



## Planning Director Staff Report: Hearing of May 27, 2021

County of Ventura • Resource Management Agency • Planning Division

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# Ojai Quarry Reclamation Plan Amendment

Case No. PL18-0136  
CA Mine ID# 91-56-0025

### A. PROJECT INFORMATION

1. **Request:** The applicant requests that a Reclamation Plan Amendment (RPA) be approved to authorize changes in the final reclaimed configuration of the Ojai Quarry. (Case No. PL18-0136)
2. **Applicant/Property Owner:** GraLar, LLC. (Larry Mosler), 2280 Moonridge Ave., Newbury Park, CA 91320
3. **Decision-Making Authority:** Pursuant to Section 8107-9.6.9 of the Ventura County Non-Coastal Zoning Ordinance (NCZO), the proposed changes in the approved reclamation plan require a public hearing to be held. Pursuant to Section 8111-6.1.2 of the NCZO, the Planning Director would be the decision-maker for the requested change in the Reclamation Plan.
4. **Project Site Location and Parcel Number:** The project site is located at 15558 Maricopa Highway in the unincorporated area of Ventura County, near the City of Ojai. The Tax Assessor's parcel numbers for the lot that constitutes the project site are APNs 009-0-090-16 and 009-0-090-18. (Exhibit 2).
5. **Project Site Land Use and Zoning Designations:**
  - a. Countywide General Plan Land Use Map Designation: Open Space (Exhibit 2)
  - b. Zoning Designation: "OS-160 ac" (Open Space, 160 acre minimum lot size) (Exhibit 2)

County of Ventura  
Planning Commission Hearing  
Case No. PL18-0136  
Exhibit 9 - Planning Director Staff  
Report without Attachments

**6. Adjacent Zoning and Land Uses/Development (Exhibit 2):**

<b>Location in Relation to the Project Site</b>	<b>Zoning</b>	<b>Land Uses/Development</b>
<b>North</b>	OS-160 ac	Open Space
<b>South</b>	OS-160 ac	Open Space
<b>East</b>	OS-80 ac (Opens Space, 80 Acre Minimum Lot Size) and OS-40 ac (Open Space, 40 Acre Minimum Lot Size)	Open Space
<b>West</b>	OS-160 ac / SRP(Open Space, 160 Acre Minimum Lot Size/Scenic Resource Protection Overlay Zone)	Open Space

**7. Project History:**

The project site has been used intermittently as a rock quarry since 1939. At that time, the facility was known as the “Maricopa Placer Claim.” The original owner, Schmidt Construction, Inc., leased the site in 1948 and purchased it in fee in 1962.

In response to complaints received from nearby residents, the Planning Division notified the property owner in 1973 that a Condition Use Permit (CUP) would be required to continue the mining operation. In 1974, the property owner applied for a CUP. The potential impacts of mining under the requested permit were evaluated in an Environmental Impact Report (EIR) prepared by the County in accordance with the California Environmental Quality Act (CEQA). On January 15, 1976, the Planning Commission certified the EIR and granted CUP 3489 (including the site Reclamation Plan required under the Surface Mining and Reclamation Act) to authorize surface mining activities for a 20-year period.

In 1980, the property owner filed an application to modify CUP 3489 (Case No. CUP 3489-1) and amend the Reclamation Plan in order to extend the CUP expiration date of CUP 3489 by 5 years. The quarry encompassed four acres at that time. The Planning Commission found that the project changes would have a potentially significant effect on the environment, and that the original EIR adequately addressed these potential impacts. In 1981, the Planning Commission granted a modified CUP (Case No. CUP 3489-1) and approved an amended Reclamation Plan.

In 1986, the property owner filed an application to modify CUP 3489-1 (Case No. CUP 3489-2) and amend the Reclamation Plan to authorize a 9-acre expansion of the area subject to mining excavation. In 1991, the Planning Division completed the preparation of a subsequent EIR for the proposed project changes. On June 1, 1995, the Planning Commission certified the subsequent EIR (Exhibit 7), granted modified CUP 3489-2 and approved the amended Reclamation Plan (Exhibit 5).

On February 2, 2005, Mosler Rock-Gralar, LLC, acquired ownership of the quarry and renamed it the “Mosler Rock-Ojai Quarry.” In accordance with the requirements of Condition of Approval 8 of CUP 3489-2, the Permittee, signed an “Acceptance of Conditions” statement dated February 2, 2005 for CUP 3489-2. This statement certifies that the Operator/Permittee read and fully understands all of the Conditions of Approval placed on the Conditional Use Permit, and agrees to abide by these conditions.

#### Compliance History (2008-2012)

The County issued to the operator six CUP notices of violation, a SMARA Order to Comply (OTC) and a Notice of Permit Revocation between 2008 and 2011. The notices of violation are designated as ZV08-0030, PV09-0009, PV10-0012 (as amended), PV10-0090, PV10-0080, PV10-0070 and PV10-0072-79. On February 22, 2012, the Planning Division entered into a Compliance Agreement (CA12-0007) with the operator to ensure the site remained in compliance during the processing of a Reclamation Plan Compliance Amendment (RPCA).

