

4.10 Land Use

This section describes effects on land use that would be caused by implementation of the Proposed Project. The following discussion addresses existing environmental conditions in the affected area, identifies and analyzes environmental impacts, and recommends measures to reduce or avoid adverse impacts anticipated from implementation of the Proposed Project. In addition, existing laws and regulations relevant to land use are described. In some cases, compliance with these existing laws and regulations would serve to reduce or avoid certain impacts that might otherwise occur with implementation of the project.

Data collection was conducted through review of the following resources: the County's applicable land use planning documents, maps and zoning ordinances (please refer to Table 4.10-2 for the full list of applicable documents and regulations), the County's Geographic Information System (GIS) website (County of San Luis Obispo, 2013d), and recent map publications and aerial photography including Google Earth and Google Maps.

As related to land use, the study area for this analysis is defined as those lands that fall within the Proposed RPA's boundaries, as outlined in EIR Section 2 (Project Description), as well as those lands falling within an approximate one-mile radius of these boundaries. The current condition and quality of these land use resources were used as the baseline against which to compare potential impacts of the Proposed Project. Please refer to EIR Section 4.10.1 (Environmental Setting) for a discussion of these conditions.

Scoping Issues Addressed

No public or agency comments directly related to land use were received during the Project's NOP scoping period.

4.10.1 Existing Conditions

Regional Setting

At a regional scale, the Proposed Project is located approximately three miles northeast of the community of Santa Margarita, along State Route 58 between U.S. Highway 101 and State Route 229. The incorporated cities in closest proximity to the Proposed Project site include Atascadero to the northwest, and San Luis Obispo to the southwest. The Los Padres National Forest surrounds the Proposed Project site from the east, south and west. The majority of development in the surrounding area primarily consists of the residential and commercial development within the community of Santa Margarita, as well as rural residences and agricultural land at the outskirts of the community.

Proposed Project Setting

The existing quarry is a hard-rock aggregate mining facility located in an unincorporated area of the County. The quarry address is 16815 El Camino Real, Santa Margarita. Collectively, the existing quarry and the proposed expansion and RPA area are located within eight APNs. Table 4.10-1 provides the details regarding each parcel associated with the Proposed Project, including their General Plan land use designations.

Table 4.10-1. Summary of APNs Associated with the Proposed Project

APN	Total Acres	Acres in Proposed Project/ RPA Area	Owner	San Luis Obispo County Land Use Designation	San Luis Obispo County Combining Land Use Designation	Proposed Expansion Parcel?
Upper Area Parcels						
070-131-003	205.79	33.22	Mission Lakes, LLC	RL (Rural Lands)	EX1 (Extractive Resource Area)	Yes
070-141-054	50.16	50.16	Mission Lakes, LLC	RL (Rural Lands)	EX1 (Extractive Resource Area)	No
070-141-006	35.85	35.85	Mission Lakes, LLC	RL (Rural Lands)	EX1 (Extractive Resource Area)	No
Lower Area Parcels						
070-131-022	78.67	5.34	Kaiser Sand and Gravel	RL (Rural Lands)	EX1 (Extractive Resource Area)	No
070-121-021	73.38	46.77	Kaiser Sand and Gravel	RL (Rural Lands)	FH (Flood Hazard)	No
070-091-037	1,708.78	16.22	Major Domo, LLC	AG (Agriculture)	FH (Flood Hazard)	No
070-154-033	17.35	0.1	Kaiser Sand and Gravel	RL (Rural Lands)	FH (Flood Hazard)	No
070-131-018	5.43	5.43	Santa Margarita Ranch, LLC	RL (Rural Lands)	FH (Flood Hazard)	No

Land uses in the immediate vicinity of the Proposed Project site include rural residences and agricultural activities along State Route 58 and El Camino Real. At the time that this EIR was initiated, there was an encampment of five non-permitted residential structures (pre-fabricated homes and trailers) located along the north end of the Proposed Project site, which were primarily occupied on weekends and holidays. Since that time, the property owner of the encampment has agreed to remove all structures and ancillary uses (generators and septic system) with one exception. With County approval, one structure will be converted into a shed with a shade cover. All of the structures and ancillary uses have been removed and verified through a County Code Enforcement inspection. The property owner is aware of the proximity to the Proposed Project to the remaining structure, and has chosen to proceed with its building permitting.

