



CITY OF OJAI

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July 1, 2021

Ventura County Resource Management Agency – Planning Division
Attn: Mindy Fogg
800 S. Victoria Ave., L #1740
Ventura, CA 93009-1740

**RE: SUPPORT OF OJAI QUARRY RECLAMATION PLAN AMENDMENT APPEAL
[CASE NO. PL 18-0136 – CA MINE ID# 91-56-0025]**

Dear Ms. Fogg:

The City of Ojai is in receipt of the June 25, 2021 Planning Director Decision regarding a Reclamation Plan Amendment, which was discussed at the Planning Director's Public Hearing on May 27, 2021. The Planning Director approved a request that a Reclamation Plan Amendment be approved to authorize changes in the final reclaimed configuration of the site known as the Ojai Quarry. The project location is 15558 Maricopa Highway, Ojai, CA.

The City of Ojai has been in contact with the project planner regarding this matter and has expressed serious concerns regarding several critical matters which still remain unresolved with the requested amendment by the applicant, Larry Mosler. The City therefore supports the appeal.

Slope Stability Issues

The Staff Report and supporting documentation do not provide any justification or rationale for why it is lawful nor reasonable to allow the quarry operator to simply ignore the existing 26-year old requirement to restore the over-excavated areas by placing 97,000 cubic yards of material (fill), which would be obtained from the existing (permitted) mined areas at the site. Instead, the County's decision, as embodied in the staff report, purports to provide some technical evidence that the slope could be supported without the 97,000 cubic yards of material (fill), which was part of the original Reclamation Plan. As the County itself acknowledges on page nine of the Staff Report, the issue most pertinent to the proposed RPA is slope stability. The staff report makes no findings as to slope stability beyond an assertion that engineering and geological reports written and paid for by the applicant meet established standards for stability. The County has not conducted any independent surveys or analysis of its own nor utilized an independent engineering

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Exhibit 13.a - City of Ojai
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report to determine the true status of the slope, as it exists now, as it is proposed to be upon the mine's scheduled closure in 2046, nor during the decades in between. Concerningly, the County's decision fails, in any way, to account for, nor analyze, the site's known existing condition — unstable slopes — nor how that existing condition would be safe, let alone improved, by simply leaving the existing ground surface in place, without any remediation. Compounding this failure, the County's decision also assumes the past conditions will continue without change by failing to analyze the impacts of climate change, and its likelihood for continued significant droughts, punctuated with occasional wet years accompanied by severe winter storms, on the proposed "do nothing" reclamation plan and its final over-excavated, un-remediated slope. It was known, as approved by the County in 1995, and reaffirmed in 2012, that this mine needs to be remediated upon closure, in part by placing sufficient fill material to restore the ground surface and slopes to a permanent, safe, condition. No reliable, unbiased evidence supports the County's new conclusion that simply doing nothing is safe, reasonable, nor lawful.

Impacts to the slope are themselves a result of applicant's failure to abide by conditions identified in CUP 3489-2. When the County issued its notices of violation, among the violations was a failure to submit an approved grading plan in violation of EUA AD06-0153, failure to submit updated geologic reports as to slope stability, and mining outside of permitted boundaries. In addition, the failure to address the slope stability issue by independently verifying the reports provided by the applicant means that that proposed Amendment does not meet SMARA performance standards nor the special use standards set forth in the Non-Coastal Zoning Ordinance. In particular the unresolved question of slope stability violated §8107-9.6.1, §8107-9.6.4, and § 8107-9.6.9 of Non-Coastal Zoning Ordinance because there is no evidence that contaminants, water run-off and siltation will be controlled or that the precarious nature of the slope will not obstruct or divert the flow of natural drainage and flood waters so as to cause significant adverse impacts.

Furthermore, the staff report states that the County Geologist is in concurrence with the applicant's geologist's technical report, but no findings have been made supporting that conclusion. Ultimately, the County's assessment that because the Final Reclaimed Surface will now include existing ground surface in the over-excavated eliminating the requirement for 97,000 cubic yards of fill is flawed and unsupported by the staff report and accompanying documentation. The 97,000 cubic yards of material fill must remain in place to ensure for a stable and supported slope as was approved and included in the 1995 Reclamation Plan including the Quarry Tailings Disposal Area.

Conformance with the Ojai Valley Area Plan

The staff report is also insufficient in the justification or rationale to support the Reclamation Plan Amendment specifically highlighted in Section F, *Reclamation Plan Findings and Supporting Evidence*. Conformance with the Ojai Valley Area Plan has not been addressed or considered. Indeed, nowhere in the report is there any mention of the Ojai Valley Area Plan. Any project or proposed amendment to an existing project within the Ojai Valley must, by law, be consistent with the Ventura County General Plan, and more specifically, be consistent with the Ojai Valley Area Plan and its goals, policies, and objectives. As a locally adopted resource management and zoning policy, the County must ensure consistency with the Ojai Valley Area Plan. It fails to do so or even address the plan, and therefore cannot make the necessary findings to approve the application.

Need for Updated Environmental Impact Report

Lastly, the Environmental Impact Report (EIR) addendum to the EIR (produced in 1995) is relying on data which was evaluated over 25+ years ago, prior to the start of the most recent iterations of Ojai Quarry operation. The 1995 EIR does not consider impacts stemming from climate change and as a result, there is no analysis of climate change and greenhouse gas emissions impacts or any analysis of mitigation needs. A supplemental EIR is necessary to address, revise, or support data and information which has not been evaluated in over a quarter century. Specifically, a supplemental or, better, a new EIR must be produced to properly address and mitigate impacts resulting from vehicle emissions, greenhouse gas emissions, and extreme climate conditions or weather events. A supplemental EIR must consider the impact of drought conditions as they exist currently as well as past and future wildfires resulting in changing soil conditions, weakening quarry walls and foundations, and denuding hillsides of vegetation, thus placing those same hillsides at risk of mudslides and flood. A supplemental EIR must also contain a full analysis that also accounts for annual reports on the mining operation, which are part of this process.

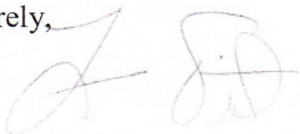
Required Findings Not Met

Section 8107-9.6.9 of the Non-Coastal Zoning Ordinance requires that the Planning Director make certain findings in order to approve the Reclamation Plan. As identified above, the applicant's proposed plan is not consistent with Ventura County Non-coastal Zoning Ordinance, the provisions of Public Resources Code section 2710 et seq. (SMARA), the State mining regulations, the State Mining and Geology Board regulations and locally adopted resource management goals. The application does not adequately address the prevention of subsidence as a result of the slope condition caused by the applicant excavating outside of approved areas, with neither permission or analysis, nor does it address control of water run-off or erosion impacts that may be caused by wildfires and flooding. The frequency of both wildfires and flooding is increasing in the Ojai Valley and the failure of the County and applicant to consider these issues places the residents of the City of Ojai at significant risk.

By failing to adequately address the dangerous condition of the slope, ignoring the Ojai Valley Area Plan, and relying on an outdated EIR, the required findings have not been met and therefore the Planning Director may not approve the Reclamation Plan Amendment.

For the reasons identified within this letter, the City of Ojai hereby rejects the approval and supports the appeal of the Director's Decisions to lift the condition/standard/mitigation placed on the subject site as part of the 1995 Reclamation Plan, EIR, and addendum, and urges reconsideration of these facts in reviewing this matter and rendered determination.

Sincerely,



Lucas Seibert
Community Development Manager

Enclosures – none