The chart below summarizes the violations and the abatement measures taken by the operator:

Violation No.	Violation Summary	Abatement Measure
ZV08-0030 issued February 14, 2008	1. Mining outside of permitted boundaries	✓ All excavation beyond the permitted boundary has ceased
	2. Commencing excavation and grading in violation of EUA AD06-0153 (COA NO. 2)	✓ On April 17, 2012 the Planning Director approved A Reclamation Plan Compliance Agreement (RPCA) which addressed over-excavated violation areas
	3. Failure to plant five 24” box oak trees, in violation of EUA AD06-0153 (COA No. 4)	
	4. Failure to submit an approved grading plan, in violation of EUA AD06-0153 (COA No. 6)	
	5. Failure to apply for a permit	

	<p>mod, in violation of EUA AD06-0153 (COA No. 7)</p> <p>6. Failure to provide written notice to CalTrans, CAF&amp;G, and MSHA, in violation of EUA AD06-0153 (COA No. 10)</p> <p>7. Failure to mark the EUA boundary, in violation of EUA AD06-0153 (COA No. 12)</p>	
PV09-0009, as amended April 27, 2009	<p>1. Exceeding the daily maximum number of truck drips (COA No. 39)</p> <p>2. Failure to maintain written records and failure to maintain trucking contracts (COA No. 40)</p>	<p>✓ Trucking operations are limited to 20 trips per day</p> <p>✓ Written records of all truck trips to and from the Ojai Quarry are maintained for a minimum of one year and provided to the Planning Division upon request</p>
<p>PV10-0012, as amended May 12, 2010</p> <p>*NOTE: On June 9, 2011 the Planning Division issued a revised NOV for operating unpermitted equipment on June 3, 2011, although that instance was abated by the Permittee/Operator on June 7, 2011.</p>	<p>1. Operating outside of permitted hours of operation (COA No. 19)</p> <p>2. Operating unpermitted equipment within unauthorized areas (COA No. 1a and 1b)</p>	<p>✓ Cease all operations outside of the permitted hours of operation</p> <p>✓ Cease operation and maintenance of all unpermitted equipment and remove equipment from the site</p>
PV10-0090	<p>1. Mining outside the permitted mining boundaries and in violation of the phased mining and reclamation plans (COA Nos. 1.a, 45, 48.c, and 48.d)</p> <p>2. Failure to obtain a Zoning Clearance prior to conducting activities in each phase (COA No. 5.b)</p> <p>3. Failure to submit updated</p>	<p>✓ All excavation beyond the permitted boundary has ceased</p> <p>✓ A Zoning Clearance is issued before excavation begins in a new mining phase</p> <p>✓ Annual Geologic Reports have been submitted or site was directly inspected by County Geologist, Jim O'Tousa</p>

	<p>Geologic Slope Stability Program to the Public Works Agency (Geo and Soils Mitigation Measure 3.b)</p> <p>4. Failure to stockpile topsoil (COA No. 36)</p> <p>5. Failure to install vegetation and landscaping materials (Biological Mitigation Measure 2.d)</p> <p>6. Failure to stake property (Condition No. 49)</p>	<p>✓ Any available topsoil is stockpiled on-site</p> <p>✓ Vegetation has been installed as directed by wildlife agencies and in accordance with approved landscaping requirements;</p> <p>✓ Staking has been completed to the extent safely possible</p>
PV10-0080, July 8, 2010	<p>1. Operating outside of permitted hours of operation (COA No. 19)</p>	<p>✓ Cease all operations outside of the permitted hours of operation</p>
PV10-0070 & PV10-0072-79, August 11, 2010	<p>1. Failure to provide trucking Contracts (COA No. 40)</p> <p>2. Trucking violations within the restricted time/zone (Condition No. 19)</p> <p>*This violation also include a violation for failing to provide requested weigh tickets; however, the Permittee/Operator provided the weigh tickets, thus abating that count of the violation</p>	<p>✓ Provide copies of the trucking contracts pursuant to the requirements of the Conditional Use Permit Conditions of Approval</p> <p>✓ Prohibit truck travel through the restricted time/zone pursuant to the requirements of the Conditional Use Permit Conditions of Approval</p>

### Reclamation Plan Compliance Amendment

On April 17, 2012 the Planning Director approved a Reclamation Plan Compliance Amendment (RPCA) which addresses the reclamation of the areas of disturbance outside of the area addressed by the 1995 Reclamation Plan. The reclamation of these areas will be in accordance with the current standards as set forth in the Surface Mining and Reclamation Act (SMARA) and the State Mining and Geology Board reclamation regulations. The approved RPCA depicted disturbed Areas 1 and 2. These areas were originally disturbed for the purpose of addressing a safety order issued by the U.S. Department of Labor, Mine Safety and Health Administration (MSHA) to remove unstable boulders within and adjacent to the active mine area. Originally, the Operator disturbed 1.3 acres in Area 1. In order to stabilize the balance of the slope in this area, the Operator graded an

additional 0.94 acres in Areas 1 and 2. The 2.24 acres of disturbed area is addressed in the RPCA. Area 2 is approximately 0.70 acres.

Quarry operations also occur on a portion of Parcel 009-0-09-180, a 2.08-acre parcel (Area 3) that abuts State Route 33. Operations have occurred on this parcel since before the approval of CUP 3489-2. The scale, scale house and equipment storage area are located in Area 3. The RPCA ensures the disturbed portions of Area 3 will be reclaimed.

