Las Pilitas Resources, LLC
Commitment · Integrity · Responsibility

Board of Supervisors
San Luis Obispo County
County Government Center
1055 Monterey Street, 4th Floor
San Luis Obispo, CA 93408

May 1, 2015

Re: Las Pilitas Resources—Findings and Conditions of Approval

Dear Supervisors:

We believe strongly that the Las Pilitas Quarry Project is a good project that will benefit the community and the region for a long time to come, and that the Board would be well within its discretion to approve the Project.

To demonstrate this fact, we have taken the liberty of preparing draft Findings and Conditions of Approval for the Project, so that you can see what an approved Project would look like.

Exhibit A to this letter contains all of the required findings for granting a CUP, as well as additional findings for this Project that would be required under Title 22. Please review these carefully for yourselves and consider whether you could make each Finding.

Exhibit B to this letter contains the draft Conditions of Approval for the Project. The majority of these are mitigation measures taken right out of the Final EIR, but some are Applicant-proposed mitigation measures that are intended to address community and Staff concerns that go above and beyond CEQA. As you can see, if approved, the Project would be subject to a host of stringent conditions which would ensure that the impacts on the environment and the community would be as minimal as possible. Because surface mines must be inspected annually under SMARA, adherence to these Conditions of Approval would be subject to even greater oversight than under the traditional mitigation monitoring plan.

Exhibit C to this letter contains the required CEQA findings. While nearly all of the Project's impacts were either insignificant (Class III) or mitigable to less than significant levels (Class III), a Statement of Overriding Considerations was included for those few impacts that the Final EIR determined were significant and unavoidable. Please note that this does not mean that these impacts are not mitigable—as you will see, all possible, feasible mitigation measures were required for these impacts, and it is likely that, upon commencement of operations and monitoring, the mitigation measures such as noise barriers and vegetation screening will be successful at reducing these impacts to less than significant levels. However, because the success of these mitigations cannot be known for sure until operations commence, the impacts are deemed significant under CEQA out of an abundance of caution and in the interests of full disclosure.

It is important to remember that, for mining projects such as this one, state law requires the lead agency to consider the value of the project to the *region as a whole*, and not just the immediate surrounding area, before making a determination. (Public Resources Code § 2763, part of SMARA.) Even CEQA, in its guidelines for making a Statement of Overriding Considerations, suggests that regional benefits can outweigh localized impacts.

> CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, *including region-wide* or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, *including region-wide* or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable." (CEQA Guidelines § 15093(a).)

We believe that the Statement of Overriding Considerations shows that the regional need for and benefits of this Project outweigh the relatively small number of Class I impacts (which may prove not to be Class I after all once the Project is operational), and we hope you will agree.

CEQA allows for Applicant-proposed Findings such as these. (See Public Resources Code § 21167.6(e)(8).) If you would like to see how these Findings and Conditions of Approval for this Project stack up against a similar Project where the approval documents were prepared by County Staff, we encourage you to compare these attachments to the Findings and Conditions of Approval for the Hanson Aggregates Santa Margarita Quarry Expansion, which was approved by the Planning Commission yesterday. We think you will see a number of similarities and very few differences.

Thank you for taking the time to consider the attached Exhibits. After you have heard all testimony, we would encourage you to ask yourselves whether there is credible evidence in the record for each finding—if there is, you may adopt the findings, even if conflicting or contrary testimony was provided. We ask you to bear in mind that, under the law, credible or substantial evidence "means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.... *Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate ... does not constitute substantial evidence.* Substantial evidence shall include facts, reasonable assumptions predicated by facts, and expert opinion supported by facts." (CEQA Guidelines, § 15384.)

After hearing all the testimony, in the event that you are inclined to approve the Project but believe some modifications to the draft Findings or Conditions of Approval are necessary, we will be providing these documents to your Staff in MS Word form so that you have that ability. We have also copied Planning Staff, County Counsel, and Public Works on this submittal so that they may also have the opportunity to review these documents in advance of the hearing.

Please post this letter, plus all of the Exhibits, on the County's website so that the public has an opportunity to examine and provide comments.

Las Pilitas Resources, LLC

Commitment · Integrity · Responsibility

We look forward to presenting our Project to you on May 12, 2015.

