

## **CHAPTER 4.0 LAND USE POLICY CONSISTENCY**

This chapter is intended to provide the reader with background information regarding the general community setting of the proposed project, as well as information concerning the current land uses, proposed land uses, and land use policies in the vicinity of the project site. Section 15125 of the CEQA Guidelines states that “the EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans.”

To analyze land use consistency and land use impacts, the following approach was employed: (1) the proposed project was reviewed relative to the land use assumptions, policies and designations of the South County Inland Area Plan Land Use and Circulation Elements, San Luis Obispo County Framework for Planning (Inland), San Luis Obispo Agriculture & Open Space Element, and the San Luis Obispo County Land Use Ordinance, and (2) the proposed project and alternatives were reviewed for any potential conflicts between existing and proposed land uses in the vicinity.

In some instances, a plan or land use inconsistency may also pose environmental consequences, such as impacts on sensitive habitats. In these cases, the environmental consequences of the proposed project are identified in this chapter, but discussed in greater detail in the specific chapter of this EIR that focuses on that issue.

### **4.1 PHYSICAL SETTING**

#### **4.1.1 Regional Setting**

The project vicinity is located near the southern boundary of San Luis Obispo County at a low elevation along the Santa Maria River bed and along Highway 101. The location of the site is a primary gateway into San Luis Obispo County and is visible from Highway 101. It is within the South County Planning Area, which encompasses approximately 82,000 acres (128 square miles) in the rapidly growing southwestern portion of the county. This area extends to:

- The urban boundaries of the Five Cities to the north;
- The coastal mountain range to the east;
- The Santa Maria River to the south; and,
- The coastal zone boundary along Highway 1 and the Union Pacific Railroad to the west.

The South County Planning Area and the project boundary are shown on Figure 4-1. The project site is located outside of an urban or village reserve line.

#### **4.1.2 Site Characteristics**

The project area’s topography ranges from nearly level to very steeply sloping bluffs. Portions of the area are within the 100-year flood zone. The western edge of the site includes the highly erosive Nipomo Mesa bluff. The upper portions of the site drain directly into the Santa Maria River while the remaining are drained by Nipomo Creek, which runs north-south into the Santa Maria River. The project area is directly north of the Santa Maria River, which is within the Agriculture land use category (and includes surface mining operations). No agricultural uses have been observed within this portion of the river. Properties to the east of the project site

across Highway 101 are also designated Agriculture and are primarily used for cattle grazing. No recent agricultural activity is known to have occurred on the subject properties. The agricultural fields of Santa Maria valley to the west are served by the same groundwater basin (Santa Maria) as the proposed project.

Overall, the project site encompasses five generalized vegetative communities: Mixed Willow Series, Coyote Brush Series, Riparian Scrub, Eucalyptus Series, Ornamental, and Ruderal (disturbed) habitat.

## 4.2 LAND USES IN THE AREA OF IMPACT

The project area comprises a total of approximately 54 acres. The existing land use designations of the site include Residential Suburban (RS) (9.3 acres) and Commercial Service (CS) (44.7 acres). The existing uses within the LUO/LUE amendment area include: scattered commercial buildings, an old farmhouse, a variety of heavy equipment and portable buildings, stockpiles of recycled asphalt and concrete, and an existing concrete batch plant and recycling operations. The latter involves material stockpiles, silos, and equipment that are comparable to those of the proposed asphaltic concrete plant. The preferred alternative would involve changing the zoning of both the 9.3-acre area and 44.7-acre area to Industrial (IND) and construction of an asphalt plant at the existing ~~concrete batch~~concrete and asphalt recycling plant site operation (the ~~concrete batch plant~~concrete and asphalt recycling operation would be moved to an adjacent parcel).

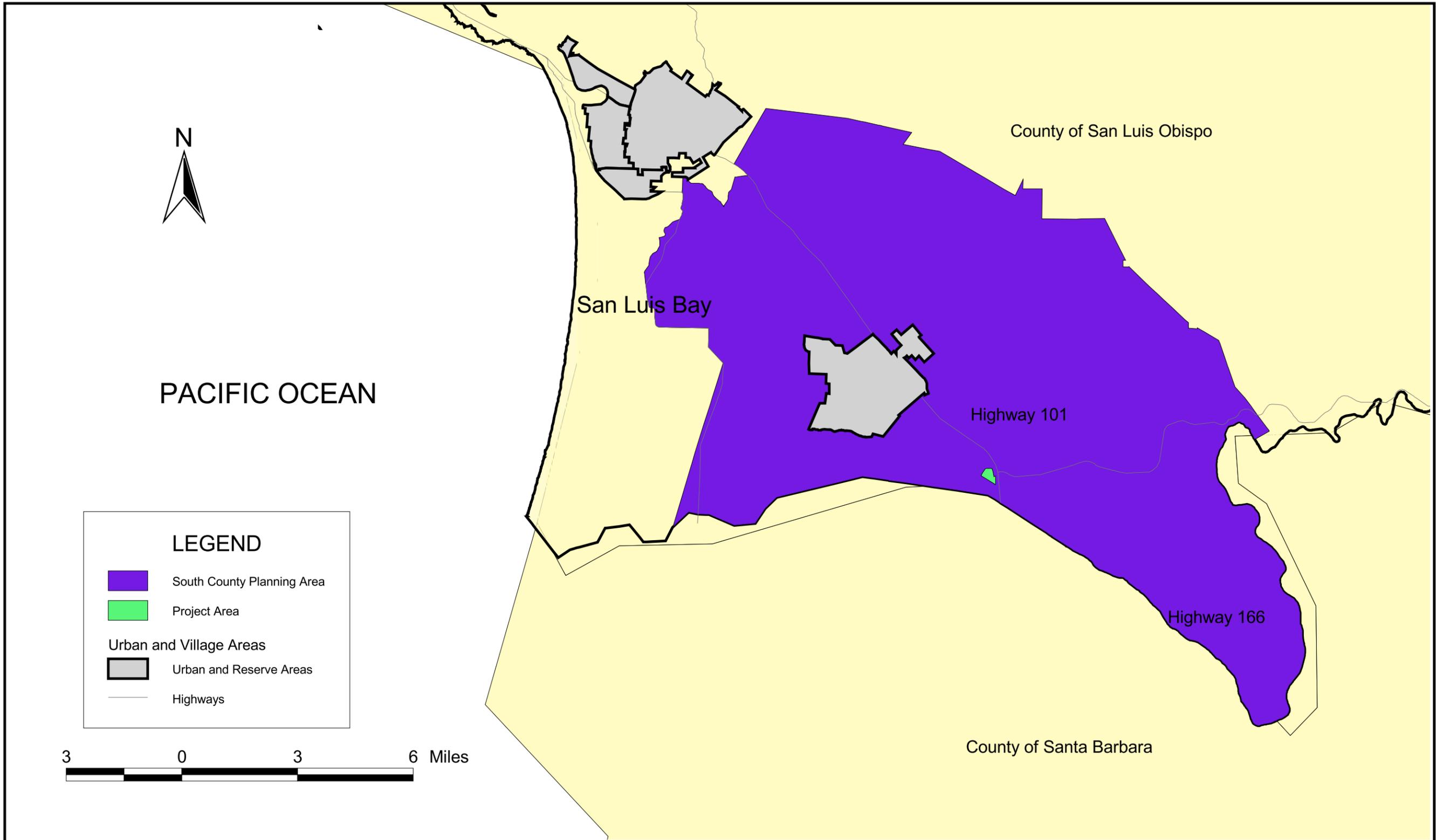
## 4.3 ADOPTED PLANS AND POLICIES GOVERNING THE AREA

