

5.1 CONSERVATION ELEMENT

Conservation Element (Page 182): *“No mineral resource extraction should be permitted in the County if significant impacts on the air, water or land environment would result, if flooding and erosion problems would be increase, or if polluting emissions likely to be generated directly or indirectly by the activity in question would result in adopted federal or State environmental quality standards being exceeded.”*

Discussion: The proposed project would have a significant, unavoidable impact on air quality, based on the County Planning and Development Department (2006:Section 5.C.2) thresholds for evaluating air quality impacts. Hence, it could be considered potentially inconsistent with this policy. However, the Conservation Element also states that *“Mineral resource extraction in the County makes a relatively important contribution to the local, state, and national economies and, as such, should be encouraged. At the same time, every effort should be made to minimize direct and indirect adverse environmental impacts, and to achieve and maintain federal and State standards of emissions controls and environmental quality. (...) the County and the cities should continue to push for necessary environmental safeguards, as well as to encourage exploration for new resource sites.”* (pages 181 and 182). The Conservation Element encourages mineral resource extraction when potential environmental impacts are minimized. The proposed project incorporates mitigation measures to minimize potential environmental impacts to the extent possible.

In addition, the County of Santa Barbara Inland Zoning Ordinance (Sec. 35-320 Reclamation and Surface Mining Permits) also recognizes that the extraction of minerals is essential to the continued economic well-being of the County and to the needs of the society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. (County of Santa Barbara Inland Zoning Ordinance, Article III of Chapter 35 Santa Barbara County Code, Republished: September 2006). The Zoning Ordinance regulates surface mining operations, as authorized by the California Surface Mining and Reclamation Act (SMARA) of 1975 (P.R.C. Section 2710 *et seq.*), and the California Code of Regulations (14 Cal. Admin., C. Section 3500 *et seq.*), to ensure that:

- a. The adverse environmental effects of surface mining operations will be prevented or minimized and that the reclamation of mined lands will provide for the beneficial, sustainable long-term productive use of the mined and reclaimed lands; and
- b. The production and conservation of minerals will be encouraged while eliminating hazards to public health and safety and avoiding or minimizing adverse effects on the environment, including but not limited to geologic subsidence, air pollution, water quality degradation, damage to biological resources, flooding, erosion, degradation of scenic quality, and noise pollution.

The Zoning Ordinance encourages mining operations which incorporate measures to prevent or minimize its adverse environmental effects. The proposed project would comply with the Inland Zoning Ordinance requirements.

The Conservation Element recognizes both the Blunt-nosed Leopard Lizard (*Crotaphytus silus*) and San Joaquin Valley Kit Fox (*Vulpes macrotis*) as species of particular value (pp. 115-116). However, no specific recommendations are included in the Element, other than that “in order to preserve species, we must preserve whole ecosystems” (p. 164). The protection of important habitats is the general emphasis of the Element with regard to biological resources.

Discussion: The proposed project incorporates various environmental protection and species conservation measures to protect these species from adverse impacts and take, which is prohibited under federal law. The EIR also includes additional mitigation measures to ensure further protection. Hence, the project appears consistent with the overall goals of the Conservation Element for these species.

5.2 AGRICULTURAL ELEMENT

Policy I.A: *The integrity of agricultural operations shall not be violated by recreational or other non-compatible uses.*

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.*

Discussion: The proposed Processing Area would be located on Parcel 149-220-65 (82 acres), which is designated Agricultural Commercial (AC) with a 40-320 or more acre minimum parcel size. The parcel was under Williamson Act Contract with the County but non-renewal of that contract was approved by the Board of Supervisors. The contract will terminate on January 1, 2007.

At the January 3, 2002 meeting, the APAC expressed concerns regarding the consistency of the materials processing facility with the Uniform Rules. One issue was whether materials processing constitutes “mining.” This issue is the subject of debate at the State Mining and Geology Board. Mining is a permitted use on land designated for agriculture, but may be problematic while in agricultural preserve (Williamson Act) contract status.

The proposed 14.2-acre Processing Area will displace agriculture from the southern portion of the 82-acre agricultural preserve parcel for the life of the permit. The remaining 51 acres of this parcel will continue to be cultivated according to the landowner. The EIR analyses indicate that the remaining acreage is agriculturally viable. At the end of the 30-year permit, the Processing Area would be returned to pre-project grades and available for agricultural production. The conserved topsoil would be returned to the area and cultivated once again.

Reclamation of the site would be complete when productive capability of the former Processing Area is equivalent or better than the pre-mining condition for two consecutive years. Financial assurances approved by County and Office of Mine Reclamation would be posted for the life of the project to guarantee reclamation consistent with SMARA minimum verifiable reclamation standards.