Regards,

Ken Johnston
Project Manager

Cc: Jim Bergman, Planning Director
Ellen Carroll, Environmental Coordinator
Rob Fitzroy, Planner
Whitney McDonald, Deputy County Counsel
Glenn Marshall, Public Works

EXHIBIT A~~B~~ - CONDITIONAL USE PERMIT & RECLAMATION PLAN FINDINGS
Las Pilitas Resources Quarry, DRC2009-00025

1. Environmental Determination

A. **Finding:** The Environmental Coordinator, after completion of the initial study, found that there is evidence that the project may have a significant effect on the environment, and therefore a Draft and Final Environmental Impact Report (FEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq.) for this project. The FEIR addresses potential impacts on: Aesthetics and Visual Resources; Agricultural Resources; Air Quality; Greenhouse Gases; Biological Resources; Geology; Hazards and Hazardous Materials; Noise; Public Services and Utilities; Recreation; Transportation and Circulation; Wastewater; Water Quality and Supply; and Land Use. Mitigation measures are proposed to address these impacts and are included as conditions of approval. Overriding considerations were determined necessary based on significant and unavoidable impacts associated with Aesthetics and Visual Resources; Noise; and Transportation and Circulation. See Exhibit C for specific CEQA Findings and overriding considerations.

Supporting Evidence: Las Pilitas Quarry Final EIR (November 2014).

2. Conditional Use Permit

A. **Finding:** The Proposed Project or use is in agreement, or harmony, with the terms of the San Luis Obispo County General Plan because the use is an allowable use in the Rural Lands and Extractive Resource Combining Designation land use categories and, as conditioned, is compatible with the objectives, policies, general land uses and programs specified in the Plan. The Project is consistent with the County's Land Use Element (LUE or LUCE) of the General Plan because it is being proposed within the Extractive Resource Combining Designation (EX1), which is a special combining designation that was put in place specifically to emphasize the conservation and development of mineral resources. This emphasis is consistent with the general land use goal which includes conservation and wise use of nonrenewable resources.

Supporting Evidence: San Luis Obispo County Land Use and Circulation Element (LUCE); Resolution 91-32 (adopted April 1991) and findings in support thereof.

B. **Finding:** As conditioned, the Proposed Project or use satisfies all applicable provisions of Title 22 of the County Code. The Proposed Project is an allowable use according to Table 2-2 (Article 2 of the County Land Use Ordinance) and is in conformance with the Combining Designation standards. The Proposed Project operational plan and reclamation plan are designed to comply with the statute and regulations of the

California Surface Mine and Reclamation Act (SMARA) and with the development standards for surface mines found in the County's SMARA ordinance in Chapter 22.3 of the County Land Use Ordinance.

Supporting Evidence: County Land Use Ordinance Title 22, Article 2 and Chapter 22.36; Public Resources Code § 2710 et seq.

C. **Finding:** The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety, or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because, during construction and operations, numerous conditions are required relating to dust suppression and air quality, hazardous materials storage and handling, noise suppression, blasting safety and offsite vibration monitoring, worker safety, traffic safety, and water use and water quality. Land uses in the vicinity of the Proposed Project include active mining operations, as well as low density residential, which has been found compatible with surface mining operations. The Proposed Project is subject to the County's SMARA ordinance governing the safe and proper operation and reclamation of surface mines in the County. Commercial mining operations have occurred on nearby parcels for over 40 years, operating under similar conditions, without issue, demonstrating that mining is not inherently injurious to the public health, safety, or welfare, or to nearby property.

Supporting Evidence: Las Pilitas Resources Quarry FEIR; Las Pilitas Resources Quarry Conditions of Approval; Resolution 91-32 and Findings in support thereof; 14 Cal. Code Regs. § 3675; County Land Use Ordinance Chapter 22.36; Planning Commission Staff Report dated April 30, 2015, for the Hanson Aggregates Santa Margarita Quarry Expansion (DRC2011-00098); public testimony and comment regarding existing mining operations.

D. **Finding:** The Proposed Project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project area, as well as the immediate surrounding areas are zoned Rural Lands or Residential Rural with an Extractive Resource Area Combining Designation overlay (San Luis Obispo County Las Pilitas Planning Area Rural Combining Designations Map, 2009), which is placed over a large portion of the Las Pilitas Planning Area. This combining designation recognizes the California Department of Conservation classification of the area as MRZ-2, which means that the State Geologist has identified these areas as containing significant deposits of aggregate material, and is intended to protect land for future mining uses. There are already two existing

quarries in this zone, one of which is one parcel away from the Proposed Project, and which has been operating for almost 100 years. Accordingly, the character of the immediate neighborhood includes active mining operations, and is zoned for such operations, and the Proposed Project would be consistent with such character and zoning. Surrounding land uses are primarily low density residential, which has been deemed compatible with mining operations. The Proposed Project will not be inconsistent with the orderly development of the surrounding area because, under the EX1 Combining Designation, new and discretionary land uses must be compatible with mining operations, and must not adversely affect existing mining operations.