The approximately 54-acre project area is regulated under the San Luis Obispo County General Plan (General Plan) and the associated Land Use Ordinance. The land use impacts of the project are evaluated in terms of the project's consistency with County planning documents: (1) the General Plan Land Use Element and the Agricultural and Open Space Element, and (2) the Land Use Ordinance. Other elements of the General Plan are addressed in the relevant corresponding sections of the EIR (i.e., the Noise Element of General Plan is addressed in Section 5.8).

### 4.3.1 San Luis Obispo County General Plan

State law requires that the County have a General Plan with goals, policies, and programs that regulate the use of land in the unincorporated areas of the County. The San Luis Obispo County General Plan governs land use within unincorporated communities and surrounding areas. The plan is composed of several parts or elements:

- Land Use\*
- Circulation\* (sometimes combined with land use)
- Housing\*
- Conservation\*
- Agriculture and Open Space\*
- Safety\*
- Noise\*
- Historic
- Recreation
- Energy
- Offshore Energy



Source: County of San Luis Obispo

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The elements followed by a "\*" are those required by state law. The law also allows the adoption of optional elements of the general plan to address specific issues that may not be covered in sufficient detail by the other elements. The historic, recreation, offshore energy, energy and agriculture and open space elements are optional. The Agriculture & Open Space Element of the San Luis Obispo County General Plan is discussed in more detail in Section 4.3.4.

**Land Use Element and Local Coastal Plan.** The Land Use Element (LUE) and Local Coastal Plan establish the overall policies for land use in the unincorporated county for both inland and coastal areas. The LUE is composed of four sections: framework for planning, the area plans, the coastal program policy document, and the official maps.

**Framework for Planning.** This section of the land use element contains policies, programs and procedures that apply countywide, and it explains how the LUE is to be used with other adopted plans. The framework section also describes the various land use categories that apply to the unincorporated County, the allowable land uses within each category, and typical building intensities (parcel sizes, population, and building densities). There is also a coastal framework for planning that describes the policies, programs and land use categories that apply to lands within the coastal zone.

**Area Plans.** The land use element includes 15 area plans that address specific land use issues affecting the unincorporated communities and regions within the County. The area plans supplement and refine the general goals, policies and programs contained in the framework section and help to make the planning process more localized. The area plans describe where the land use categories are to be applied and discuss population growth and economic conditions, public services, and circulation. Since the project site is located in the planning area called *South County*, the area plan for the project area is the South County Area Plan.

**Official Maps.** The official land use maps illustrate where the various land use categories are to be applied in the unincorporated county. Each area plan contains land use maps that provide more detailed illustrations of where the land use designations are applied.

The LUE of the General Plan describes County policy on the location, distribution, and extent of land use throughout the County. It consists of two volumes: (a) Framework for Planning, and (b) Area Plans. The area plans refine the general policies in the Framework for Planning into separate land use issues and policies for each community. The Land Use Ordinance is a regulatory tool for implementing policies for each community. Thus, it helps guide land use in a manner that supports orderly development.

#### **4.3.2 South County Area Plan**

Adopted in 1994, the plan contains both a land use element and circulation element, which have a number of policies and standards for the planning area. It prescribes land use policies for the South County Planning Area, including regulations that are also adopted as part of the Land Use Ordinance. This area plan allocates land throughout the planning area by land use categories.