Other land uses in the immediate vicinity include a pumping station located approximately one mile from the southwest edge of the Proposed Project site, a new single family home proposed for construction that would be located an estimated one-quarter mile west of the quarry's proposed expansion boundary, and the proposed Oster/ Las Pilitas Quarry, which would be located approximately one-half mile from the eastern boundary of the Project site.

4.10.2 San Luis Obispo County Plans and Policies

Each resource and issue area analysis provided in EIR Section 4 (Environmental Analysis) provides identification of adopted County land use plans, policies, code, regulations, standards and guidelines applicable to the Proposed Project. An inconsistency analysis of these topics, including land use, is provided in EIR Appendix E (Conflict Analysis for Applicable Land Use Plans, Ordinances, Regulations, and Standards) and summarized below in Table 4.10-2.

4.10.3 Regulatory Setting

Appendix G of the State CEQA Guidelines requires an evaluation of a project’s potential conflicts with: (1) any applicable land use plan, policy or regulation of an agency having jurisdiction over a proposed project adopted for the purpose of avoiding or mitigating an environmental effect; and, (2) any applicable Habitat Conservation Plan (HCP) or Natural Community Conservation Plan (NCCP). Table 4.10-2 provides a summary of applicable federal, State and land use plans and ordinances for the Proposed Project.

Table 4.10-2. Applicable Local Land Use Plans, Ordinances, Regulations and Standards

Regulation, Plan, or Standard	Description
State	
Surface Mining and Reclamation Act (Public Resources Code [PRC], Division 2, Chapter 9, Section 2710 <i>et seq.</i>)	This section of the California PRC provides the general provisions for the extraction of mineral resources and reclamation of mined lands. The extraction of minerals is essential to the continued economic well-being of the state and to the needs of the society, and the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.
Subdivision Map Act (California Government Code, Division 2, Chapter 4, Section 66473 66410 <i>et seq.</i>)	This section of the California PRC provides the procedures and requirements regulating land division (subdivisions) and parcel legality. Regulation and control of the design and improvement of subdivisions have been vested in the legislative bodies of local agencies.
Local: County of San Luis Obispo	
General Plan	The General Plan was adopted in September 1980 and last revised in January 2007. The General Plan expresses the County's development goals and embodies public policy relative to the distribution of future land uses. It identifies the County's land use, circulation, environmental, economic, and social goals and policies as they relate to land use and development. It provides a basis for local government decision making and informs citizens, developers, and decision-makers of the ground rules that guide development within the County. The General Plan is made up of a suite of adopted Elements, Specific Plans, Area Plans, Design Plans and Frameworks for Planning, and is supported by adopted resource/issue-specific plans, policies and the County's Land Use Ordinance.
Framework for Planning (Inland) (County of San Luis Obispo, 2013)	The Framework for Planning (Inland) was adopted in September 1980 and last revised in January 2013. It contains the General Plan's Land Use and Circulation Elements for the County's inland area (e.g., that portion of the County located outside of the Coastal Zone). The Land Use Element coordinates policies and programs in other Elements of the County's General Plan that affect land use, and provides policies and implementing guidelines for the management of growth and development in each unincorporated community and the rural areas of the County. The Circulation Element provides maps and policies for transportation routes and modes of transportation (such as vehicles and public transit) and correlates these policies to the Land Use Element's planning Principles, Policies and Implementing Strategies, as well as the County's Regional Transportation Plan (RTP), which is prepared by the San Luis Obispo Area Coordinating Council.
Salinas River Inland Area Plan (County of San Luis Obispo, 2009)	The planning area for this Area Plan includes the urban communities of San Miguel, Templeton, and Santa Margarita, the urban areas outside the cities of Paso Robles and Atascadero, and the "village" area of Garden Farms. This Area Plan provides the setting for the planning area and includes the following information: population; economy; public facilities and services; land use; and, circulation.
Las Palitas Inland Area Plan (County of San Luis Obispo, 2003)	The planning area for this Area Plan includes much of the mountainous portions of the County east of Santa Margarita, and is bound by the Los Padres National Forest to the east, south and southeast. This Area Plan provides the setting for the planning area includes the following information: population, economy, public facilities and services, land use, and circulation. Approximately four acres of the Proposed Project site is located within this Area Plan, the majority of which is within the existing quarry site. Potential conflicts with the programs associated with this Area Plan would be minimal; therefore, a full policy consistency analysis is not provided.