The 1995 Reclamation Plan approved concurrent with the granting of CUP 3489-2 calls for a “bottom-up” phased reclamation of the site. Reclamation of the site was divided into Phases I, II, and III. Phase I is separated into two sub-phases, IA and IB. Although mining excavation has largely occurred in the Phase I area, small areas of Phases II and III have been disturbed by mining activities. (e.g. haul roads).

The order of reclamation phasing was reversed with the approval of the RPCA in 2012. As authorized by the RPCA, the site will be reclaimed from in a “top-down” manner. This phasing ensures that the reclaimed slopes will be stable.

The 1995 Reclamation Plan includes a Quarry Tailings Disposal Area. Planning Staff has interpreted the 1995 Reclamation Plan to require the fill on the benches between elevations 1215 and 1305 in the event of termination of the mining operations prior to completion of all three phases of mining. The Operator has over-excavated (mined below the final Reclamation Plan elevations) in this area. By present estimates, meeting the fill requirements of the 1995 plan, backfilling this area would require approximately 97,000 cubic yards of material. This material is to be obtained from the existing (permitted) mined areas.

All mined lands will be reclaimed to a suitable end use of Natural Open Space. Reclamation of the site will begin within 90 days following cessation of all mining activities.

The final reclaimed surface is characterized by a series of benches and slopes extending up the side of the existing mine site and hydro-seeded per the original (1995) Reclamation Plan requirements. Area 1 and 2 would also be hydro-seeded and all disturbed areas of Area 3 would be re-vegetated. Undisturbed areas would remain in a natural state. The existing approved 1995 Reclamation Plan (Exhibit 5), as augmented by the 2012 RPCA (Exhibit 6), remains in effect.

#### Compliance Agreement CA12-0007

A Compliance Agreement (CA12-0007) was executed between the Operator and the Planning Division on February 22, 2012. The Compliance Agreement included the terms and conditions for on-going regulatory compliance and a repayment plan

for the County Condition Compliance and processing fees. The Compliance Agreement is no longer in effect.

Modified CUP PL15-0118:

On March 7, 2017, the Board of Supervisors granted modified CUP No. PL15-0118 to authorize mining operations to continue at the Ojai Quarry for an additional 30-year period ending in 2046. The previously approved Reclamation Plan for this mining facility was not revised as part of this land use permit action by the Board. The approved Reclamation Plan continues to be comprised of the 1995 plan as augmented by the 2012 Reclamation Plan Compliance Amendment (RPCA).

The proposed RPA would authorize a change in the Final Reclaimed Surface (FRS) depicted in the approved Reclamation Plan.

- 8. Project Description:** The applicant requests that a Reclamation Plan Amendment (RPA) be approved to authorize changes in the final reclaimed configuration of the Ojai Quarry.

The current approved Reclamation Plan for the Ojai Quarry is comprised of the 1995 Reclamation Plan (Exhibit 5) and the 2012 RPCA (Exhibit 6). Because excavation and material removal occurred below the FRS depicted in the 1995 plan, reclamation of the site in accordance with the approved plan could not be achieved without the backfilling of the over-excavated areas. Approximately 97,000 cubic yards of material would have to be placed in the over-excavated area to create the approved FRS.

The proposed RPA (Exhibit 3) would allow the existing ground surface in the over-excavated area to constitute a part of the FRS. This would eliminate the requirement for the placement of 97,000 cubic yards of fill.

The proposed project does not include any other substantial changes in the reclamation requirements to be applied to the mined lands at the subject facility. No changes in the operational limitations established by CUP PL15-0118 are proposed or would be authorized by the requested RPA.

After a couple of iterations of reviews and comments, the proposed RPA was found to be acceptable by the California Division of Mine Reclamation in February of 2021.

**B. SCOPE OF THE HEARING**

Section 2770 of the Public Resources Code (PRC) mandates that a permit to operate must be obtained, a reclamation plan prepared in accordance with

SMARA must be approved, and a financial assurance must be posted with the Lead Agency and State in order to operate a mining facility. The operator of the Ojai Quarry is currently in compliance with these requirements.

A Reclamation Plan is not a local land use permit granted by the County of Ventura. It does not include conditions of approval. It is a mandatory plan required by State law to be prepared for each surface mining facility. Although it must include an estimated closure date, a Reclamation Plan does not “expire” and remains in effect until a mining site is reclaimed and the financial assurance released by concurrent action of the County and State.

The proposed project is limited to amendments of the approved Reclamation Plan for this facility. No changes in the operating permit (Conditional Use Permit PL15-0118) are proposed. The proposed RPA would revise the geometry of the FRS and bring the reclamation requirements of the area of the mining facility currently subject to the 1995 approved Reclamation Plan up to current SMARA standards. A revised financial assurance would be posted that reflects the proposed RPA, if approved.

In accordance with PRC 2770(a) and 2770(b), a proposed Reclamation Plan that substantially meets SMARA standards must be approved by the Lead Agency, or the State Mining and Geology Board on appeal. Thus, the consideration of the RPA by the Planning Director is limited to whether the RPA satisfies the standards of SMARA and is in compliance with the reclamation regulations (CCR 3500 et seq.) adopted by the State Mining and Geology Board.

### **C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE**

Pursuant to CEQA (Public Resources Code §21000 et seq.) and the State CEQA Guidelines (Title 14, California Code of Regulations, Division 6, Chapter 3, §15000 et seq.), the subject application is a “project” that is subject to environmental review.