Supporting Evidence: LUCE; Resolution 91-32 and findings in support thereof; Title 14, California Code of Regulations, § 3675; public testimony and comment regarding existing mining operations.

E. **Finding:** The Proposed Project would not generate a volume of traffic beyond the safe capacity of all roads providing access to the Proposed Project site, either existing or to be improved with the Proposed Project. The affected agencies with oversight of the surrounding roads (i.e. Caltrans and County Public Works) have been consulted on potential impacts, and the Proposed Project conditions of approval address the relevant issues raised from these outside agency consultations. Truck traffic on the downtown portion of SR 58 will not increase significantly as a result of the Proposed Project, and heavy truck traffic on this stretch is expected to remain in the existing three percent of total traffic range. On the portion of SR 58 from Estrada to the quarry site, truck traffic may increase over baseline conditions, but not to a level that is beyond the safe capacity of the road. Recent heavy truck traffic on this stretch of road as a result of the solar farms' construction and a previously existing trucking operation near the quarry site have shown that the road is suitable for heavy truck traffic. The means by which to provide for adequate traffic safety and capacity needs during construction and operation have been included as part of the conditions of approval.

Supporting Evidence: Las Pilitas Resources Quarry FEIR Chapter 4.11; Las Pilitas Resources Quarry Conditions of Approval; public testimony and comment regarding existing and projected traffic conditions.

3. Surface Mining Ordinance Required Findings

A. **Finding**: The Proposed Project application materials and reports, including the Final Environmental Impact Report, adequately describe the Proposed Project operations and reclamation activities such that it can be determined that the Proposed Project will be developed and operated in conformance with SMARA and the County's local SMARA Ordinance. The Proposed Project and Reclamation Plan have been referred

to the California Department of Conservation, Office of Mine Reclamation (OMR) for review for compliance with SMARA prior to approval of the Proposed Project, and any comments received from that agency have been incorporated into the project description and reclamation plan where appropriate.

Supporting Evidence: Las Pilitas Resources Quarry application materials; Las Pilitas Resources Quarry FEIR; Public Resources Code § 2710 et seq.; County Land Use Ordinance Chapter 22.36.

B. **Finding**: The Proposed Project, as conditioned, includes adequate measures to mitigate the environmental and visual effects of the Proposed Project to the greatest feasible extent. A Statement of Overriding Considerations has been prepared pursuant to CEQA for those effects that could not feasibly be mitigated, including visual resources impacts. Although the Proposed Project will be visible from a public road, the Proposed Project has been conditioned to screen the mining activities to the extent possible, and upon completion of reclamation in conformance with the Reclamation Plan, the visible portions of the Proposed Project will be returned to a natural appearance.

Supporting Evidence: Las Pilitas Resources Quarry FEIR; Exhibit C – CEQA Findings and Statement of Overriding Considerations; Reclamation Plan.

C. **Finding:** The Proposed Project, as conditioned, and the Reclamation Plan include adequate measures to ensure that the site will be reclaimed to a natural appearance and a useable condition, based upon the site's current usage as open space and grazing land, which is consistent with the General Plan and surrounding land uses. Adequate mitigation measures have been adopted where feasible to reduce most of the environmental impacts of the Proposed Project to less than significant levels, and a Statement of Overriding Considerations has been prepared pursuant to CEQA for those effects that may not feasibly be mitigated to less than significant levels.

Supporting Evidence: Las Pilitas Resources Quarry FEIR; Reclamation Plan; Exhibit A – Conditions of Approval; Exhibit C – CEQA Findings and Statement of Overriding Considerations.

4. Concrete & Asphalt Recycling Facility Waiver Findings

A. **Finding**: The Proposed Project includes a concrete and asphalt recycling facility. The County finds that this is a desirable use, as various state and local law and regulations encourage the recycling of such products, as well as the use of recycled aggregate materials in public works projects.

Supporting Evidence: Cal Green and San Luis Obispo County requirements for construction debris recycling; AB 2355 (2014).