Table 4.10-2. Applicable Local Land Use Plans, Ordinances, Regulations and Standards

Regulation, Plan, or Standard	Description
Agriculture Element (County of San Luis Obispo, 2010a)	The Agricultural Element was adopted in 1999, amended in 2006, and separated from the Conservation and Open Space Element (COSE) in 2010. The focus of the Agriculture Element is to ensure the long-term protection of agriculture within the County. The Agriculture Element includes four principal goals including commitments to support the County's agricultural production, conserve agricultural resources, protect agricultural lands, and encourage public education and participation.
Conservation and Open Space Element (County of San Luis Obispo, 2010b)	The COSE was approved by the Board of Supervisors on May 12, 2010. The purpose of the COSE is to consolidate and revise five existing General Plan Elements (the Environment Plan which included the Historic, Aesthetic and Conservation Elements), Energy Element, and Open Space Element, and incorporate new material to address timely and relevant conservation issues. The COSE addresses: air quality resources; biological resources; cultural resources; energy resources; mineral resources; open space resources; soil resources; visual resources; and water resources (County of San Luis Obispo, 2010a).
Economic Element (County of San Luis Obispo, 2012)	The Economic Element contains goals, policies, and programs that establish a context and priorities for economic development within the County. The goals of the Economic Element recognize the importance of economic activity in enabling County residents to find employment and pursue the lifestyles that they value.
Safety Element (County of San Luis Obispo, 1999)	The Safety Element was adopted by the Board of Supervisors on December 14, 1999 and has two basic principles: (1) to be ready for disaster; and (2) to manage development to reduce risk. The Safety Element first addresses emergency preparedness and then focuses on the various types of disasters that could occur within the County. The Safety Element contains seven chapters, including an introduction, discussions of emergency preparedness, water hazards, fire safety, geologic and seismic hazards, and other hazards (aviation, radiation hazardous materials and pesticides, electromagnetic fields, radon, hazardous trees, and hazards from unreinforced masonry buildings) and concludes with a chapter on a proposed schedule for completion of the Safety Element's programs and standards.
Noise Element (County of San Luis Obispo, 1992)	The Noise Element was adopted by the Board of Supervisors on May 5, 1992. The Noise Element policy framework within which potential noise impacts may be addressed during project review and long range planning. It consists of a Policy Document and an Acoustical Design Manual which comprise Parts I and II of the Noise Element, both of which have been adopted by the Board of Supervisors, in conformance with Section 65302(f) of the California Government Code.
Parks and Recreation Element (County of San Luis Obispo, 2006)	The Parks and Recreation Element was adopted in 2006. The purpose of the Parks and Recreation Element is to: (1) provide policy guidance regarding the provision of park and recreation services; (2) document the County's existing park and recreation resources; and (3) facilitate the evaluation of park and recreation needs including those resources that are outside of the County's management during the land use decision process. Implementation of the Proposed Project would not affect any existing County-owned recreational facilities or cause the need for new County recreational facilities or services.
Transportation Plan	The Transportation Plan was adopted by the Board of Supervisors in June 1979; it is comprised of five Elements including a Circulation Element, Bikeways Element, Transit Element, Aviation Element, and Other Transportation Modes Element. The intent of the Plan is to (1) establish the goals, policies, and implementing procedures to enable the County to meet the transportation needs of an increasingly mobile public, and (2) enhance the quality of life for the residents of the County. The goals and policies of the Transportation Plan were taken from, and are consistent with, the County's Regional Transportation Plan.
Land Use Ordinance (Title 22 of the County Code) (County of San Luis Obispo, 2013c)	The Land Use Ordinance (Title 22 of the County Code) was adopted in 1980 and last revised in July 2013. The purpose of the Land Use Ordinance is to: (1) implement the General Plan and to guide and manage the future growth of the County in compliance with the General Plan; (2) regulate land use in a manner that will encourage and support the orderly development and beneficial use of lands within the County; (3) minimize adverse effects on the public resulting from the inappropriate creation, location, use or design of building sites, buildings, land uses, parking areas, or other forms of land development by providing appropriate standards for development; (4) protect and enhance the significant natural, historic, archaeological and scenic resources within the County as identified by the County General Plan; and (5) assist the public in identifying and understanding regulations affecting the development and use of land.