On January 15, 1976, the Planning Commission certified an EIR and granted CUP 3489 (including the site reclamation plan) for a period of 20 years.

In 1980, the property owner filed an application to modify CUP 3489 (Case No. CUP 3489-1) and amend the Reclamation Plan in order to extend the CUP expiration date of CUP 3489 by 5 years. The quarry encompassed four acres at that time. The Planning Commission found that the project changes would have a potentially significant effect on the environment, and that the original EIR adequately addressed these potential impacts. In 1981, the Planning Commission granted a modified CUP (Case No. CUP 3489-1) and approved an amended Reclamation Plan.

In 1986, the property owner filed an application to modify CUP 3489-1 (Case No. CUP 3489-2) and amend the Reclamation Plan to authorize a 9-acre expansion of the area subject to mining excavation. In 1991, the Planning Division completed the preparation of a subsequent EIR for the proposed project changes. On June 1, 1995, the Planning Commission certified the subsequent EIR, granted modified CUP 3489-2 and approved the amended Reclamation Plan. The certified EIR identified potential project specific and cumulative impacts related to aesthetics (visual), biology/sedimentation, geology/soils and traffic. This EIR is attached as Exhibit 7.

On April 17, 2012 the Planning Director approved a Reclamation Plan Compliance Amendment to augment the 1995 approved Reclamation Plan. An Addendum to the 1995 certified EIR was prepared for the action.

The proposed RPA would replace the current approved Reclamation Plan. The only substantial change in site reclamation that would be allowed under the RPA is a change in the configuration of the FRS for the Ojai Quarry. Under the proposed RPA, the current over-excavated areas of the quarry would become part of the FRS and the current requirement to place 97,000 cubic yards of fill would be largely eliminated.

The proposed change in FRS configuration would not substantially alter the appearance of the Ojai Quarry (at the time of final reclamation) from public views along the adjacent State Highway 33. This is because the over-excavated areas are not prominently visible from the highway under current conditions and would be screened by required vegetation planted as part of reclamation of the site.

The other issue pertinent to the proposed RPA is slope stability. This issue is addressed by State-licensed geologists and engineers in reports included in the RPA (Exhibit 3). Based on the information provided in these reports, the current slopes proposed to remain after site reclamation meet established standards of stability. The slopes in question were created by mining excavation that occurred more than 30 years ago. No substantial slope failure has occurred over this period.

In terms of biological resources, the proposed RPA continues to require revegetation of the slopes that would remain after mining excavation ceases. The over-excavated area would serve a beneficial post-mining purpose as a sediment trap to limit siltation of nearby Matilija Creek. Siltation would also be minimized by eliminating the grading activities that would be required to place the currently required 97,000 cubic yards of fill.

Given the above factors, the proposed RPA can be addressed in an Addendum to the 1995 certified EIR.

The CEQA Guidelines [§15164(a)] state that the lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in the CEQA Guidelines (§15162) calling for the preparation of a subsequent EIR have occurred. The attached EIR Addendum (Exhibit 4) includes a description of the changes or additions that are necessary to the EIR; and, a discussion of why none of the conditions described in the CEQA Guidelines exist, which require the preparation of a subsequent EIR.

Based on the information provided in the EIR Addendum, and in light of the whole record, staff recommends the decision-maker find there is no substantial evidence to warrant the preparation of a subsequent EIR and the Addendum to the EIR (Exhibit 4) reflects the County's independent judgment and analysis.

#### **D. CONSISTENCY WITH THE GENERAL PLAN**

Pursuant to Section 8107-9.5.1 of the Ventura County Non-Coastal Zoning Ordinance, "all mining and reclamation shall be consistent with the County General Plan, the Ventura County Water Management Plan, and the State Surface Mining and Reclamation Act of 1975 (SMARA), as amended, and State policy adopted pursuant to SMARA."

Evaluated below is the consistency of the proposed Reclamation Plan Amendment (RPA; Exhibit 6) with the applicable policies of the General Plan.

***COS-1.1 Protection of Sensitive Biological Resources:*** *The County shall ensure that discretionary development that could potentially impact sensitive biological resources be evaluated by a qualified biologist to assess impacts and, if necessary, develop mitigation measures that fully account for the impacted resource. When feasible, mitigation measures should adhere to the following priority: avoid impacts, minimize impacts, and compensate for impacts. If the impacts cannot be reduced to a less than significant level, findings of overriding considerations must be made by the decision-making body.*

Staff Analysis: The proposed RPA does not involve any new ground disturbance at the Ojai Quarry. The level of ground disturbance is authorized by CUP PL15-0118 as granted by the County in 2017 and was evaluated in the certified EIR and Addenda. The disturbed areas of the site were previously evaluated by qualified biologists in the review conducted as part of the granting of the CUP. Mitigation measures are identified in the EIR and have been implemented. The currently approved Reclamation Plan, and the proposed RPA, include measures to facilitate the ultimate conversion of the site from a mining to an open space habitat use. A Reclamation Plan is essentially a State-mandated mitigation measure that addresses the adverse impacts of surface mining activities.

Southern California steelhead trout (*Oncorhynchus mykiss*) has been federally listed as endangered since 1997. Southern California steelhead trout is what the US Fish and Wildlife Service and National Marine Fisheries Service call a Distinct Population Segment (DPS) of the steelhead trout species. Under the Endangered Species Act, an entire species can be listed as threatened or endangered or certain populations (i.e., a Distinct Population Segment) may be listed. For steelhead trout, several DPSs have been listed.