There are 11 land use categories:

- AG – Agriculture
- RL – Rural Lands
- RR – Residential Rural
- RS – Residential Suburban
- RSF – Residential Single Family
- RMF – Residential Multi-Family
- CS – Commercial Service
- IND – Industrial
- OP – Office and Professional
- REC – Recreation
- OS – Open Space
- PF – Public Facilities
- CR – Commercial Retail

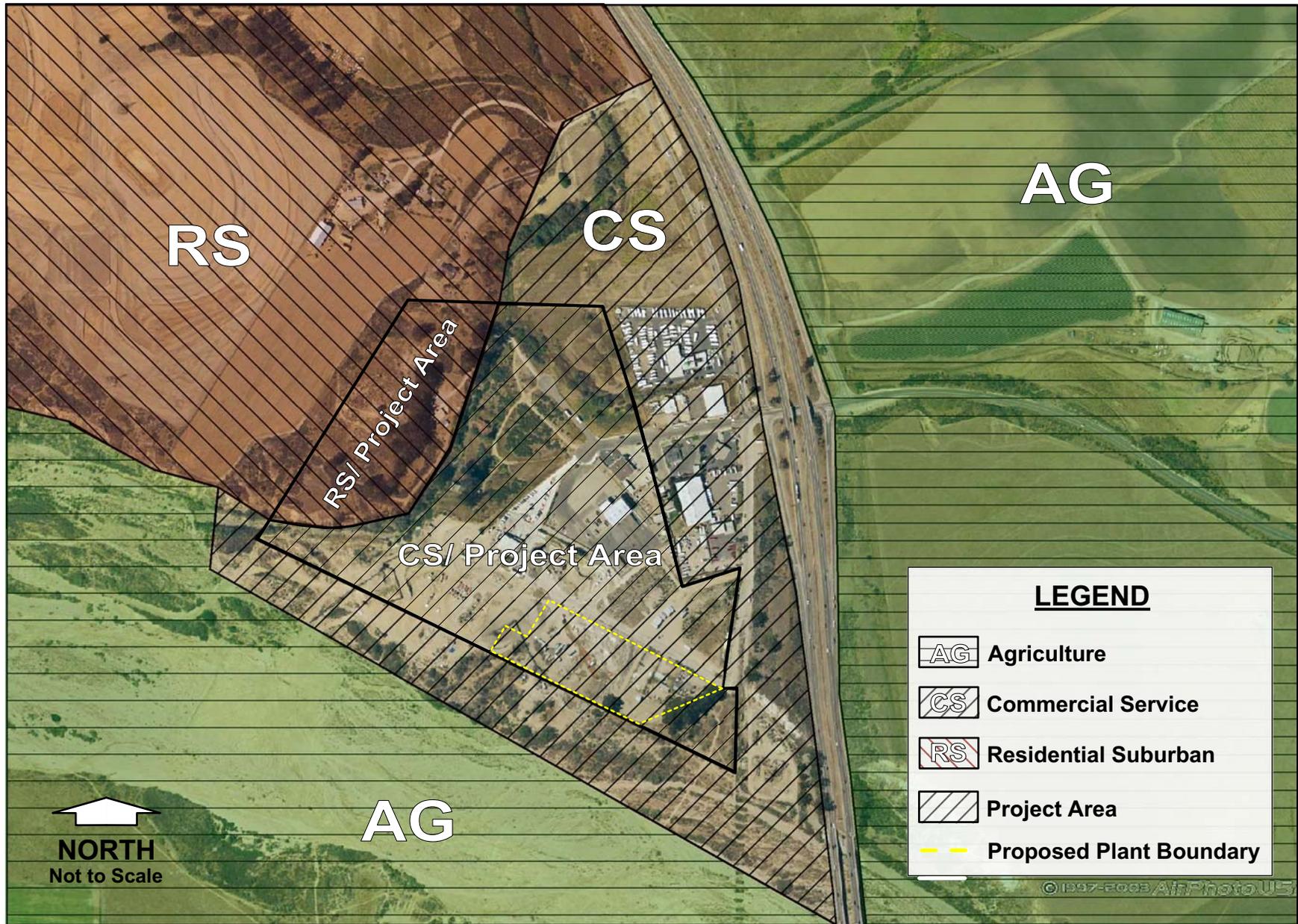
Figure 4-2 shows such designations, based on *Official Maps*, within and adjacent to the project area. These designations determine the variety of land uses that may be established on a parcel of land, as well as defining their allowable density and intensity.

The diverse nature and built features of San Luis Obispo County create a need for more careful review of development projects in areas where new development could adversely affect sensitive resources or result in the exposure of people or property to natural hazards. For this reason, the LUE contains combining designations that identify areas with characteristics that are either of public value or are natural hazards. The combining designations are applied to the basic land use designations in the unincorporated county as described in each area plan.

Specific development “standards” are also defined by the plan to address special problems and conditions in individual communities. Applicable to this project are the policies relating to “combining designations”, which are special overlay land use categories applied to areas with potentially hazardous conditions or significant natural resources.

There are several combining designations in the LUE (Figure 4-3 shows the combining designations within the project vicinity):

- AR – Airport Review
- EX – Energy/Extractive Area
- EX1 – Extractive Resource Area
- FH – Flood Hazard
- GS – Geologic Study
- H – Historic Site
- SRA – Sensitive Resource Area
- TDCS or TDCR – Transfer Development Credits – Sending or Receiving



Basemap Source: County of San Luis Obispo

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Basemap Source: County of San Luis Obispo

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### 4.3.3 County of San Luis Obispo Land Use Ordinance

The County of San Luis Obispo Land Use Ordinance lists standards (requirements) and permit procedures for developing land. These standards include features of site design, such as minimum parcel size, the required width of yards (setbacks), the height of buildings, and the number and design of parking spaces, as well as standards for grading, drainage, curb and gutter improvements, and tree removal.

In addition, Article 9 of the LUO includes Planning Area Standards relating to specific development within the South County Planning Area. This includes Areawide Standards relating to the Countywide Design Plan, preserving groundwater recharge, development along the Nipomo Mesa bluff, circulation planning, and open space preservation. There are also applicable Rural Area standards relating to circulation, Highway 101 corridor standards, use limitations within the Commercial Service land use category that apply to the subject area. Lastly, there are standards relating to the “combining designation” overlay adjacent to the subject property (e.g., Extractive Resource Area).

