



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: Planning and Development
Department No.: 053
For Agenda Of: April 9, 2019
Placement: Set hearing on April 2, 2019 for April 9, 2019
Estimated Tme: 0.5 hour on April 9, 2019
Continued Item: Yes
If Yes, date from: May 8, 2018
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Lisa Plowman, Director, Planning & Development
Director(s) (805) 568-2086
Contact Info: John Zorovich, Deputy Director, Energy, Minerals & Compliance
(805) 568-2519

SUBJECT: Applicant Appeal of the Lompoc Stone Mining Area Expansion Vesting Determination and Reclamation Plan Revision Project
Case Nos. 18APL-00000-00006, 16DET-00000-00004, & 10RVP-00000-00048
Fourth Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions:

On April 2, 2019, set a hearing for April 9, 2019 to consider the appeal filed by Mr. Chip Wullbrandt, attorney for Sepulveda Building Materials, appellants, of the County Planning Commission's February 28, 2018 deemed denial of the Lompoc Stone Mining Area Expansion Vesting Determination and Reclamation Plan Revision project, Case Nos. 16DET-00000-00004 and 10RVP-00000-00048.

On April 9, 2019, staff recommends that your Board take the following actions:

- a) Grant the appeal, Case No. 18APL-00000-00006;
- b) Make the required findings for approval of the project, including CEQA findings and vested rights findings, included as Attachment 1;

- c) Adopt the Mitigated Negative Declaration, Case No. 12NGD-00000-00022, included as Attachment 3, and adopt the mitigation monitoring program contained in the conditions of approval;
- d) Consider all comments from the Director of the Department of Conservation (Attachments 5 and 6) and grant *de novo* approval of the project, Case Nos. 16DET-00000-00004 and 10RVP-00000-00048, subject to the conditions of approval, included as Attachment 2;

The project site is identified as Assessor's Parcel Numbers 083-060-015 & 083-060-009 (Site 1A) and 083-070-018 & 083-070-010 (Site 1B), located north of Santa Rosa Road and easterly of State Route 1, in the Lompoc area, Fourth Supervisorial District.

Summary Text:

This project was last heard by the Board on May 8, 2018. At that hearing, the applicant's appeal of the Planning Commission's deemed denial was conceptually approved by the Board who also directed the Planning and Development Department (P&D) to refer the revised Reclamation Plan to the California State Division of Mine Reclamation (DMR) for review. Upon review, DMR provided an initial incompleteness letter dated June 11, 2018 (Attachment 5) requesting that the plan be revised to include a detailed topographic map, the location of topsoil resources and topsoil stockpiles, and provisions for management of noxious weeds, among other administrative revisions. The applicant provided the items requested in the incompleteness letter and DMR subsequently issued a letter dated February 22, 2019 to P&D (Attachment 6) with no further comments. The items requested by DMR and incorporated into the revised Reclamation Plan provide further clarification of existing site conditions and proposed reclamation activities and do not change the project as conceptually approved by your Board. The revised Reclamation Plan is included as Attachment 4 to this Board Letter and is available at <http://sbcountyplanning.org/energy/projects/Lompoc%20Stone/Documents/Att%204%20-%202017.08.08%20Revised%20Rec%20Plan.pdf>.

Background:

Sepulveda Building Materials currently operates the Lompoc Stone mine at Santa Rosa Road and State Route 1 in the Lompoc area under an approved Reclamation Plan, Case No. 90-RP-001. The Reclamation Plan identifies two distinct areas: Site 1A is the mining area, and Site 1B is the sorting and storage area. Raw stone material mined from Site 1A is transported via truck to Site 1B where it is sorted, sized, and stored for sale. The existing Reclamation Plan is scheduled to expire on June 30, 2045 (per Condition No. 11 of 90-RP-001). No changes are proposed to the existing expiration date. The proposed project would expand the area covered under the Reclamation Plan from 96.5 acres to 122.0 acres at Site 1A and from 3.0 acres to 6.5 acres at Site 1B. The existing vested mining activities and current Reclamation Plan include approximately 3 acres which overlap with the 28.5-acre area currently requested for vesting.