B. **Finding:** Pursuant to County Land Use Ordinance § 22.30.380, the recycling facilities are normally allowed in the Rural Lands only when operated in conjunction with an authorized waste disposal site—i.e., landfill. The County finds that a modification of this development standard is appropriate pursuant to County Land Use Ordinance § 22.30.020, because establishment of the proposed recycling facility in the Rural Lands category on a site that is not in conjunction with a landfill is justified because the requirement for the waste disposal site in the County Code assumed that "recycling" involved material more likely to go into a sanitary landfill, such as old appliances, household debris, and metal scrap. This project involves only old concrete and asphalt, which will be processed and resold, and must be taken offsite within 12 months of receipt. All potential environmental impacts of the proposed recycling facility were studied in the FEIR for the Proposed Project, and were either found to be insignificant or mitigated to less than significant levels. Accordingly, the modification of this standard will not have an adverse effect on the health, safety, welfare, or property of those residing or working in the vicinity of the Proposed Project. The recycling facility will be required to operate in conformance with all state requirements for such facilities, and will be under the regulatory oversight of Cal Recycle, in addition to the County. A similar waiver was granted for the nearby Santa Margarita (Hanson) Quarry, which has operated a concrete and asphalt recycling facility on Rural Lands without a waste disposal site since 1991.

Supporting Evidence: Applicant's Request for Waiver of County Land Use Ordinance § 22.30.020(D); Resolution 91-60, and Findings in support thereof (approving a modification for CUP D900038D, Santa Margarita Quarry).

5. Additional Findings

A. **Finding:** The Proposed Project will not be inconsistent with the Conservation and Open Space Element of the General Plan because the visual impacts of the Proposed Project, while deemed significant and unavoidable for the specific reasons listed in the FEIR, are nevertheless consistent with the existing character of the viewshed, which includes active mining operations that are visible to the public. The visible portions of the Proposed Project will be reclaimed to a natural state upon completion of mining activities in those areas, which will occur before nearby existing mining operations are fully reclaimed. Although the Proposed Project will be visible for a number of years from a portion of SR 58, which has been identified as a potential candidate road for inclusion in a scenic roads program, the County currently does not have a scenic roads program and has no immediate plans to develop one. In the event a future program is developed, it is unlikely that this particular portion of SR 58

would be eligible for inclusion because of the lack of unique features worthy of special protection, and because of the existing mining activity in the area. Finally, the Proposed Project is consistent with all goals and policies in the COSE for development of mineral resources.

Supporting Evidence: COSE; Applicant Submittal in Support of Appeal dated April 9, 2015; public testimony and comments regarding visual impacts.

B. **Finding:** Operational (daytime) and blasting noise from the Proposed Project, unless mitigated, has the potential to exceed applicable noise standards at nearby residences. The FEIR specifies a number of possible mitigation measures that should reduce these noise impacts to less than significant levels. The Proposed Project has been conditioned to require offsite monitoring of operational and blasting noise, and to require the operator to demonstrate that compliance with the applicable noise standards has been achieved. As conditioned, then, the Proposed Project will not be inconsistent with the Noise Element of the General Plan or those portions of the County Code setting applicable noise standards.

Supporting Evidence: Exhibit A- Conditions of Approval; FEIR Chapter 4.8.

C. **Finding**: From time to time, during periods of maximum production, heavy truck traffic from the Proposed Project may contribute to existing exceedances of the County noise standards along SR 58 in downtown Santa Margarita, by increasing existing noise levels by 0.7 and 1.9 dBA at two sensitive receptors in town. The ambient noise levels at these sensitive receptors already exceed the applicable County standards; the Proposed Project would not cause any new violations of the applicable noise standards. In addition, the noise source is from traffic on a state highway, which is exempt from the County noise standards pursuant to County Land Use Ordinance § 22.10.120.A.9. Therefore, the Proposed Project is not inconsistent with the County Noise Element or those portions of the County Code specifying noise standards.

Supporting Evidence: FEIR Chapter 4.8; County Land Use Ordinance 22.10.120.A.9; Applicant Submittal in Support of Appeal date April 9, 2015.

D. **Finding**: The Proposed Project will be consistent with the Land Use and Circulation Element of the General Plan regarding traffic and circulation at intersections because the Proposed Project would not have a direct, detrimental effect on existing levels of service. The Proposed Project truck traffic would contribute to future, cumulative decreased levels of service at one specific intersection in the County (Estrada and El Camino Real, which also includes the intersection at Estrada and H Street), but this decreased level of service would occur by the year 2030 with or without the Proposed

Project, and can be fully mitigated by the installation of a traffic signal. The Proposed Project has been conditioned to require the operator to contribute a fair share towards the cost of this improvement, and the County finds that this improvement, which will be required to be installed with or without the Proposed Project, is more likely to be installed in a timely manner if projects such as the Proposed Project are approved and required to provide funding.