### 4.3.4 County of San Luis Obispo Agriculture & Open Space Element

The purpose of the Agriculture & Open Space Element is to: (1) identify those areas of the County with productive farms, ranches and soils, and establish goals, policies and implementation measures that will enable their long-range stability and productivity, and (2) identify open space lands that are worthy of protection for their intrinsic value, and establish goals, policies and implementation measures that will enable the long-term protection of those resources.

## 4.4 ANALYSIS OF IMPACTS RELATED TO LAND USE AND PLAN CONSISTENCY

### 4.4.1 Thresholds of Significance

An impact would be significant if any of the following conditions, or potential thereof, would result with implementation of the proposed project:

1. Physically divide an established community or otherwise substantially and adversely affect the character or community in which the project is located; and,
2. Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

### 4.4.2 Impacts

**Impact LND-1.** Effect on community character.

**Discussion:** Construction of the proposed asphaltic concrete plant will take place within an existing concrete batch plant site. This site is located outside of an urban or village reserve line. The nearest community is the City of Santa Maria, which is geographically separated from the site by the Santa Maria River. The proposed plant would be located in the 44.7-acre area, which would be changed from Commercial Service (CS) to Industrial (IND). Construction of the proposed plant would be compatible with the existing uses at the site and consistent with the proposed land use designations. The proposed LUO/LUE amendment would also allow future adjacent uses that are more

compatible with the proposed asphaltic concrete plant than certain allowable uses in the CS and Residential Suburban (RS) designations.

The land use designation of the 9.3-acre area below the bluff top would be changed from RS to IND. North of the proposed plant site is designated RS and Rural Lands (RL), which this area includes a few existing residences. Future industrial uses within these areas could conflict with the existing residences. However, the project area is geographically separated from adjacent areas because it is bordered by the Santa Maria River to the South, U.S. Highway 101 to the east, and the Nipomo Mesa bluff top to the north. As such, due to the geographic features of the project area, future industrial uses within the project area could conflict with adjacent uses, but they would not physically divide an established community.

**Impact Category:** Class Significant but Mitigable

**Thresholds of Significance Criteria:** 1

**Mitigation Measure LND-1:** As a part of environmental review of future industrial development within the LUO/LUE amendment area, the analysis shall evaluate potential impacts to any nearby residences. As a condition of approval, should any potential impacts be determined significant, mitigation would be required to reduce these impacts to less than significant levels.

**Residual Impacts:** With the incorporation of mitigation, as necessary, impacts would be less than significant.

#### **Impact LND-2.** Compatibility with San Luis Obispo County Land Use Categories

**Discussion.** The project is located in the South County Planning Area. The applicable land use categories for the project site are RS, CS, and IND, and the combining designations for the area are Extractive Resource and Flood Hazard. The land use categories are discussed below, while the requirements of the combining designation (since they are expressed in the form of policies) are discussed in the following section.

The LUO/LUE amendment area includes two land use designations: RS and CS. The project would involve changing both of these designations to IND.

#### **Residential Suburban**

The Residential Suburban land use designation is designed:

- To allow for single-family residential development on estate-sized lots in a semi-rural suburban setting within the urban and village areas or in older existing rural subdivisions;
- To allow limited, compatible non-residential uses which complement suburban neighborhoods, such as animal raising or hobby farming;
- To designate areas for lower density residential expansion within urban and village boundaries; and,
- To encourage clustering of allowed densities where there are important open space attributes that are a community resource or where sensitive habitats exist.

### **Commercial Service:**

The Commercial Service land use designation is designed:

- To provide areas for commercial or industrial trade services and light manufacturing where they will not adversely affect surrounding properties;
- To protect adjacent incompatible uses from harmful influences and prevent intrusion of conflicting uses; and,
- To provide suitable locations for retail, wholesale, heavy commercial and serve establishments usually located near highway traffic or where terminal facilities are convenient.

### **Industrial**

The Industrial land use designation is designed:

- To identify areas suited to industrial activities that will not adversely affect adjacent areas of other uses;
- To provide opportunities for the concentration of industrial uses to enable efficient use of transportation, circulation and energy facilities;
- To protect adjacent land uses from harmful influences, as well as to prevent the intrusion of incompatible uses into industrial areas. Residences are allowed only as caretaker or accessory uses; and,
- Where the Industrial category is located outside of urban or village reserve lines, it is intended to reserve appropriately located areas for industrial uses requiring large areas of land, nearby transportation or energy facilities, or related activities compatible with agricultural and other rural uses.

The South County Area Plan (Chapter 4, Section B, page 4-12) states that the residential suburban area northwest of the interchange of Highways 101 and 166 (which includes a portion of the 9.3-acre area that will be changed to Industrial) should:

*Develop into a cohesive neighborhood with adequate roads, internal services and utilities. Most of the portion of the area located on the mesa has been subdivided into clustered land divisions...Residential uses should be clustered through the remainder of the area and designed so as to be compatible with agriculture or other existing uses, such as the auto racetrack. Existing uses and non-conforming uses should be abated.*

The South County Area Plan (Chapter 4, Section B, page 4-13) states that the project area (entitled Cuyama Lane Area) is a commercial service area that does not depend on highway visibility for continued commercial success and has an established service commercial character. It states that:

*Future development should focus on service commercial or light industrial businesses...and that...visitor-serving uses should be limited to incidental traveler services and convenience uses for the area employees and neighborhood residents as well as tourists. Property owners in the area should work together to establish an identity for the Cuyama Lane area. Establishment of all uses should emphasize coordinated signing, landscaping, architectural*

*design, drainage, and overall appearance from Highway 101. Property owners should work together to establish some kind of common identity for the area, rather than each business competing for maximum highway gratification. Setbacks and habitat restoration and protection to Nipomo Creek should be taken into consideration as new development occurs.*

The proposed asphaltic concrete plant would be sited at an existing asphalt and concrete recycling batch plant that has been previously disturbed. The general plan amendment to change the designation of the 9.3-acre area from RS to IND appears to conflict with the policies for RS in the Area Plan. However, the portion of the RS that will be changed to IND is at the base of the Nipomo bluff top and is geographically separated from the existing RS development on top of the mesa. The RS area proposed for change is also more exposed to noise from Highway and the nearby race track when compared to the RS category on top of the mesa. The 9.3-acre is considered more closely tied with the project area's non-residential character. Therefore, the proposed land use change would not conflict with the South County Area Plan policies for residential suburban land use in that the project would not prevent cohesive neighborhoods from developing in the remaining area designated RS.

