



COUNTY OF SANTA BARBARA PLANNING AND DEVELOPMENT

TO: Board of Supervisors

FROM: Lisa Plowman, Director Planning & Development

DATE: March 4, 2021

RE: Resolution of Pulice Appeal of the Ellwood Quarry Revised Conditional Use Permit and Reclamation Plan, Case Nos. 19APL-00000-00026, 18RVP-00000-00016, & 17RVP-00000-00082

I. Summary

The applicant and appellant have agreed to resolve the subject appeal. The February 26, 2021 letter from appellant Ron Pulice to your Board (Attachment 1) details the agreed upon terms between the parties. A subsequent email communication from applicant representative Peter Candy dated March 1, 2021 (Attachment 2) specifies the changes to the project description and Condition No. 9 for which the parties have agreed and that the applicant now proposes as the project for the Board's consideration. Staff has prepared revised conditions of approval (Attachment 3) based upon this agreement and recommends that you take the actions below.

II. Revised Conditions of Approval

As noted above, the applicant is proposing revisions to the project description. In summary the revisions:

- Require the applicant to remove the onsite weigh station scale upon termination of quarry activities;
- Place limitations on non-agricultural truck trips on the entry road shared with the appellant;
- Define agreed upon road improvements the applicant must make to Ellwood Ranch Road between Cathedral Oaks and the project site.

In addition, the applicant is also proposing changes to the Planning Commission's revisions to Condition or Approval No. 9 in order to provide consistency with the project description. Staff supports the proposed revisions to conditions of approval No. 1 and No. 9.

The changes to these conditions are depicted in ~~strikeout~~ and underline text below:

1. Proj Des-01 Project Description. This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits dated March 9, 2021, 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 AGII-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. ~~The operator also requests that the onsite scale be left in place after project Reclamation is completed so it may be used for weighing agricultural products grown at the site.~~

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.

The applicant proposes to repair the existing private roadway from the intersection with Cathedral Oaks Road to the Ellwood Ranch Quarry bridge as follows: Install an asphalt overlay on the existing paved roadway with an overlay thickness of 2.5 inches of new asphalt compacted down to 2.0 inches. In addition, the paved roadway will be widened in the two (2) places described below, and safety signage that warns of blind curves and pedestrian and bicycle traffic shall be installed, including posting a speed limit specific to truck traffic of 15 mph, at appropriate locations along the shared access road. The road widening will occur as follows: (a) Site #1 – approximately 100 linear feet of roadway, on the west side of the road, will be widened, and overlaid with asphalt by three (3) feet, commencing at the entrance gate at 1100 Ellwood Ranch Road and terminating at the top of the grade; and, (b) Site #2 – approximately 50 linear feet of roadway, on the west side of the road, will be widened and paved by three (3) feet, commencing approximately 100 feet north of the intersection of Ellwood Ranch Road and Cathedral Oaks Road. The private roadway repairs described above will commence within 60 days of the issuance of the Zoning Clearance, and will be completed within 60 days of commencement. In addition, the condition of the private roadway will be inspected no less often than one time per calendar year, by the Public Works Director, or designee. Such inspection will include examining the condition of the paving and signage to ensure that the road is in good working condition (meeting a minimum pavement condition index of 70 or greater) and the signage is posted in the locations described above. If the inspector determines that repairs to the road or signage are needed to conform with the project description, the inspector will notify the Planning & Development Director and the applicant of the recommended road and/or signage repairs and the applicant shall complete the repairs within 90 days of notification.

In addition, the applicant proposes to:

(i) remove the weigh station scale at the quarry upon termination of quarry operations; and

(ii) limit non-agricultural truck trips along the shared access road to the on-going quarry trucking to 40 average daily trips, and the additional trucking serving the two agricultural reclamation projects on the property.

Condition #9:

The following are proposed modifications to Condition #9 to ensure clarity and consistency with the project description, as revised:

~~9. The existing private roadway from Cathedral Oaks Road to Ellwood Ranch Quarry bridge shall be repaired with AC paving where needed, as proposed by the applicant and with the review and concurrence of County staff. Subsequent to the repairs, the private roadway from Cathedral Oaks Road to Ellwood Ranch Quarry bridge shall be sealed with the appropriate material, as proposed by the applicant and with the review and concurrence of County staff. The existing roadway shall be inspected annually by Public Works staff and shall be maintained in good working condition (meeting a minimum pavement condition index of 70 or greater) and the signage is posted in the locations described above based upon review and concurrence by County staff.~~

~~**Timing:** Within 60 days of the issuance of the Zoning Clearance the applicant shall commence repairs on the existing roadway which shall be completed within one year from the issuance of the Zoning Clearance.~~

Note: This language was originally added by the Planning Commission at the July 31, 2019 hearing. However, as a result of the settlement agreement reached between the applicant and appellant, new and more comprehensive road repair provisions have been incorporated into the project description. P&D thus proposes to modify Condition #9 accordingly.

~~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~~ The ~~strikeout language immediately above in this condition~~ was deleted with the approval of 02CUP-00000-00006 and is no longer an active condition. This work was completed at the time of initial quarry development.

III. Environmental Review

The proposed revisions to the project description are also included in the revised Addendum included herein as Attachment 5. The changes to the project description do not result in any new significant impacts and no modifications to the impact analysis are necessary.

Revised Recommended Actions

On March 9, 2021, staff recommends that your Board take the following actions:

- a) Deny the appeal, Case No. 19APL-00000-00026.
- b) Make the required findings for approval of the project specified in Attachment 4 of the March 4, 2021 memorandum, including CEQA findings.
- c) After considering the environmental review documents included as Attachments 5 and 6 of the March 4, 2021 memorandum (Addendum dated March 4, 2021 together with the previously adopted Environmental Impact Report 87-EIR-3), determine that as reflected in the CEQA findings, no subsequent Environmental Impact Report shall be prepared for this project.
- d) Grant *de novo* approval of Case Nos. 17RVP-00000-00082 and 18RVP-00000-00016 subject to the conditions of approval in Attachment 3 of the March 4, 2021 memorandum.

Attachments

1. Settlement letter from Appellant Ron Pulice dated February 26, 2021
2. Email communication from Applicant Representative Peter Candy dated March 1, 2021
3. Revised Conditions of Approval
4. Findings for Approval
5. Revised CEQA Addendum to 87-EIR-3, dated March 4, 2021
6. EIR (87-EIR-3) included in the original Board Letter dated March 2, 2021 and available at the link provided below:

<https://cosantabarbara.app.box.com/s/q97rv82305oyfnbdjhcyxrrdhu3dgkqy/file/496008485978>