Supporting Evidence: FEIR Chapter 4.11; Applicant Submittal in Support of Appeal, dated April 9, 2015.

E. **Finding:** The Proposed Project will not be inconsistent with the Santa Margarita Design Plan (2001) because the Proposed Project is located approximately 3.3 miles outside of the downtown, and therefore is outside of the area subject to the Design Plan. Traffic from the Proposed Project will travel through downtown, but the Santa Margarita Design Plan does not have jurisdictional authority within the state highway right-of-way, and therefore does not apply. Moreover, the Proposed Project will not significantly increase truck traffic in the downtown corridor. Finally, the FEIR and the Applicant have proposed several mitigation measures that would result in increased pedestrian and traffic safety in the downtown area, subject to approval by Caltrans, which improvements would be consistent with the general goals of the Santa Margarita Design Plan.

Supporting Evidence: FEIR Chapters 4.11 and 4.14; Santa Margarita Design Plan; Exhibit A – Conditions of Approval.

F. **Finding:** The Proposed Project truck traffic would not contribute to conflicts with pedestrians, school children, or bicyclists, or lead to other such land use conflicts in the downtown area. Large trucks traveling at slow speeds have as good or better stopping distances than cars that would be traveling along the haul route, and can see the affected crosswalks from a much greater distance away. Trucks have been using this route regularly for at least 19 years without any incidents. Although truck traffic contributes to a perception of a poor quality experience for recreational bicyclists on SR 58, this was not found by the EIR to be a safety issue, and all trucks will need to abide by applicable laws regarding bicyclists and vice versa. Moreover, the County does not have the authority to regulate truck traffic on a state highway, and the use of County roads by Proposed Project trucks will be nominal. The Proposed Project, as conditioned, requires several pedestrian safety improvements that will minimize any potential conflicts arising from the Proposed Project truck traffic.

Supporting Evidence: FEIR Chapters 4.10, 4.11, and 4.14; Exhibit A- Conditions of Approval; Applicant Submittal in Support of Appeal, dated April 9, 2015; public testimony and comments.

G. **Finding:** The Proposed Project would meet regional needs for high grade and construction aggregate, consistent with the goals of State Geologist's Special Report 215 (SR 215). Approval of the Proposed Project will help improve the overall regional balance between projected supply and demand for aggregate, as well as provide an additional independent source of material to support local business, public works departments, and other local customers. It will reduce the need to import aggregate from outside of the region, resulting in a net benefit for regional air quality, and decreased costs for taxpayers.

Supporting Evidence: California Geological Survey Special Report 215 (2011); FEIR Appendix D; public testimony and comment.

EXHIBIT B - CONDITIONS OF APROVAL
Las Pilitas Resources Quarry, DRC 2009-0025

The following conditions are listed by category or issue area. Exhibit C includes the Mitigation Monitoring and Reporting Plan, which identifies when monitoring is required for environmental conditions, as well as which public agencies will be involved. The term 'Applicant' is currently referring to Las Pilitas Resources LLC. However, 'Applicant' shall also refer to any successor in interest for the life of the project.

APPROVED DEVELOPMENT

1. This approval authorizes development of an aggregate quarry and related elements as follows:
    a. Quarry - an aggregate mining operation and phased reclamation of the mined site, with a maximum annual production of 500,000 tons. Aggregate products that will be produced and sold include: rip rap, drain rock, landscape wall rock, decorative rock, decomposed granite for landscaping applications (trail pathways, etc.), road base, and non-expansive fill material.
    b. Mine Reclamation - Reclamation of the property to pre-mined conditions per the approved Reclamation Plan.
    c. Applicant Proposed Mitigation Measures – The full list of Applicant Proposed Measures (APMs) are included herein and are considered a part of the approved project and shall be implemented. However, should any of the APMs be found to conflict with any other Conditions of Approval during implementation, the Conditions of Approval shall apply and the conflicting APM or portion thereof shall be considered rejected.

    The project description in the Final EIR provides greater detail that shall also be used to guide development of the project.

2. All aspects of the approved development described above shall be conducted in accordance with the provisions of Land Use Ordinance Chapter 22.36, pertaining to surface mining and reclamation, unless otherwise specified in these conditions of approval.

3. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested in accordance with governing law.

4. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project, unless subsequently modified by the Planning Director pursuant to Land Use Ordinance Section 22.64.050. Failure to otherwise comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

GENERAL CONDITIONS

5. **Within ten (10) days of approval of the Project**, unless this time period is mutually extended by the County and the Applicant, the Applicant shall enter into an agreement with the County, executed by the Chair of the County Board of Supervisors, in a form approved by County Counsel, to provide for the defense and indemnity of the County for any claims, injury, liability, loss, costs, attorneys' fees, expenses, or damages sought by third parties from the County alleged to have arisen directly or

indirectly out of, or in any way associated with, any of the approvals, environmental review, or other actions taken in connection with the Project.

6. **Within sixty (60) days of the effective date of this permit**, the Applicant shall enter into an agreement with the County, executed by the Board of Supervisors, in a form approved by the County Counsel and the Director of the Department of Public Works, governing the payment of County road fees pursuant to Land Use Ordinance Section 22.36.110.

7. **Within sixty (60) days of the effective date of this permit**, the Applicant shall provide appropriate financial assurances to the County to ensure proper implementation of the reclamation plan, as required by the Public Resources Code and in accordance with Land Use Ordinance Section 22.36.060.

PUBLIC WORKS

8. **Within 90-days of permit approval**, and in accordance with County Code 22.36.110 and CUP DRC 2009-0025, the operator shall enter into an agreement with the County, in a form acceptable to County Counsel, to deposit into the County Road Fund a sum of $0.89 per truckload of material to be hauled over the following County-maintained roads: El Camino Real between the City of Atascadero limits southerly to Estrada Avenue (SR 58). The agreement shall provide for reports of trips, and corresponding payment, to be made quarterly. The cost shall be subject to annual adjustment based on the Caltrans Construction Cost Index, with the beginning index being the date that the project receives approval from the hearing body.

9. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; landscaping; fences; etc. without a valid Encroachment Permit issued by the Department of Public Works.

Drainage

10. **On-going condition of approval (valid for the life of the project)**, the Applicant shall comply with the drainage and erosion control requirements of Land Use Ordinance.

11. **On-going condition of approval (valid for the life of the project)**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program, and the County's Storm Water Pollution Control and Discharge Ordinance.

ENVIRONMENTAL CONDITIONS

Aesthetics and Visual Resources

12. **MM AES-1a: Scenic Vistas/Reclamation and Revegetation.** Revegetation of all final slopes and flat portions of the completed mine shall be accomplished in accordance with the approved Surface Mine Reclamation Plan. This includes phased reclamation in which exposed slopes in Phases 1B, 2A, 2B, and 3A are revegetated as early as practical, concurrent with the start of quarrying in the next subsequent phase. Upon completion of all quarry activities, all equipment and the access road are to be removed, and lower slopes within the quarry shall be filled to a slope of no more than 2:1 and revegetated consistent with the Final Site Configuration Plan shown in Appendix B and consistent with the performance standards for revegetation in the state surface mining regulations (14 CCR 3705). In accordance with Sections 22.01.050 (D) (4) and 22.01.070 of the County Land Use Ordinance, all revegated areas shall be permanently maintained in perpetuity. The applicant/quarry operator shall

provide a financial guarantee to ensure completion of the reclamation plan, including monitoring and maintenance to demonstrate that vegetation has been self-sustaining without irrigation for a minimum of two years prior to release of the final assurance.

13. **MM AES-1b: Scenic Vistas/Off-site Landscaping Agreement.** Prior to the issuance of the Grading Permit for project construction activities, the applicant/quarry operator shall obtain agreement from the off-site property owner (APN 070-154-019 / 6825 Calf Canyon Highway) for installation and maintenance of additional landscaping as described below in mitigation measure AES-1c. The off-site landscaping shall be shown in a preliminary landscaping plan included within the grading plans for construction of the project access road and other initial improvements as described in MM AES-1c with the intent of screening views of the quarry from eastbound travelers on SR 58.

14. **MM AES-1c: Scenic Vistas/Off-site Landscaping.** Prior to the start of excavations in Phase 1A, off-site landscaping shall be installed at a location approved by the Planning and Building Department (approximately 1,500 feet southwest of the project entrance and 100 feet southeast of the SR 58 roadway edge). The landscaping shall consist of 2 to 4 conifers or other tall growing trees consistent with the existing trees at this location, and shall be planted at a location that will help to block views into the quarry site from eastbound traffic on SR 58 and maintained for the life of the project.