Critical habitat for the Southern California steelhead trout has been identified in Ventura County and includes the Ventura River and major tributaries (Matilija Creek - North Fork and San Antonio Creek) and the Santa Clara River and major tributaries (Sespe Creek and Santa Paula Creek).

Southern Steelhead trout have been observed in the Matilija Creek adjacent to the project site. Measures to minimize sedimentation of the creek have been implemented on the site as recommended by the Regional Water Quality Control Board. These measures include sedimentation basins that filter site runoff prior to discharge into Matilija Creek. The operation is also subject to the terms of a Streambed Alteration Agreement executed with the California Division of Fish and Wildlife (CDFW). With the continued implementation of these measures, no new impacts on Steelhead trout are anticipated.

The implementation of the proposed RPA will not have an adverse effect on water quality in the creek or on biological resources. Phased reclamation of the site as mining excavation is progressively completed will involve revegetation and stabilization of the hillside and result in reduced sedimentation after the cessation of mining.

Based on the above discussion, the proposed RPA is consistent with this policy.

***COS-1.6 Discretionary Development on Hillsides and Slopes:*** *The County shall require discretionary development on hillsides and slopes, which have an average natural slope of 20 percent or greater in the area where the proposed development would occur, to be sited and designed in a manner that will minimize grading, alteration of natural land forms, and vegetation removal to avoid significant impacts to sensitive biological resources to the extent feasible.*

Staff Analysis: Implementation of the proposed RPA will not result in development on hillsides and slopes. The RPA constitutes a plan for reclaiming the lands disturbed by authorized mining activities for future use as open space. No new adverse effect on biological resources has been identified that would result from RPA implementation. Refer to the above staff analysis of consistency of the RPA with General Plan Policy COS-1.1

**COS-3.1 Scenic Roadways:** *The County shall protect the visual character of scenic resources visible from state or County designated scenic roadways.*

**COS-3.6 Open Space Character:** *The County shall require discretionary development outside of Existing Communities be planned and designed to maintain the scenic open space character of the surrounding area, including view corridors from highways. Discretionary development should integrate design, construction, and maintenance techniques that minimize the visibility of structures from public viewing locations within scenic vistas.*

Staff Analysis: State Highway 33 is a designated scenic highway. The Ojai Quarry is located adjacent to this highway and is prominently visible. This mining facility, however, has been in operation for more than 80 years and is part of the existing historic conditions in this area. A modified Conditional Use Permit was granted in 2017 to authorize mining operations to continue until 2046.

The current approved Reclamation Plan for this facility is comprised of the 1995 plan augmented by the 2012 RPCA (Exhibits 5 and 6). This approved plan specifies the measures required to reclaim the site upon the cessation of mining excavation. These measures include revegetation of the site to minimize public views of the lands disturbed by mining. The proposed RPA would retain the current revegetation requirements and add measures necessary to satisfy current SMARA standards in the area currently subject to the 1995 RP. Thus, implementation of the proposed RPA would not substantially affect scenic resources along State Highway 33.

Based on the above discussion, the proposed RPA is consistent with these policies.

**COS-6.1 Balanced Mineral Resource Production and Conservation:** The County shall balance the development and conservation of mineral resources with economic, health, safety, and social and environmental protection values.

Staff Analysis: With the granting of Conditional Use Permit PL15-0118 in 2017, the Board of Supervisors balanced the continued operation of the Ojai Quarry with the economic, health, safety and social and environmental protection values. Approval and implementation of the proposed RPA will not exacerbate the adverse effects of the ongoing surface mining activities authorized at the subject facility. The proposed RPA would result in the entirety of the mined lands to be subject to current mine reclamation standards set forth in SMARA and the State Mining and Geology Board reclamation regulations.

Based on the above discussion, the proposed RPA is consistent with this policy.

***WR-2.1 Identify and Eliminate of Sources of Water Pollution:*** *The County shall cooperate with Federal, State and local agencies in identifying and eliminating or minimizing all sources of existing and potential point and non-point sources of pollution to ground and surface waters, including leaking fuel tanks, discharges from storm drains, dump sites, sanitary waste systems, parking lots, roadways, and mining operations.*

***WR-2.2 Water Quality Protection for Discretionary Development:*** *The County shall evaluate the potential for discretionary development to cause deposition and discharge of sediment, debris, waste, and other contaminants into surface runoff, drainage systems, surface water bodies, and groundwater. In addition, the County shall evaluate the potential for discretionary development to limit or otherwise impair later reuse or reclamation of wastewater or stormwater. The County shall require discretionary development to minimize potential deposition and discharge through point source controls, storm water treatment, runoff reduction measures, best management practices, and low impact development.*

Staff Analysis: The proposed RPA does not involve an increase in water demand or a substantial change in the runoff characteristics of the mining site. Required measures designed to reduce impacts on water resources (e.g. minimize sedimentation of Matilija Creek) will continue to be implemented on the mining site. The Operator has entered into a Streambed Alteration Agreement with the California Department of Fish and Game (CDFG) which requires compliance with all applicable regulations designed to protect the quality of water in the nearby watercourse.