Based on the above information, the proposed project would not permanently displace agriculture from the project site. Existing agriculture would continue on the unaffected portions of the project site, and the displacement of 14.2 acres of current agriculture would be temporary – that is, for the permit period. The reclamation plan for the proposed mining operations requires that Processing Area be returned to agricultural production at the end of the permit. Finally, the EIR includes a mitigation measure (AG-1, Section 3.10.3) that prohibits the development of the Processing Area until the Williamson Act Contract expires on January 1, 2007.

Based on the above considerations, the proposed project appears consistent with the Agricultural Element and policies and rules associated with the Williamson Act Contract.

5.3 LAND USE ELEMENT

Third Fundamental Goal, Agriculture: *“In the rural areas, cultivated agriculture shall be preserved and, where conditions allow, expansion and intensification should be supported. Lands with both prime and non-prime soils shall be reserved for agricultural uses. “*

Discussion: The proposed project appears consistent with this goal, as described in Section 5.2.

5.3.1 Land Use, Adequate Services and Resources to Support Development

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.*

Discussion: The applicant has provided well data reports and plans for an on-site engineered septic/leach field system to demonstrate that adequate services are available for potable water, wastewater treatment, and processing water. The site has frontage on a state highway and electricity is present at the site. Hence, the proposed project appears consistent with this policy.

5.3.2 Geology and Water Quality

Hillside and Watershed Protection Policy 1: *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.*

Discussion: The proposed project necessarily involves extensive excavation and fill operation in order to accomplish the mining. No significant, unavoidable geologic impacts associated with the cut and fill operations were identified in the EIR. There are no feasible alternatives to the proposed excavation that would yield aggregate resources. Hence, the proposed project appears consistent with this policy.

Hillside and Watershed Protection Policy 2: *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.*

Discussion: By necessity, the proposed mining will occur in the river channel where the suitable aggregate is located. The proposed mining pit, with the EIR mitigation measures and suggested conditions of approval, would minimize hydraulic and topographic impacts to the extent practical. Hence, the proposed project appears consistent with this policy.

Hillside and Watershed Protection Policy 6: *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.*

Hillside and Watershed Protection Policy 7: *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.*

Streams and Creeks Policy 1: *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.*

Discussion: No significant water quality impact is expected to occur due to the in-stream mining because low flows in the river will be diverted around the mine pit, and because high flows would fill the mine pit as part of a natural riverine process. Stormwater runoff from the Processing Area will be directed to a percolation pond to remove sediments and

pollutants, and to provide for groundwater recharge. No significant groundwater quality impact was identified in the EIR. Hence, the proposed project appears consistent with these policies.

5.3.3 Visual Resources

Visual Resource Policy #2: *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.*

Discussion: The proposed project includes the use of a landscaped berm along Highway 33 to screen the equipment and stockpile at the Processing Area, and reduce visual impacts to viewers along the road. The EIR includes mitigation measures to increase the effectiveness of the proposed screening, such that a significant visual impact would not occur. The mine pit in the river would not be visible to public viewers. The proposed project appears consistent with this policy.

5.3.4 Flood Hazard

Flood Hazard Area Policy 1: *All development, including construction, excavation, and grading, except for flood control projects and non-structural agricultural uses, shall be prohibited in the floodway unless off-setting improvements in accordance with HUD regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, provided creek setback requirements are met and finish floor elevations are above the projected 100-year flood elevation, as specified in the Flood Plain Management Ordinance.*

Discussion: A portion of the proposed Processing Area may occur within the boundaries of a FEMA flood hazard zone. As such, the proposed Processing Area may be exposed to localized flooding. Under Santa Barbara County's Floodplain Management Ordinance No. 3898, the construction of the shop, fuel storage facility, and scale house at the Processing Areas facilities and mining in the river will require a floodplain development permit from Santa Barbara County Public Works Department, Flood Control District. If the proposed project is approved, the applicant will need to submit an application to the County for the permit, and include pertinent hydraulic calculations and analyses. Non-residential structures, like those proposed for the Processing Area, only require floodproofing the buildings. The proposed project appears consistent with this policy.

Flood Hazard Area Policy 2: *Permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control works, i.e., dams, stream channelizations, etc.*

Discussion: The proposed mining would not cause any increase in flooding. The proposed Processing Area can be modified by floodproofing to meet the County's flood hazard reduction requirements. Hence, the proposed project appears consistent with this policy.

5.4 OPEN SPACE ELEMENT

The Open Space Element recognizes both mineral resource development and agriculture as "open space for the managed production of resources" as defined in California Government Code. Hence, the proposed project appears consistent with this classification.

5.5 NOISE ELEMENT

Recommendation 1: *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.*

Discussion: No significant, unavoidable noise impact was identified in the EIR. Hence, the proposed project appears consistent with this policy.