15. **MM AES-1d: Scenic Vistas/Screening of Water Tank.** Prior to the issuance of any construction permit for project construction activities, the applicant/quarry operator shall show landscape screening in a preliminary landscape plan. Landscaping shall be installed and maintained for the life of the project to visually screen Tank "A" from public views along SR 58. The applicant shall provide evidence that the proposed tank(s) are as low profile as is possible, given the site conditions and tank(s) shall be a neutral or dark, non-contrasting color.

16. **MM AES-3: Lighting Plan.** Prior to the issuance of a building permit for the project scale house, the applicant/quarry operator shall provide a plan or specifications for all lighting (including security lighting) that complies with the County Land Use Ordinance for approval by the County Planning and Building Department. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from SR 58.

Agricultural Resources

17. **MM AG-2: Introduction of Invasive Species.** Prior to the issuance of the Notice to Proceed, the applicant shall incorporate a Weed Control Program into the Operational Plan and Reclamation Plan for County review and approval. The Weed Control Plan shall include methods, success criteria and a monitoring and reporting program to the satisfaction of the County.

Air Quality

18. **MM AQ-1a: Emissions of ROG+NOX.** Prior to issuance of a Notice to Proceed for the first phase of the quarry operation, the applicant or quarry operator shall provide evidence to the Department of Planning and Building that an acceptable set of measures to reduce ROG+NOX emissions has been approved by the SLOAPCD. The Quarry operator shall comply with the following on-site requirements for this project to minimize ROG+NOX emissions, or achieve equivalent reductions through measures approved by the SLOAPCD:

    a. Blasting shall not be conducted on days when portable aggregate processing equipment is in operation.

b. On and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and/or job sites to remind drivers and operators of the 5 minute idling limit.

c. If not required by other regulations (CARB on-road or off-road diesel requirements), transport operations conducted by the quarry operator shall be restricted to trucks with 2007 model year engines or newer trucks.

d. Use Best Available Control Technology (BACT) measures for construction activities as follows:
   - Further reducing emissions by expanding use of Tier 3 and Tier 4 off-road and 2010 on-road compliant engines;
   - Repowering equipment with the cleanest engines available; and
   - Installing California Verified Diesel Emission Control Strategies. These strategies are listed at: http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm.

e. Prior to issuance of a Notice to Proceed for the first phase of the quarry operation, the applicant or quarry operator shall prepurchase off-site ROG + NOx mitigation from the SLOCAPCD, as outlined in the approved Activity Management Plan (AMP) and based on the then-in-place pricing under the Carl Moyer Grant Program. Thereafter, the project operator shall report to the SLOCAPCD as stated in the approved AMP. If applicant determines on-road diesel truck engine model years are not available and/or cannot be verified, applicant agrees to use the San Luis Obispo County on-road diesel truck fleet average emission factor and a total count of truck trips. SLOCAPCD shall then utilize this information to invoice the project operator in accordance with its off-site mitigation program any emissions deemed to exceed APCD thresholds during the reporting period. Copies of all reports, invoices, and payments under this program shall be provided to the Department of Planning and Building for verification and audit.

f. The Activity Management Plan (AMP) shall include, but not be limited to the following elements:
   i. General project phase schedule and a description of activities and all project generated emissions, including vehicle haul trips, blasting, recycling, off-road vehicle activity and diesel equipment.
   ii. Description of mitigation measures, including all equipment emission reduction measures.
   iii. A timeline for submittal of quarterly reports.
   iv. A section describing contents of quarterly reports. Include a description of the tracking mechanism to ensure the truck engine model year is as stated in the AMP. Describe the use of the weigh scale software in tracking vehicle trips. Include the contact person(s) responsible for monitoring. Provide phone, email and mailing address of responsible contact person.

g. The quarterly reports shall include, but not be limited to the following elements:
   i. Tabulation of on and off-road equipment used during the reporting period (age/model year, horsepower, engine tier, miles and/or hours of operation).
   ii. Tabulation of on-road truck trips and hours of use for off-road equipment, blasting activity.

19. **MM AQ-1b: Emissions of PM10 Fugitive Dust**. In addition to compliance with MM AQ-1a, the Quarry operator shall comply with the following on-site requirements for this project to minimize PM10 fugitive dust emissions:

    a. Reduce the amount of disturbed area where possible, by retaining the natural vegetation and soil within each quarry phase until that phase is ready to start.

b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.

c. All soil or product stockpile areas should be sprayed daily as needed, or be covered or treated to minimize windblown dust.

d. The project access drive should be completed and paved prior to the start of quarry operations and the operation of heavy trucks on the property for aggregate sales purposes.

e. Locations for stockpiles and material storage areas, along with specifications for dust control measures, shall be shown on all applicable construction and mining plans.