The elimination of the backfill requirement included in the proposed RPA will reduce sedimentation due to erosion of fill material and make available additional area for the capture of sediment eroded from the remnant steep slopes.

Based on the above discussion, the proposed RPA is consistent with these policies.

**E. CONFORMANCE WITH SMARA AND STATE MINING AND GEOLOGY BOARD RECLAMATION REQUIREMENTS:**

The text and diagrams included in the proposed Reclamation Plan Amendment (RPA) (Exhibit 6) describe and document the conformance of the reclamation measures included therein with the requirements of the Surface Mining and Reclamation Act (SMARA) and the SMGB reclamation regulations. The RPA was reviewed by County staff and by staff of the State Division of Mine Reclamation. The draft RPA was revised in response to comments provided by DMR. The proposed RPA under consideration at this hearing is considered by County and State staff to adequately demonstrate conformance with all applicable reclamation requirements.

## F. ZONING ORDINANCE COMPLIANCE

The proposed RPA is subject to the special use standards set forth in Section 8107-9.6 of the NCZO. The conformance of the RPA with the applicable standards is evaluated in the following table.

### Special Use Standards Consistency Analysis

Special Use Standard	In conformance?
<b>§8107-9.5.1:</b> All mining and reclamation shall be consistent with the County General Plan, the Ventura County Water Management Plan, and the state Surface Mining and Reclamation Act of 1975 (SMARA), as amended, and State policy adopted pursuant to SMARA.	<b>Yes.</b> As discussed in Section C of this staff report, the proposed RPA is consistent with the relevant policies of the General Plan. Refer to Section E above regarding the conformance of the RPA with SMARA. According to the California Division of Mine Reclamation (DMR) and the County Planning Division, the RPA has been prepared in accordance with SMARA and the SMGB reclamation regulations.
<b>§8107-9.5.4:</b> All surface mining activities shall strike a reasonable balance with other resource priorities such as water, farmland, fish and wildlife and their habitat, groundwater recharge, sediment for replenishment of beaches and the protection of public and private structures and facilities.	<b>Yes.</b> With the granting of Conditional Use Permit PL15-0118 in 2017, the Board of Supervisors balanced the continued operation of the Ojai Quarry with the economic, health, safety and social and environmental protection values. Approval and implementation of the proposed RPA will not exacerbate the adverse effects of the ongoing surface mining activities authorized at the subject facility. The proposed RPA would result in the entirety of the mined lands to be subject to current mine reclamation standards set forth in SMARA and the State Mining and Geology Board reclamation regulations.
<b>§8107-9.5.7:</b> Appropriate and reasonable monitoring and enforcement measures shall be imposed on each mining operation which will ensure that all permit conditions, guidelines and standards are fulfilled.	<b>Yes.</b> The subject mining operation will be subject to mandatory annual site inspections for SMARA compliance and periodic condition compliance review.
<b>§8107-9.5.8:</b> Reclamation of a site shall include the removal of equipment and facilities and the restoration of the site so that it is readily adaptable for alternate land use(s) which is consistent with the approved reclamation plan as well as the existing and proposed uses in the general area. Reclamation shall be conducted in phases on an ongoing basis, where feasible.	<b>Yes.</b> The proposed amended Reclamation Plan includes the removal of equipment and facilities, and reclamation of the site consistent with SMARA standards. The proposed Reclamation Plan Amendment includes phased reclamation of the site.
<b>§8107-9.6.1:</b> Projects shall be located, designed, operated and reclaimed so as to minimize their adverse impact on the physical and social environment, and on natural resources. To this end, dust, noise, vibration, noxious odors, intrusive light,	<b>Yes.</b> Issues involving traffic, aesthetics, dust, noise, lighting, groundwater, and flood control are addressed in the conditions of approval of Conditional Use Permit PL15-0118.

### Special Use Standards Consistency Analysis

Special Use Standard	In conformance?
aesthetic impacts, traffic impacts and other factors of nuisance and annoyance, erosion, and flooding shall be minimized or eliminated through the best accepted mining and reclamation practices, applicable to local conditions, which are consistent with contemporary principles and knowledge of resource management, storm water quality, groundwater quality and quantity, flood control engineering and flood plain management.	The proposed Reclamation Plan Amendment has been found by County and State staff to meet SMARA performance standards for slope stability, revegetation, erosion control and restoration of wildlife habitat.
<b>§8107-9.6.3:</b> Mining operations and their accessory uses, access roads, facilities, stockpiling of mineral resources and related mining activities shall be consistent with current engineering and public works standards and in no case shall obstruct, divert, or otherwise affect the flow of natural drainage and flood waters so as to cause significant adverse impacts, except as authorized by the Public Works Agency.	<p><b>Yes.</b>  The engineering practices utilized as part of the existing mining operation will not change with implementation of the proposed RPA.</p> <p>As indicated in the proposed Reclamation Plan Amendment, the site will be reclaimed in accordance with the performance standards for drainage, erosion control and slope stability established in the SMGB reclamation regulations.</p>
<b>§8107-9.6.4:</b> Contaminants, water run-off and siltation shall be controlled and generally contained on the project site so as to minimize adverse off-site impacts.	<p><b>Yes.</b>  Pursuant to CUP PL15-0118, the mine operator is required to comply with NPDES and State stormwater regulations.</p> <p>As indicated in the proposed Reclamation Plan Amendment, the site will be reclaimed in accordance with the performance standards for drainage, erosion control and slope stability established in the SMGB reclamation regulations.</p>
<b>§8107-9.6.9:</b> No mining permit shall be approved without an approved reclamation plan, unless it is exempted from said reclamation plan by the State Department of Conservation. Where reclamation plans are not processed concurrently with a discretionary land use entitlement, at least one noticed public hearing on the reclamation plan must be held prior to its approval. Such reclamation plans are subject to all rights of appeal associated with permit approval. All reclamation plans must be found to be consistent with and approved in accordance with: the Ventura County Zoning Ordinance, as amended; the provisions of SMARA (Public Resource Code (PRC) § 2710 et seq.), PRC Section 2207, and State regulation Title 14 California	<p><b>Yes.</b>  The Reclamation Plan Amendment (RPA) has been reviewed by staff of the County Planning Division and by the California Department of Conservation, Division of Mine Reclamation. These agencies have found the RPA to be in conformance with the Ventura County Non-Coastal Zoning Ordinance, the Surface Mining and Reclamation Act (SMARA), and the State Mining and Geology Board reclamation regulations.</p> <p>The proposed RPA is compatible with the existing geological and topographic features the area. The technical reports included in the RPA document that the proposed final slope configuration will be stable.</p> <p>Each of the specific additional considerations listed in NCZO Section 8107-9.6.9 (items a. through k) are addressed in the proposed RPA (Exhibit 6).</p>