The general plan amendment would conflict with the Area Plan's policies for commercial service uses at the project area if it resulted in development that did not create a common identity for the area nor adhere to setbacks and habitat restoration and protection to Nipomo Creek. Specific industrial uses, such as a chemical products manufacturing or metal manufacturing facility may not appear to be a light industrial use and would conflict with the Area Plan if appropriate mitigation is not incorporated into such new development.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 2

**Mitigation Measure LND-2:** To minimize inconsistency with the land use designations of the South County Area Plan, the following shall be implemented:

- A. Implement Mitigation AES-2 (refer to Aesthetics section analysis);
- B. Implement Mitigation Measure AES-3;
- C. Implement Mitigation Measure AES-4;
- D. Implement Mitigation Measure AES-5;
- E. Implement Mitigation Measure AES-6;
- F. Implement Mitigation Measure AES-7;
- G. Implement Mitigation Measure BIO-5; and,
- H. Future industrial development in the project area shall adhere to Objective C-2 of the County of San Luis Obispo Design Guidelines, which provides design guidelines for promoting the visual interest of commercial buildings adjacent to highways. Prior to approval, the County shall verify that future development

applications within the project area are designed to promote the visual interest of the area.

- I. In addition, new development is expected to require discretionary permits that could require additional measures, as appropriate.

**Residual Impacts:** With the incorporation of proposed mitigation, impacts would be less than significant.

**Impact LND-3.** Consistency with the South County Area Plan.

**Discussion:** These are contained, which covers the project area. The applicable policies in the South County Area Plan include the requirements of the combining designations, and planning area standards. The project’s consistency with these requirements is discussed below.

<b>Table 4-1. San Luis Obispo South County Area Plan Policies</b>	
<b>Policy Statement</b>	<b>Project Consistency Discussion</b>
<p><u>Flood Hazard Combining Designation (FH)</u> – The Santa Maria River, as designated on the County map, is a flood plain. Any development in this flood plain should be of temporary nature and not create significant adverse affects to levees, cliffs, and the streambed in general.</p>	<p>The proposed asphaltic concrete plant would be constructed at an existing concrete batch plant site. Future industrial development could occur within other areas of the 54-acre area. As shown in Figure 4-3, most of the LUO/LUE amendment area is within the FH. However, no construction would occur within the streambed, nor would any modifications occur to the levees adjacent to the river. Future development within the LUO/LUE amendment area would need to be consistent with this policy.</p>
<p><u>Extractive Resource Area (EX-1)</u> – The following standard applies only to the property contained within the EX-1 area in and along the Santa Maria River.</p> <p>Furthermore, these standards apply only to a portion of the EX-1 designation where a Specific Plan was prepared that is approximately one mile to the east of the subject area. All development within the Santa Maria and Sisquoc Rivers Specific Plan Area shall conform with the adopted Specific Plan. Development must be consistent with the policies and standards in the Santa Maria and Sisquoc Rivers Specific Plan. In the event of any conflict between the provisions of this Land Use Element area plan and the Specific Plan, the Specific Plan shall control. Any deviation of existing or proposed development from the provisions of the Specific Plan is to occur only after appropriate amendment of the Specific Plan. According to Section 22.14.050 of the LUO, the following standards apply:</p> <p>All proposed mineral or petroleum extraction uses are subject to the requirements of Sections 22.14.040 through 22.14.044 and 22.08.170 through 22.08.198.</p> <p>Approval of any use other than mineral resource extraction may be granted only when the finding is made that the proposed use will not adversely affect the continuing operation or expansion of a mineral resource extraction use.</p>	<p>As shown in Figure 4-3, the proposed asphaltic concrete plant would not be constructed within the Extractive Resource Area combining designation. Furthermore, the LUO/LUE amendment area, except for a very minor area, is outside this combining designation as well. More importantly, the referenced Specific Plan area is over one mile away. Therefore, the project would not conflict within this policy.</p>

<b>Table 4-1. San Luis Obispo South County Area Plan Policies</b>	
<p><u>Highway 101 Corridor Design Standards</u> – The purpose of the Highway 101 corridor design standards is to provide public views of:</p> <ul style="list-style-type: none"> <li>• Varied topography, including ridgelines and rock features;</li> <li>• Significant stands of trees and wildflowers; and,</li> <li>• Historic buildings and pastoral settings.</li> </ul> <p>These standards are intended to expedite the permit process for projects which maintain scenic views and the rural character along Highway 101, while providing opportunities to use other design solutions through a discretionary review process to achieve scenic goals. Only residential structures, residential accessory building, residential access roads, specified agricultural accessory buildings and signs are governed by these standards.</p>	<p>While specific to residential development, this process could be considered for the proposed project, absent any other County ordinances addressing visual impacts of commercial and industrial development in rural areas. However, most of the subject area would not be considered scenic and would focus on future development on the bluff face and possible Nipomo Creel.</p>
<p><u>Edge of the Nipomo Mesa</u> – Specific standards apply to all land located on the edge of the Nipomo Mesa, including the area along Nipomo Creek. The edge of the Nipomo Mesa is defined as the point of change in topography where slope exceeds 15 percent descending directly from the Mesa to the Santa Maria, Cienaga, Los Berro and Nipomo Valleys. Moderate erosion impacts potentially occur on disturbed slopes of Oceano dune sand.</p>	<p>The proposed asphaltic concrete plant would not be constructed near the edge of the Nipomo Mesa; therefore this standard does not apply. However, future development within the proposed LUO/LUE amendment area must adhere to the referenced standards that are listed on pages 7-2 through 7-5 of the South County Area Plan.</p>