On September 29, 1958, the County adopted Ordinance 971, which first required a Conditional Use Permit (CUP) for mining activities. Ongoing mining activities within the approved Reclamation boundary at the Lompoc Stone site commenced prior to 1958, thus pre-dating the County's requirement for a CUP and are considered vested as determined by Santa Barbara County in the 1998 approval of the current Reclamation Plan (Case No. 90-RP-001). The proposed expansion of the mining area is beyond the limits of the area previously determined to be vested by Santa Barbara County. On May 8, 2018, the Board conceptually approved a vesting determination for the mining expansion area. A detailed discussion of the applicant's

vested rights claim is provided in the Board Letter for the May 8, 2018 hearing, included as Attachment 7 to this Board Letter.

Fiscal and Facilities Impacts:

Budgeted: Yes

Total costs for processing the appeal are approximately \$14,000.00 (60 hours of staff time). The costs for processing appeals are partially offset by a fixed appeal fee and General Fund subsidy in Planning and Development's adopted budget. The fixed appeal fee was \$650.06 when the appeal was received by the Clerk of the Board in 2018. Funding for processing this appeal is budgeted in the Planning and Development Permitting Budget Program, as shown on page D-272 of the adopted Fiscal Year 2018-19 budget.

Special Instructions:

The Planning and Development Department shall publish a legal notice at least 10 days prior to the hearing on April 9, 2019. The notice shall appear in the Lompoc Record. The Planning and Development Department shall also fulfill mailed noticing requirements. The Clerk of the Board shall forward a minute order of the hearing to the Planning and Development Department, Hearing Support, Attention: David Villalobos.

Attachments:

1. Findings
2. Conditions of Approval
3. Proposed Final Mitigated Negative Declaration (available online at:
[http://sbcountyplanning.org/energy/projects/Lompoc%20Stone/Documents/Att%203%20-%202018.01.02%20Proposed%20Final%20MND%20\[Lompoc%20Stone\].pdf](http://sbcountyplanning.org/energy/projects/Lompoc%20Stone/Documents/Att%203%20-%202018.01.02%20Proposed%20Final%20MND%20[Lompoc%20Stone].pdf))
4. Revised Reclamation Plan (available online at:
<http://sbcountyplanning.org/energy/projects/Lompoc%20Stone/Documents/Att%204%20-%202017.08.08%20Revised%20Rec%20Plan.pdf>)
5. DMR Notice of Incomplete Submission, dated June 11, 2018
6. DMR Comment Letter, dated February 22, 2019
7. Board Agenda Letter, dated May 8, 2018 (attachments located online at:
<https://santabarbara.legistar.com/LegislationDetail.aspx?ID=3493214&GUID=E58FBEC6-7F1B-4E87-922C-FD8B1D78A412&Options=&Search=>)
8. Planning Commission Memorandum, dated February 20, 2018

Authored by:

Joseph Dargel, P.G., Planner III, (805) 568-3573
Energy, Minerals & Compliance Division, Planning and Development Department

Attachment 1

Findings

Attachment 2

Conditions of Approval

Attachment 3

Proposed Final MND

Online at:

[http://sbcountyplanning.org/energy/projects/Lompoc%20Stone/Documents/Att%203%20-%202018.01.02%20Proposed%20Final%20MND%20\[Lompoc%20Stone\].pdf](http://sbcountyplanning.org/energy/projects/Lompoc%20Stone/Documents/Att%203%20-%202018.01.02%20Proposed%20Final%20MND%20[Lompoc%20Stone].pdf)

Attachment 4

Revised Reclamation Plan

Online at:

<http://sbcountyplanning.org/energy/projects/Lompoc%20Stone/Documents/Att%204%20-%202017.08.08%20Revised%20Rec%20Plan.pdf>

Attachment 5

Division of Mine Reclamation Letter

dated June 11, 2018

Attachment 6

Division of Mine Reclamation Letter

dated February 22, 2019

Attachment 7

Board Agenda Letter

dated May 8, 2018

Attachment 8

Planning Commission Memorandum

dated February 20, 2018