Analysis of the Project's Consistency with Adopted Land Use Plans and Ordinances

As referenced above, Appendix E of this EIR provides an analysis of the Proposed Project’s potential inconsistencies with applicable land use plans and ordinances, goals, standards and policies, pursuant to State CEQA Guidelines Section 15125(d). Neither CEQA nor the State CEQA Guidelines provide direction for the determination of when a project is inconsistent with applicable land use plans or ordinances; however, a final determination of potential inconsistencies with applicable land use plans and ordinances should be made by decision makers when they act (e.g., approve or disapprove) on a discretionary project. Per State CEQA Guidelines Section 15382, an inconsistency with adopted land use policy is only considered significant if that inconsistency would cause an adverse and significant impact on one or more of the physical attributes associated with the area affected by a project.

Table 4.10-3 provides the adopted policies, principles, and ordinances that the Proposed Project could be found to be inconsistent with, per the detailed analysis presented in EIR Appendix E. In summary, there would be significant and unavoidable noise impacts as a result of operational activities that would conflict with an adopted ordinance and policies. All other potentially significant impacts can be reduced to a level of less than significant through mitigation measures.

Table 4.10-3. Summary of Potential Inconsistencies with Adopted Land Use Plans and Ordinances

General Plan Element, Ordinance or Regulation and Applicable Goal, Policy, Standard or Program	Discussion
Framework For Planning (Inland): The Land Use and Circulation Elements of the San Luis Obispo County General Plan	
Noise Element	
<p>Policy 3.3.1</p> <p>The noise standards in this chapter represent maximum acceptable noise levels. New development should minimize noise exposure and noise generation. The noise levels shall in no case exceed the noise level standards in Table 3-2.</p>	<p>Potentially Inconsistent. The results of the noise modeling for the Proposed Project indicate that noise levels generated by quarry operations have the potential to exceed the noise level standards in Table 3-2 at vacant lands near the Proposed RPA area. Furthermore, it is likely that some of the vacant land near the Proposed RPA area will be developed in the future. Consequently, the noise impacts of the Proposed Project on surrounding vacant lands would conflict with Noise Element Policy 3.3.1. This potential impact is significant and unavoidable. However, the potential noise impacts related to the Proposed Project’s truck traffic and blasting operations are less than significant. As such, these components of the Proposed Project would not conflict with this policy.</p>
<p>Policy 3.3.5</p> <p>Noise created by new proposed stationary noise sources or existing stationary noise sources which undergo modifications that may increase noise levels shall be mitigated as follows and shall be the responsibility of the developer of the stationary noise source:</p> <p>b. Noise levels shall be reduced to or below the noise level standards in Table 3-2 where the stationary noise source will expose an existing noise-sensitive land use (which is listed in the Land Use element as an allowable use within its existing land use category) to noise levels which exceed the standards in Table 3-2.</p> <p>c. Noise levels shall be reduced to or below the noise level standards in Table 3-2 where the stationary noise source will expose vacant land in the Agriculture, Rural Lands, Residential rural, Residential Suburban, Residential Single-Family, Residential Multi-Family, Recreation, Office and Professional, and Commercial Retail land use categories to noise levels which</p>	<p>Potentially Inconsistent. The results of the noise modeling for the Proposed Project indicate that noise levels generated by quarry operations have the potential to exceed the noise level standards in Table 3-2 at vacant lands near the Proposed RPA area. Furthermore, it is likely that some of the vacant land near the Proposed RPA area will be developed in the future. Consequently, the noise impacts of the Proposed Project on surrounding vacant lands would conflict with Noise Element Policy 3.3.5(b). This potential impact is significant and unavoidable. However, the potential noise impacts related to the Proposed Project truck traffic and blasting operations are less than significant. As such, these components of the Proposed Project would not conflict with this policy.</p>

