. The appeal fee to the Board of Supervisors is \$505.00.

ATTACHMENTS

- A. Findings
- B. Conditions of Approval
 - B-1. Conditions of Approval, Case No. 17RVP-00000-00082 to 02CUP-00000-00006

- B-2. Conditions of Approval, Case No. 18RVP-00000-00016 to 02RPP-00000-00001
- C. CEQA Addendum, dated March 15, 2018
- D. Environmental Impact Report (Case No. 87-EIR-3)
- E. Revised Reclamation Plan, dated December 13, 2017
- F. Location Map

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 March 15, 2018 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.

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 March 15, 2018 and incorporated herein by reference. The Addendum to 87-EIR-3, dated March 15, 2018 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 or complaints regarding the quarry have been received by P&D 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 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 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 March 15, 2018 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.

2.1.6 *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 will be provided to the State for review and comments. Any issues be identified by the Department of Conservation shall be briefed to the Planning Commission prior to final approval of the revised Reclamation Plan and a written response to the DOC Director will be prepared which describes the disposition of the issues raised.

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 Board of Supervisors on January 21, 2003. 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 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. 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.

~~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. ~~Prior to issuance of a Land Use Permit, the applicant shall oil the road section on his property which his 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 ~~96-40~~ 40 daily trips (~~48-20~~ 20 trips in and ~~48-20~~ 20 trips out) in any one day ~~with a maximum total of 13,440 trips/year~~. Operations would occur weekdays excluding national holidays, except in emergencies 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 ~~would~~ shall monitor compliance with this condition by reviewing quarry records during the annual SMARA inspection and by response to complaints by the public.

9. ~~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 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.

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. ~~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. 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. ~~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. ~~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. ~~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. ~~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 \$10,0000 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. ~~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. ~~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. ~~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. ~~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 skid loader. 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. ~~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. ~~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. ~~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.
47. ~~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 days to correct the violation(s). If the violations are not corrected within 60 days, 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. 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. ~~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. 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]

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 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 conceptual 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.
16. 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.

ATTACHMENT C:
ADDENDUM TO FINAL ENVIRONMENTAL IMPACT REPORT 87-EIR-3

Ellwood Quarry Revised Conditional Use Permit and Reclamation Plan
CA Mine ID# 91-42-0020

TO: Decision-Makers

FROM: Dianne Black, Assistant Director, Planning and Development
Staff Contact: Joseph Dargel

DATE: March 15, 2018

RE: Ellwood Quarry Revised Conditional Use Permit and Reclamation Plan Project
17RVP-00000-00082 to 02CUP-00000-00006 &
18RVP-00000-00016 to 02RPP-00000-00001
APN: 079-100-017

CEQA DETERMINATION:

Because 87-EIR-3 was adopted for the ongoing Ellwood Quarry Mining and Reclamation Project, CEQA Guidelines § 15162 states that no subsequent EIR or ND shall be prepared unless one or more of the following have occurred: 1) substantial changes are proposed in the project which will require major revisions to the Supplemental EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; 2) substantial changes will occur with respect to the circumstances under which the project is undertaken which will require major revisions to the Supplemental EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or 3) new information of substantial importance which was not known and could not have been known at the time the previous Supplemental EIR was certified as complete has become available.

There are no substantial changes or changed circumstances under which the proposed project is to be undertaken. As described below, no new significant environmental effects or a substantial increase in the severity of previously identified significant effects under the adopted Environmental Impact Report (87-EIR-3) have been found with the proposed project. Further, there is no new information that the proposed project will have one or more significant effects not discussed in the adopted 87-EIR-3. The project proposes the same uses as previously analyzed, the analysis contained within 87-EIR-3 addresses the impacts that would be associated with the proposed project, and identifies measures that would mitigate those impacts to a less than significant level. Mitigation measures identified in 87-EIR-3 are incorporated into the conditions of approval of revision Case No. 17RVP-00000-00082 to Conditional Use Permit Case No. 02CUP-00000-00006.

Because none of the conditions in CEQA Guidelines § 15162 have occurred, no subsequent EIR is required for this project. Therefore, an Addendum to 87-EIR-3 is the appropriate document for the proposed time extension to 02CUP-00000-00006 and 02RPP-00000-00001 to extend the mining end date by 25 years.

Finding that CEQA §15164 (Addendum to an EIR or ND) applies to the Ellwood Quarry revised Conditional Use Permit and Reclamation Plan Project, Case No. 17RVP-00000-00082 to 02CUP-00000-00006 and 18RVP-00000-00016 to 02RPP-00000-00001. CEQA §15164 allows an addendum to be prepared when only minor technical changes or changes which do not create new significant impacts would result. Because the project revisions meet the conditions for the application of Public Resources Code Section 21166 and State CEQA Guidelines Section 15164, preparation of a new subsequent EIR or EIR is not required and this Addendum to Environmental Impact Report (87-EIR-3) may be used to fulfill the environmental review requirements for Case Nos. 17RVP-00000-00082 and 18RVP-00000-00016.

LOCATION:

This site is identified as Assessor Parcel Number 079-100-017, located on Ellwood Ranch about one-half mile north of Cathedral Oaks Road near the western end of the City of Goleta, Third Supervisorial District.

BACKGROUND:

Ellwood Quarry was originally proposed (and approved) in 1987 as a replacement for the Pulice Ranch Quarry, a nearby similar sand mine that had operated since 1962 and was nearing exhaustion of material reserves. The Pulice Ranch Quarry, located about 1,000 feet east of Ellwood Quarry, was closed and the site reclaimed in 1992. At that time, mining operations commenced at Ellwood Quarry. The primary offsite effect of the proposed Ellwood Quarry operation, the truck traffic required for sand transport, was limited by the conditions of approval of 86-CP-060 to the existing level of truck trips associated with the Pulice Ranch Quarry. Thus, no new truck traffic was found to be associated with the Ellwood Quarry and impacts on Traffic and Circulation were determined to be less than significant in 87-EIR-3.