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 2

**Mitigation Measure LND-3:**

The following existing measures are already required to prevent conflicts with the South County Planning Area Standards:

- A. At the time of application for building permits, a drainage plan shall be prepared in accordance with Land Use Ordinance Chapter 22.05 (already required by the LUO).
- B. At the time of application submittal, the County will verify that proposed projects within the project area conform to the following (already required by the LUO):
  1. **Grading Limitation.** All grading, such as for building pads or access roads, shall be located away from slopes steeper than 15% on the bluff edge of the Nipomo Mesa to avoid erosion and visual impacts associated with grading, except for transmission lines and pipelines;
  2. **Setbacks.** All new structures shall be set back at least 50 feet from the top edge and toe of the Nipomo Mesa slope bank to prevent slope failure. Structures shall not be permitted on the slope of the bluff face, except for transmission lines and pipelines; and,

3. **Septic System Locations.** If a subsurface disposal system is located within 150 feet of the edge of the steeper bluff slopes (30 percent or greater), the system shall be designed to meet the Central Coast Basin Plan requirements for site suitability and the prevention of “daylighting” of effluent. This system must be approved by the Chief Building Official prior to installation.

In addition, the following measures shall be implemented:

- C. Visual Resources. Implement Mitigation Measure AES-7 .
- D. Implement Mitigation Measure CUL-1.

**Residual Impacts:** With the incorporation of the above existing requirements and mitigation, impacts would be less than significant.

**Impact LND-4.** Consistency with the County of San Luis Obispo Land Use Ordinance.

**Discussion:**

The worst-case scenario for industrial development within the LUO/LUE amendment area would be either a Chemical Products or Metal Machinery Manufacturing facility. The Land Use Ordinance contains specific standards for a chemical products manufacturing facility:

- Permit requirement: Minor Use Permit approval, unless a Conditional Use Permit is otherwise required by Section 22.08.030 (Permit Requirements - Manufacturing and Processing
- Location: A chemical product manufacturing facility shall be located no closer than 1,000 feet to a Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use category.
- Minimum site area: Five acres.

The Land Use Ordinance’s specific standards for metal industries is that the site must have a minimum area of 5 acres.

Applicable policies and standards related to the Flood Hazard Area (FH) Combining Designation are included in Table 4-2.

<b>Table 4-2. Land Use Ordinance Policies and Standards</b>	
<b>Policy Statement</b>	<b>Project Consistency Discussion</b>
<b><i>Flood Hazard Area (FH) Combining Designation</i></b>	
No construction or grading is to limit the capacity of the floodway or increase flood heights on existing structures, unless the adverse effect of the increase is rectified to the satisfaction of the County Engineer. In no case shall flood heights be increased above that allowed under the Federal Flood Insurance Program.	The proposed asphalt plant and/or future industrial development within the LUO/LUE amendment area could be in conflict with this requirement if construction or grading is to limit the capacity of the floodway or increase flood heights on existing structures.
Structures shall be anchored to prevent collapse, lateral	The proposed asphalt plant and/or future industrial

<b>Table 4-2. Land Use Ordinance Policies and Standards</b>	
movement or flotation that could result in damage to other structures or restriction of bridge openings and narrow sections of the stream or river.	development within the LUO/LUE amendment area could be in conflict with this requirement if not properly anchored.
Service facilities, such as electrical and heating equipment, are to be flood-proofed or construction at a minimum one-foot above the 100-year storm flood profile level for the site.	The proposed asphalt plant and/or future industrial development within the LUO/LUE amendment area could be in conflict with this requirement if not constructed a minimum one foot above the 100-year storm flood profile for the site.
Water supply and sanitary sewage systems shall be designed to minimize infiltration of flood waters into the system and discharge from systems in the flood waters.	The proposed asphalt plant and/or future industrial development within the LUO/LUE amendment area could be in conflict with this requirement if not designed to minimize infiltration of flood water into water supply and sanitary systems.
On-site waste disposal systems shall be located to avoid their being impaired or contaminated during flooding.	The proposed asphalt plant and/or future industrial development within the LUO/LUE amendment area could be in conflict with this requirement if on-suite waste disposal systems are not located in a manner to avoid their being impaired or contaminated during flooding.
All buildings or structures shall be located landward of mean high tide.	The proposed asphalt plant and the LUO/LUE amendment area are located landward of mean high tide. Therefore, the project is consistent with this requirement.
Whenever a watercourse is to be altered or relocated, the Department of Planning and Building shall notify adjacent communities and the Department of Water Resources and evidence of such notification shall be sent to the Federal Insurance Administration.	The proposed asphalt plant does not involve modification of the Santa Maria River. Future development within the LUO/LUE amendment area could be in conflict with this requirement if it were to result in modifications to Nipomo Creek.
Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exist of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:  (i) A minimum or two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;  (ii) The bottom of all openings shall be not higher than one foot above grade; and,  (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of flood waters.	The proposed asphalt plant and/or future industrial development within the LUO/LUE amendment area could be in conflict with this requirement of fully enclosed areas below the lowest floor that are subject to flooding are not designed accordingly.
On the basis of structural plans and the depth of analysis, the ground floor of all structures is to be constructed at a minimum of one-foot above the 100-year storm flood profile level.	The proposed asphalt plant and/or future industrial development within the LUO/LUE amendment area could be in conflict with this requirement if ground floors are not constructed at a minimum of one-foot above the 100-year storm flood profile level.
Non-residential construction shall either be elevated in conformance with Section 22.07.066a(9) above, or	The proposed asphalt plant and/or future industrial development within the LUO/LUE amendment area could