### Special Use Standards Consistency Analysis

Special Use Standard	In conformance?
<p>Code of Regulations (CCR) § 3500 et seq., as amended; the regulations, guidelines and other measures adopted by the State Mining and Geology Board; Ventura County Public Works Agency standards; any and all locally adopted resource management goals and policies; and compatible with the existing geological and topographical features of the area. Additional considerations, such as the following, shall also be addressed in the reclamation plan and permit:</p> <ul style="list-style-type: none"> <li>a. The creation of safe, stable slopes and the prevention of subsidence;</li> <li>b. Control of water run-off and erosion;</li> <li>c. Views of the site from surrounding areas;</li> <li>d. Availability of backfill material;</li> <li>e. Proposed subsequent use of the land which will be consistent with the General Plan and existing and proposed uses in the general area;</li> <li>f. Removal or reuse of all structures and equipment;</li> <li>g. The time frame for completing the reclamation;</li> <li>h. The costs of reclamation if the County will need to contract to have it performed;</li> <li>i. Revegetation of the site;</li> <li>j. Phased reclamation of the project area;</li> <li>k. Provisions of an appropriate financial assurance mechanism to ensure complete implementation of the approved reclamation plan.</li> </ul>	
<p><b>§8107-9.6.10:</b> All equipment, except that which is required to complete the reclamation plan, and all facilities and structures on the project site, except those approved for retention in support of the authorized "end use", shall be removed from the site in accordance with the reclamation plan, within 180 days after the termination of the use, unless a time extension is approved by the Planning Director.</p>	<p><b>Yes.</b>  Removal of mining equipment is incorporated into the proposed Reclamation Plan Amendment. The timing of removal, consistent with this standard, is included in the conditions of approval of CUP PL15-0118.</p>
<p><b>§8107-9.6.17:</b> Monitoring of the permit or aspects of it may be required as often as necessary to ensure compliance with the permit conditions. In any case, the permit and site shall be reviewed and inspected by the Planning Division or its contractors at</p>	<p><b>Yes.</b>  Annual inspections of the site are ongoing and mandated by SMARA and the SMGB Regulations. Thus, the site will be monitored for compliance with the approved Reclamation Plan. The Planning Director has the authority to increase the frequency of inspections if</p>

### Special Use Standards Consistency Analysis

Special Use Standard	In conformance?
least once a year. The purpose of said review is to ascertain whether the permittee is in compliance with all conditions of the permit and current SMARA requirements and whether there have been significant changes in environmental conditions, land use or mining technology, or if there is other good cause which would warrant the Planning Director's filing of an application for modification of the conditions of the permit.	warranted by conditions observed on the site.
<b>§8107-9.6.20:</b> Performance bonds or other securities may be imposed on any permit to ensure compliance with certain specific tasks or aspects of the permit. The amount of the security shall be based upon the actual anticipated costs for completing the subject task if the County were forced to complete it rather than the permittee. The performance security may be posted in phases as tasks are undertaken or required to be completed.	<b>Yes.</b> The mine operator is required to post a Financial Assurance with the State and County to assure reclamation of the site in conformance with the applicable approved Reclamation Plan. The required Financial Assurance is subject to annual review and adjustment by the County.
<b>§8107-9.6.21:</b> The permittee shall maintain, for the life of the permit, liability insurance of not less than \$500,000 for one person and \$1,000,000 for all persons, and \$2,000,000 for property damage, unless the Ventura County Risk Management Agency deems higher limits are necessary. This requirement does not preclude the permittee from being self-insured.	<b>Yes.</b> Insurance requirements consistent with this standard are included in the conditions of approval of CUP PL15-0118.

## F. RECLAMATION PLAN FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to approve a Reclamation Plan pursuant to NCZO Section 8107-9.6.9. The ability to make the required findings is evaluated below.