Table 4.10-3. Summary of Potential Inconsistencies with Adopted Land Use Plans and Ordinances

General Plan Element, Ordinance or Regulation and Applicable Goal, Policy, Standard or Program	Discussion
<p>exceed the standards in Table 3-2.</p> <p>This policy may be waived when the Director of Planning and Building determines that such vacant land is not likely to be developed with a noise sensitive land use.</p> <p>d. For new proposed resource extraction, manufacturing or processing noise sources or modifications to those sources which increase noise levels: where such noise sources will expose existing noise-sensitive land uses (which are listed in the Land Use Element as allowable uses within their land use categories) to noise levels which exceed the standards in Table 3-2, best available control technologies shall be used to minimize noise levels.</p>	
Land Use Ordinance - Title 22 Of The County Code	
Section 22.10.120 - Noise Standards (Applicable Subsections Only)	
<p>This Section establishes standards for acceptable exterior and interior noise levels and describes how noise shall be measured. These standards are intended to protect persons from excessive noise levels, which are detrimental to the public, health, welfare and safety and contrary to the public interest because they can: interfere with sleep, communication, relaxation and full enjoyment of one's property; contribute to hearing impairment and a wide range of adverse physiological stress conditions; and adversely affect the value of real property.</p> <p>B. Exterior noise level standards. The exterior noise level standards of this Section are applicable when a land use affected by noise is one of the following noise-sensitive uses: residential uses...</p> <p>Maximum Allowed Exterior Noise Level Standards:</p> <p><u>Daytime - 7 a.m. to 10 p.m.</u> Hourly Equivalent Sound Level (Leq, dB): 50 Maximum level: dB 70</p> <p><u>Nighttime - 10 p.m. to 7 a.m.</u> Hourly Equivalent Sound Level (Leq, dB): 45 Maximum level: dB 65</p>	<p>Potentially Inconsistent. The results of the noise modeling for the Proposed Project indicate that noise levels generated by quarry operations have the potential to exceed the noise level standards in Table 3-2 of the Noise Element at vacant lands near the RPA area, and therefore, also exceed the standards of this ordinance. Furthermore, it is likely that some of the vacant land near the RPA area will be developed in the future. Consequently, the noise impacts of the Proposed Project on surrounding vacant lands would conflict with Noise Element Policy 3.3.5 (b). This potential impact is significant and unavoidable.</p>

4.10.4 Assessment Methodology

The following significance criteria were derived from previous environmental impact assessments and from the State CEQA Guidelines (Appendix G, Environmental Checklist Form, Sections IX and XIV):

- *Preclude an existing or permitted land use, or create a disturbance that would diminish the function of a particular land use*

Impacts are categorized per the significance classification system provided in EIR Section 4.1 (Environmental Analysis, Introduction, Impact Significance Classification Scheme).

Please refer to EIR Section 4.3 (Agricultural Resources) for a summary of the Proposed Project's potential effects on agricultural land uses and practices.

4.10.5 Project Impacts and Mitigation Measures

Impact LU-1: Temporarily disrupt, displace or divide land uses

Excavation

The Applicant proposes to expand the boundaries of the existing quarry by an estimated 33 acres, thereby enlarging its “footprint” from 160.1 acres to 193.1 acres. The 33-acre expansion parcel has a zoning and General Plan land use designation of Rural Lands with a combining land use designation of Extraction Resource Area. Mines and quarries are allowable uses within the Rural Lands designation, and are subject to the land use permit required by specific use standards (County of San Luis Obispo, 2003).

There are scattered rural residences and open space within one-half mile of the quarry’s access road. As noted in the Existing Conditions description above, at the northern boundary of the Proposes Project site there were five non-permitted residential structures. One non-residential structure will remain and be permitted by the County; however, the rest of the structures and the ancillary uses have been removed. The land owner is aware of the potential impacts associated with the excavation activities and elected to proceed with the land use permit for this structure. As such, the Proposed Project and the potential effects are to be considered as part of the environmental baseline of the Proposed Project property, and any temporary or permanent disruptions associated with excavation would result in less than significant impacts. Other than this property, the expansion of the existing quarry operations would not temporarily or permanently disrupt, displace, or divide any other existing land uses within or surrounding the Proposed Project site. Impacts would therefore be less than significant (Class III).

