

ATTACHMENT 1 – 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 Board of Supervisors has considered the Addendum dated March 2, 2021 together with the previously certified Environmental Impact Report (87-EIR-3) for the Ellwood Quarry project. The Addendum reflects the independent judgment of the Board of Supervisors 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 Board of Supervisors 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 Clerk of the Board of Supervisors located at 105 East Anapamu Street, Santa Barbara, CA 93101.

1.3 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

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

1.4 FINDINGS ADDRESSING ADDENDUM ISSUE AREAS

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

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

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

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

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

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

At the time of preparation of 87-EIR-3, the “most significant source of potential visual impact of the project” was the view of the site from US Highway 101. This is no longer an issue as the subsequently-developed Winchester Commons housing project has blocked all views of the quarry from Highway 101. The quarry is currently visible from several short segments of the new extension of Cathedral Oaks Road and from the east-bound segment of Calle Real from the Winchester Canyon overpass to the western end of Cathedral Oaks. The “Phase I” slope above the active quarry area is underlain by dark

sandstone and silts of the Sespe Formation and visually appears similar to the surrounding hillside areas. Only a narrow horizontal band of light-colored sand in the active quarry area is visible. The quarry does not dominate the view from these points and only the upper portion of the quarry slope is visible. In any case, no new impacts on visual resources are anticipated.

2.0 ADMINISTRATIVE FINDINGS

2.1 Conditional Use Permit Findings

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

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

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

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

As discussed in detail in the Addendum to the original project EIR (87-EIR-3), the project will not result in new potentially significant impacts or increase the severity of impacts identified in 87-EIR-3. 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 2 to the Board of Supervisors Board Letter dated March 2, 2021 and incorporated herein by reference. The Addendum to 87-EIR-3, dated March 2, 2021 and incorporated herein by reference, analyzed potential impacts associated with the time extension request and found no changes to impacts. All significant impacts identified in 87-EIR-3 are mitigated to the maximum extent feasible. 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. As described in the Addendum and incorporated herein by reference, the proposed project will 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 such, traffic included with the proposed mining extension will be less than that approved for the existing operation and therefore lessen traffic impacts to the surrounding area and all route intersections. The reduction in traffic levels will not cause a significant impact to the nearby roadways or intersections. 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. As discussed in Section 6.2 of the Planning Commission staff report dated March 5, 2018, incorporated herein by reference, the project is consistent with the requirements of the Comprehensive Plan policies, including those related to the circulation, noise and aesthetics. In addition, the project's environmental impacts will be mitigated to the maximum extent feasible. No substantial changes to the operation have occurred since the Board's 2003 approval of the project. The lower level of operation is anticipated to continue. No increase in the operational limits specified in the current CUP is proposed. Thus, this finding can be made.

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

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

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

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

2.2 Surface Mining Operations Findings

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

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

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

2.3 Reclamation Plan Findings

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

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

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

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 above 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 which is comprised of open space and agricultural production.

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

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