<b>Table 4-2. Land Use Ordinance Policies and Standards</b>	
<p>together with attendant utility and sanitary facilities, be elevated a minimum of two feet above the highest adjacent grade and be flood proofed to a minimum of one-foot above the 100-year storm flood profile level. Examples of flood proofing include, but are not limited to:</p> <ul style="list-style-type: none"> <li>(i) Installation of watertight doors, bulkheads, and shutters;</li> <li>(ii) Reinforcement of walls to resist water pressure;</li> <li>(iii) Use of paints, membranes, or mortars to reduce seepage through walls;</li> <li>(iv) Addition of mass or weight to structure to resist flotation; and,</li> <li>(v) Armor protection of all fill materials from scour and/or erosion.</li> </ul>	<p>be in conflict with this requirement.</p>
<p>The storage or processing of materials that in time of flooding are buoyant, flammable, or explosive; that could be injurious to human animal, or plant life or that may unduly affect the capacity of the floodway or unduly increase flood heights is not permitted. Storage of other material or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.</p>	<p>The proposed asphalt plant and/or future industrial development within the LUO/LUE amendment area could be in conflict with this requirement if the storage of equipment and material are subject to damage by floods, not firmly anchored, not readily removable, or are buoyant, flammable, or explosive during flooding.</p>
<p>The following certifications shall be filed with the Building Official prior to final building inspection:</p> <ul style="list-style-type: none"> <li>(i) Upon completion of any structure within a flood hazard combining designation, compliance with elevation requirements shall be certified by a registered civil engineer or a licensed land surveyor. Such certification shall include as a minimum, the elevation of the lowest floor. If the structure has been flood proofed in conformance with Section 22.07.066a(10), the certification shall include the elevation to which the structure has been flood proofed. Elevations shall be based on the National Geodetic Vertical Datum of 1929.</li> <li>(ii) Where flood proofing is used, a registered civil engineer or architect shall certify that the flood proofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood.</li> </ul>	<p>The proposed asphalt plant and/or future industrial development within the LUO/LUE amendment area could be in conflict with this requirement if these certifications are not filed with the Building Official prior to final building inspection.</p>

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 2

**Mitigation Measures LND-4:** The following existing measures (already required) would ensure the project's consistency with the Land Use Ordinance:

- A. All future industrial uses within the project area shall be subject to permit requirements 22.03.040 of the Land Use Ordinance
- B. No chemical product manufacturing facility shall be located closer than 1,000 feet to a Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use category;
- C. A chemical product manufacturing facility shall have a minimum site area of 5 acres;
- D. No corrosive and toxic chemical manufacturing facility shall be allowed within the project area;
- E. Fuel dealers shall have a minimum site area of 20,000 square feet;
- F. Fuel and ice dealers shall provide one parking space per 1,000 square feet of use area;
- G. No aboveground fuel storage tank shall be located closer than 500 feet to a residential use;
- H. All aboveground fuel storage facilities are to be no closer than 50 feet to any property line or residential use;
- I. No petroleum refining and related industries shall be allowed within the project area;
- J. No recycling and scrap facility shall be allowed within 500 feet of any Residential, Office and Professional, Commercial Retail, Public Facilities or Recreation land use category;
- K. Recycling and scrap facilities shall have a minimum site area of one acre;
- L. Recycling and wrecking yards shall be subject to all provisions of Section 22.08.146 of the Land Use Ordinance, which includes the following:
  - a. There shall only be one access point to a storage yard for each 300 feet of street frontage. Such access point is to be a maximum width of 20 feet, and is to be provided with a solid gate or door;
  - b. A storage yard (except a temporary off-street construction yard) shall be screened from public view on all sides by solid wood, painted metal or masonry fencing, with a minimum height of six feet; and
  - c. A storage yard shall be surfaced with concrete, asphalt paving, crushed rock, or oiled earth, and maintained in a dust-free condition.
- M. No recycling collection station at the project area shall be within 100 feet of an intersection;
- N. Portable containers at a recycling collection station shall be equipped with lids and placed within a stationary wood framework, solid fence or bin, or otherwise designed to prevent the containers from being overturned;
- O. No recycling collection station at the project area shall be larger than 200 square feet; and,

- P. Appropriate instructional signage shall be maintained at any recycling collection station at the project area and the station shall be maintained in a clean and sanitary condition, with no material stored on discarded outside the container enclosure. Such stations shall be emptied at intervals sufficient to preclude containers from being filled, and no less than once every seven days.

In addition, the following measures shall be implemented:

- Q. No waste disposal site shall be allowed within the project area; and,
- R. Implement Mitigation Measure WR-9.

**Residual Impacts:** With the incorporation of the above existing LUO requirements and proposed mitigation, impacts would be less than significant.

**Impact LND-5.** Consistency with the County of San Luis Obispo Agriculture and Open Space Element.

**Discussion:** Specific policies regarding the protection of agricultural lands are contained in the Agriculture & Open Space Element under Chapter 2, entitled Agricultural Element (adopted December 15, 1998). Although the project area does not include any land designated as agriculture or open space, consistency discussion is provided because agricultural lands occur near the project area (see Figure 4-2).

Table 4-3 lists the *applicable* polices contained with this element and provides a discussion of how the proposed project is consistent with each of these policies. Overall, the project is consistent with the Agriculture & Open Space Element with implementation of Mitigation Measure LND-5.