### 1. The reclamation plan must be consistent with and approved in accordance with:

- The Ventura County Zoning Ordinance
- The provisions of SMARA (Public Resources Code Section 2710 et seq.).
- Public Resources Code Section 2207 (i.e. State Annual Reporting and Fee requirements).

- **State mining regulations (14 CCR Section 3500 et.seq.).**
- **The regulations, guidelines and other measures adopted by the State Mining and Geology Board**
- **Ventura County Public Works Agency standards**
- **Any and all locally adopted resource management goals and policies.**

The proposed Reclamation Plan Amendment (RPA; Case No. PL18-0136) was prepared consistent with the County of Ventura Reclamation Plan application form. The RPA lists all applicable reclamation regulations and documentation of conformance with each regulatory standard. Based on review by County staff and staff of the State Office of Mine Reclamation, the proposed RPA (Exhibit 3) includes the required documentation of conformance with the above-listed statutory and regulatory requirements.

Based on the above discussion, this finding can be made.

**2. The reclamation plan must be compatible with the existing geological and topographical features of the area.**

The Reclamation Plan Amendment reflects, and is compatible with, the existing geological and topographical features of the project area. The geologic conditions underlying the existing slopes have been evaluated in the technical reports prepared by California-licensed geologists and engineers included in the RPA (Exhibit 3). These reports document that the existing slopes meet established standards of slope stability. Thus, the existing slopes in the historically over-excavated areas of the mining site can be (and are) designated as a portion of the final reclaimed surface depicted in the proposed RPA.

Upon the completion of mining activities, the mining site will be reclaimed to an open space use with stable slopes. The site will be re-vegetated and drainage control measures will be installed to minimize erosion and sedimentation. The condition of the reclaimed slopes will be compatible with the undisturbed slopes that will surround the former excavation area.

Based on the above discussion, this finding can be made.

**3. Additional considerations, such as the following, shall be addressed in the reclamation plan and permit:**

- **The creation of stable slopes and the prevention of subsidence;**
- **Control of water run-off and erosion;**
- **Views of the site from surrounding areas;**
- **Availability of backfill materials;**

- **Proposed subsequent use of the land which will be consistent with the General Plan and existing and proposed uses in the general area;**
- **Removal or reuse of all structures and equipment;**
- **The time frame for completing reclamation;**
- **The costs of reclamation if the County will need to contract to have it performed;**
- **Revegetation of the site;**
- **Phased reclamation of the project area;**
- **Provisions of an appropriate financial assurance mechanism to ensure complete implementation of the approved reclamation plan.**

The proposed RPA (Exhibit 3) adequately addresses each of the issues specified above based on review by County staff and the State Division of Mine Reclamation.

Based on the above discussion, this finding can be made.

#### **G. PLANNING DIRECTOR HEARING NOTICE AND PUBLIC COMMENTS**

The Planning Division provided public notice of the Planning Director hearing in accordance with the Government Code (§65091) and Ventura County Non-Coastal Zoning Ordinance (§8111-3.1 et seq.). The Planning Division provided 30 days notice to the California Division of Mine Reclamation, mailed notice to owners of property within 300 feet of the subject project site, and placed a legal ad in the Ventura County Star on May 17, 2021.

#### **H. RECOMMENDED ACTIONS**

Based on the information provided above, Planning Division Staff recommends that the Planning Director take the following actions:

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto, including the Addendum (Exhibit 4) to the Environmental Impact Report, and has considered all comments received during the public comment process;
2. **FIND** that the Reclamation Plan Amendment has been prepared in conformance with the requirements of Section 8107-9 of the Ventura County NCZO, the California Surface Mining and Reclamation Act (Pub. Res. Code § 2710 et seq.), and the State Mining and Geology Board regulations (14 Cal. Code of Regs, § 3500 et seq.);
3. **APPROVE** the Reclamation Plan Amendment; and

4. **DESIGNATE** the Planning Division as the custodian of the documents pertaining to the subject Reclamation Plan Compliance Amendment and environmental document, and that the location of those documents shall be in the Planning Division files.

The decision of the Planning Director is final unless appealed to the Planning Commission within 10 calendar days after the Reclamation Plan Amendment has been approved or denied (or on the following workday if the 10<sup>th</sup> day falls on a weekend or holiday). Any aggrieved person may file an appeal of the decision with the Planning Division. The Planning Division shall then set a hearing date before the Planning Commission to review the matter at the earliest convenient date.

If you have any questions concerning the information presented above, please contact Mindy Fogg at (805) 654-5192 or at [Mindy.Fogg@ventura.org](mailto:Mindy.Fogg@ventura.org),

Prepared by:

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Mindy Fogg, Manager  
Commercial and Industrial Permits

## EXHIBITS

- Exhibit 2 – Site Maps
- Exhibit 3a – Proposed Reclamation Plan Amendment Text
- Exhibit 3b – Proposed Reclamation Plan Amendment Site Plan
- Exhibit 3c – Engineering Geologic Report
- Exhibit 3d – Slope Stability Analysis
- Exhibit 3e – Geologic Slope/Stability Review
- Exhibit 3f – Stormwater Pollution Prevention Plan
- Exhibit 4 – Draft EIR Addendum
- Exhibit 5 – 1995 Reclamation Plan
- Exhibit 6 – 2012 Reclamation Plan Compliance Amendment
- Exhibit 7 – Final Environmental Impact Report Certified in 1995