Ellwood Quarry has operated over the past two decades in compliance with the conditions of approval of 02CUP-00000-00006 and 02RPP-00000-00001. Mitigation measures required during initial development of the quarry to address project impacts have been implemented. Required annual inspections by County staff have not identified any problems associated with this facility and have consistently found the facility to be in compliance with project conditions and SMARA standards.

In 1998 and 1999, construction of the nearby Winchester Commons and Mountain View housing developments occurred. During this period, complaints were received by the County regarding dust generation and truck traffic noise associated with the temporary construction and the pre-existing Ellwood Quarry operations. As the new housing developments are now completed, such a concentration of earth-moving and construction activity in the local area is not anticipated to recur.

PROPOSED PROJECT:

The project request is for a revision (Case No. 17RVP-00000-00082) to Conditional Use Permit 02CUP-00000-00006 and 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. 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. Modification of the Reclamation Plan expiration date is requested. No other changes to the Reclamation Plan are proposed. 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. 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. 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.

CHANGES IN PROJECT IMPACTS:

The environmental effects of the Ellwood Quarry were evaluated in environmental impact report 87-EIR-3 as part of project approval in 1987. As indicated above, the proposed revision of the Conditional Use Permit to extend the life of the mining operation by 25 years reflects lower than anticipated material sales over the past decade and not an increase in mining area or the volume of excavation over the original approval. Daily operations at the quarry would continue with no substantial change over current conditions.

Agricultural Impacts

The Ellwood Quarry is located within agricultural preserve 77-AP-047. In accordance with the Williamson Act (1965), any commercial agricultural use is permitted within an agricultural preserve, however, local governments can identify compatible uses permitted within a preserve via a use permit (California Department of Conservation 2004). The County's Uniform Rules, governing the Agricultural Preserve program addresses the use of preserve land for mining purposes. Uniform Rule #4 says that "the mining, extraction and quarrying of natural resources are compatible to an agricultural preserve..."

The proposed project would have no new agricultural impacts, but would allow ongoing impacts to occur over a longer period of time. The agricultural areas that would be impacted from the extended phasing of mining activities would be reclaimed in accordance with SMARA. The Reclamation Plan identifies end uses of open space and agriculture. Agricultural impacts associated with the proposed project are addressed by 87-EIR-3 and conditioned by 17RVP-00000-00082 to 02CUP-00000-00006 and 18RVP-00000-00016 to 02RPP-00000-00001. Therefore, the project would not increase the severity of existing impacts to agriculture previously analyzed under the 1987 Environmental Impact Report.

Aesthetics Impacts

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 are 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.

Air Quality Impacts

Emissions from sand transport trucks are 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 and represent the CEQA baseline. 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 and represents the CEQA baseline. The average 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.

Although greenhouse gases were not originally analyzed in 87-EIR-3, the applicant provided a complete air emissions calculation package to the County for this time extension request, which was reviewed by the Santa Barbara County Air Pollution Control District (APCD). The air emission calculation package accounted for existing site operations as baseline, compared against the total potential emissions for the proposed time extension. The air emissions associated with the proposed time extension fall below APCDs thresholds of significance for particulates as well as greenhouse gases. While the time extension project would allow a continuation of existing on-site impacts originally considered significant by 87-EIR-3, the proposed time extension project would not exceed levels analyzed in 87-EIR-3 or current County CEQA air thresholds. As proposed, the project is consistent with 87-EIR-3 and existing mitigation measures identified in 87-EIR-3 are appropriate. No further environmental review would be necessary.

Noise Impacts

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. The proposed project would have no new noise impacts, but would allow ongoing impacts identified in 87-EIR-3 to occur over a longer period of time. The project would not generate any increases in noise levels. Thus, no new impacts would be anticipated as a result of the proposed revised permit.

Traffic and Circulation Impacts

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.

FINDINGS:

It is the finding of the Planning and Development Department that the previous environmental document, as herein amended, may be used to fulfill the environmental review requirements of the current project. Because the current project meets the conditions for the application of State CEQA Guidelines §15164, preparation of a new EIR is not required.

Discretionary processing of the Ellwood Quarry revised Conditional Use Permit and Reclamation Plan Project, Case No. 17RVP-00000-00082 to 02CUP-00000-00006 and Case No.

Ellwood Quarry Revised Conditional Use Permit and Reclamation Plan
Case Nos. 17RVP-00000-00082 & 18RVP-00000-00016
Hearing Date: April 4, 2018
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18RVP-00000-00016 to 02RPP-00000-00001, may now proceed with the understanding that any substantial changes in the proposal may be subject to further environmental review.

ATTACHMENT D:
FINAL ENVIRONMENTAL IMPACT REPORT 87-EIR-3

Ellwood Quarry Revised Conditional Use Permit and Reclamation Plan
CA Mine ID# 91-42-0020

ATTACHMENT E: REVISED RECLAMATION PLAN

**Ellwood Quarry Revised Conditional Use Permit and Reclamation Plan
CA Mine ID# 91-42-0020**

Attachment F
Ellwood Quarry Revised Conditional Use Permit and Reclamation Plan
17RVP-00000-00082 to 02CUP-00000-00006
18RVP-00000-00016 to 02RPP-00000-00001
Planning Commission Hearing: April 4, 2018