Reclamation

Proposed reclamation activities would be initiated in those areas of the quarry that have been depleted of resources in a manner concurrent to on-going mining operations. Lands within the quarry would be reclaimed to open space uses, including seasonal water storage, riparian habitat, oak woodland habitat and chaparral vegetation. The activities associated with the Proposed RPA would occur within the Proposed Project site, and off-site traffic would not be appreciably different from existing conditions. As discussed in EIR Section 4.14, Transportation and Circulation, the Proposed Project would not impact the Level of Service on El Camino Real, but shoulder damage on southbound El Camino Real at the quarry’s access road entry has occurred from quarry egress of southbound large-trucks. As such, Mitigation Measure TR-1 is required to implement driveway improvements at the quarry access driveway. However, the impacts associated with these improvements would be temporary and would result in minimal disruptions to surrounding land uses. Therefore, land use impacts associated with reclamation activities would be less than significant (Class III).

Impact LU-2: Be inconsistent with existing community character or present safety issues

Excavation

The current land-use entitlements governing the existing quarry consist of Conditional Use Permits (CUPs) granted by the County, vested mining entitlements arising from the quarry’s mining operations prior to 1976, and a 1981 Reclamation Plan approved pursuant to the State’s Surface Mine and Reclamation Act. The existing quarry is approved to operate 260 days per year, and the operational hours of the quarry generally fall between 7:00 a.m. and 8:00 p.m., Monday through Friday. The excavation portion of the Proposed Project would require a modification to an existing CUP to expand the existing operations of the Santa Margarita Quarry. Because this quarry has been in operation for

nearly 40 years, the Proposed Project would not present a new land use that would be incompatible with its surrounding land uses.

Site specific environmental issues related to the proposed mining activities, such as noise, parking, traffic, dust control, etc. have been appropriately addressed, and these issues are presented in other sections of this EIR. While most of the impacts identified in this EIR can be mitigated, impacts related to noise at and in the vicinity of the Project site have been determined to be significant and unavoidable (Class I) at maximum production and would potentially contribute to incompatibilities with surrounding uses, as described in EIR Section 4.11.5 under Impact NS-1.

The Oster/Las Pilitas Quarry Project is a proposed new quarry operation in a rural community, which, through its environmental review process was found to be publicly controversial due to the potential impacts that this new development would generate. In particular, the EIR for the Oster/Las Pilitas Quarry Project found that potential incompatibility issues with existing land uses in the community of Santa Margarita could result from truck traffic as related to pedestrian traffic and safety. For that Project's EIR, Section 4.11 (Transportation and Circulation) addresses public roadway safety under Impact TR-2. Quarry egress and ingress on El Camino Real were examined and it was found that operation of the Santa Margarita Quarry Expansion Project would have no direct or demonstrable effect on safety at the El Camino Real/Estrada Avenue intersection or along El Camino Real from Estrada Avenue to Murphy Avenue even under peak quarry operation. As such, the Proposed Project's operation would have no measurable direct increase in existing traffic volumes or adverse safety impacts at these locations; therefore, the Project Project's pedestrian safety in comparison to baseline conditions would be less than significant (Class III). The Proposed Project would not present a new land use that would be potentially incompatible with the community, nor would it present issues of safety in the areas surrounding the Project site. Potential incompatibility impacts to the community of Santa Margarita would be less than significant (Class III).

Reclamation

Proposed reclamation activities would be initiated in those areas of the quarry that have been depleted of resources in a manner concurrent to on-going mining operations. Lands within the quarry would be reclaimed to open space uses, including seasonal water storage, riparian habitat, oak woodland habitat and chaparral vegetation. Therefore, upon completion of the reclamation activities, the land surrounding the Proposed Project site would be restored a state that is the same or similar to the areas surrounding the site. Therefore, there would be no impact under Impact LU-2 (No Impact).