**Impact Category:** Significant but Mitigable

**Thresholds of Significance Criteria:** 2

**Mitigation Measure LND-5:**

- A. Implement Mitigation Measure AQ-1.
- B. Implement Mitigation Measure AQ-2.
- C. Implement Mitigation Measure BIO-2.
- D. Implement Mitigation Measure BIO-3.
- E. Implement Mitigation Measure BIO-7.
- F. Implement Mitigation Measure CUL-1.
- G. Implement Mitigation Measure CUL-2.
- H. Implement Mitigation Measure WR-2.
- I. Implement Mitigation Measure WR-6.
- J. Implement Mitigation Measure WR-7.
- K. Implement Mitigation Measure WR-8.
- L. Implement Mitigation Measure WR-9

M. Implement Mitigation Measure WR-10.

**Residual Impacts:** With the incorporation of mitigation, impacts would be less than significant.

**4.4.3 Cumulative Impacts**

Construction of the proposed asphaltic concrete plant and future industrial development, such as a chemical products manufacturing or machinery manufacturing facility in combination with the cumulative projects discussed in Chapter 8.0 will represent a substantial contribution to industrial development in the area. However, the project site is geographically separated from adjacent land uses by the Santa Maria River to the south, Highway 101 to the east, and the Nipomo Mesa bluff top to the north. Therefore, the construction of the proposed plant and future industrial development associated with the general plan amendment will result in land uses that are more consistent with the overall area. Such consistency will require adherence to the mitigation measures contained in this Chapter as well as Chapter 5.0. Future development proposals will also require project-specific environmental review. Additional measures may be developed and implemented for future projects to avoid or minimize land use impacts and ensure consistency with relevant plans and policies.

**Table 4-3  
San Luis Obispo County Agriculture & Open Space Element**

Policy Statement	Project Consistency Discussion
<p><u>AGP25: Unique or Sensitive Habitat</u></p> <p>a) Encourage private landowners to protect and preserve unique or sensitive habitat; and,</p> <p>b) For new development requiring a discretionary permit and for proposed land divisions, protect unique or sensitive habitat affected by the proposal through the following measures:</p> <ol style="list-style-type: none"> <li>1. Site the proposed development so as to avoid significant impacts on the habitat to significant impacts on the agricultural operations. Provide for adjustments in project design where alternatives are infeasible, more environmental damaging, or have significant negative impact on agriculture; and,</li> <li>2. When significant impacts are identified, the landowner shall implement county-approved mitigation measures consistent with the existing requirements of CEQA.</li> </ol>	<p>The proposed asphalt plant may indirectly affect unique or sensitive habitats. Proposed industrial development within the LUO/LUE amendment area would need to adhere to a minimum 50-foot setback to Nipomo Creek as well as implement mitigation measures listed on page 4-21 to ensure consistency with this policy.</p>
<p><u>AGP26: Streams and Riparian Corridors.</u></p> <p>The following policies apply to watercourses shown by a solid or broken blue line (“blue line” streams) on the latest U.S. Geological Survey (USGS) quadrangle maps and their associated riparian vegetation.</p> <p>a) Encourage private landowners to protect and</p>	<p>The proposed asphalt plant will not significantly affect Nipomo Creek or Santa Maria River as long as several of the mitigation measures on page 4-21 are implemented.</p> <p>Proposed industrial development within the LUO/LUE amendment area would need to adhere to a minimum 50-foot setback to Nipomo Creek and mitigation measures contained</p>

Policy Statement	Project Consistency Discussion
<p>preserve stream corridors in their natural state and to restore stream corridors that have been degraded. Provide information and incentives to eliminate overgrazing in stream corridors. Encourage off-stream livestock watering sources; and,</p> <p>b) For new development requiring a discretionary permit and for land division, protect streams and riparian habitat affected by the proposal through the following measures:</p> <ol style="list-style-type: none"> <li>1. Consistent with the requirements of the Regional Water Control Board's Basin Plan, establish a grading and building setback of 30 feet from the top of the stream bank. Locate buildings and structures outside the setback. Do not remove riparian vegetation within 30 feet of the top of the stream bank. Provide for adjustments when the applicant demonstrates that such setbacks would have a significant negative impact on the agricultural viability of the site, or where alternatives are infeasible or more environmentally damaging, and the adjustments are acceptable to the Regional Board.</li> <li>2. Require appropriate erosion control measures during and following construction;</li> <li>3. Consistent with state and federal requirements, allow stream alterations for water supply and flood control projects, road maintenance, maintenance of existing channels, or improvement of fish and wildlife habitat if there are no practical alternatives;</li> <li>4. Consistence with state and federal requirements, assure that stream diversion structures project habitats; and,</li> <li>5. When significant impacts to stream or riparian resources are identified, the landowner shall implement county-approved mitigation measures consistent with the existing requirements of CEQA.</li> </ol>	<p>on page 4-21 to ensure consistency with this policy.</p>
<p><u>AGP33: Archaeological and Cultural Sites.</u></p> <p>a) When reviewing discretionary development, protect sensitive archaeological and cultural sites by avoiding disturbance where feasible; and,</p> <p>b) If sensitive sites cannot be avoided, mitigate the impact of development to the maximum extent feasible.</p>	<p>Section 5.6 Cultural Resources of this EIR contains a discussion of the archaeological and cultural resources at the project site as well as mitigation measures to avoid or minimize impacts to such resources. No significant impacts to archaeological resources will occur from construction of the asphaltic concrete plant; however, impacts may occur from industrial development within the LUO/LUE amendment area.</p>
<p><u>AGP34: Historical Resources.</u></p>	<p>Section 5.6 Cultural Resources of this EIR contains a discussion of the historical resources at the project site as well</p>

<b>Policy Statement</b>	<b>Project Consistency Discussion</b>
a) When initiated by landowners, protect the character of significant historical features and settings by implementing the recommendation for historical resources found in the Historic Element of the Environment Plan	as mitigation measures to avoid or minimize impacts to such resources. No significant impacts to historical resources will occur from construction of the asphaltic concrete plant; however, impacts may occur from industrial development within the LUO/LUE amendment area.