f. The quarry operator shall designate a person to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and phone number of such person shall be provided to the SLOAPCD prior to issuance of Notice to Proceed or other permit to initiate work on the project.

g. Reclamation and revegetation of all disturbed areas shall occur as soon as practicable in a phased manner consistent with the project plans. Watering or other treatments shall be used on replaced soil material to control windblown dust until vegetation is established.

h. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD.

i. Vehicle speed for all quarry vehicles and trucks on unpaved portions of the operations area shall not exceed 15 mph.

j. All trucks hauling dirt, sand, soil, or other loose materials are to be covered, fitted with appropriate seals and splash guards, and must be operated in conformance with California Vehicle Code 23114 related to hauling materials.

k. Sweep streets at the end of each day if visible soil material is carried onto the project access road. Water sweepers with reclaimed water should be used where feasible.

l. Prior to commencement of any construction activities (e.g., site preparation, grading or construction activities) the applicant will notify the County Department of Planning and Building and the SLOAPCD, by letter, of the status of the air quality measures outlined above. The letter will state the following:
    i. The controls that will be implemented;
    ii. The reasons why any unimplemented measures are considered infeasible and the measures incorporated to substitute for these measures; and
    iii. When scheduled construction activities will be initiated to allow for SLOAPCD inspection of the mitigation measures.

m. At all times during construction and operation of the quarry, the operator shall prevent visible emissions in excess of the limits prescribed in SLOAPCD Rule 401 and avoid causing any nuisance as prohibited in Rule 402.

20. **MM AQ-2b: Naturally Occurring Asbestos.** Prior to the issuance of the Notice to Proceed or related permit to start construction on the project, the quarry operator shall submit evidence to the Department of Planning and Building, that either an exemption has been granted by the SLOAPCD, or the provisions of the CARB Air Toxic Control Measure related to NOA have been implemented.

Biological Resources

21. **MM BIO-1: Effect on Rare Plants**. Prior to issuance of the Notice to Proceed for the quarry project, the applicant/quarry operator shall identify and permanently preserve 69 acres of habitat land on-site, consistent with the areas shown in Figure 4.5-1 of the Final EIR. To ensure this preservation, the applicant shall record an open space easement that protects the habitat in perpetuity. The open space easement shall be controlled by a qualified conservation organization approved by the County. Potential conservation organizations include but are not limited to: The Nature Conservancy, San Luis Obispo Land Conservancy, or Greenspace.

22. **MM BIO-3: Effect on Ringtail Cat**. If vegetation clearing will occur during the ringtail cat breeding season (March 1 through June 30), a qualified biologist will conduct focused searches for potential dens within areas that are proposed for clearing and grading. Any active dens will be protected with a suitable buffer based on location, and types of activity with the area as determined by the qualified biologist. Once the young have left the den or the breeding attempt has failed, as determined by a qualified biologist, normal vegetation clearing actives may resume.

23. **MM BIO-4: Effect on Birds**. If vegetation clearing will occur during the bird breeding season (March 1 through June 30), a qualified biologist will conduct focused searches for nesting birds of the affected areas and adjacent areas within 200 feet of the affected areas, or to the property boundary if less than 200 feet and permission from the adjacent landowner cannot be obtained. All active native bird nests will be protected with a suitable buffer based on the species of bird, nest location, and types of activity with the area as determined by the qualified biologist. Once the young have fledged or the nest has failed, as determined by a qualified biologist, the nest will be removed and normal actives may resume.

24. **MM BIO-5: Effect on Bats**. Prior to issuance of a notice to proceed with each phase of the quarry, the quarry operator shall retain a qualified biologist to conduct a survey for bats that may be roosting in trees, rock crevices or other locations. If bat roosts are identified within the quarry during active operations, a qualified biologist will work to displace the bats using passive techniques. If quarry operations are stopped for greater than 30 days, a qualified biologist will survey the quarry for bat roosts prior to restarting quarry operations. After three nights of relocation efforts or after the qualified biologist has determined that the area is clear of bats, quarry operations may resume.

25. **MM BIO-6: Effect on California Red Legged Frog (CRLF)**. Prior to authorization to proceed with Phase 2 of the quarry, or any preparatory work that would impact the main drainage located in the Phase 2 area, the quarry operator shall retain a qualified biologist to conduct a habitat assessment and/or protocol survey for CRLF in accordance with guidance published by the U.S. Fish and Wildlife Service current at the time. If CRLF is determined to be present, the quarry operator shall either modify the project design and implementation to avoid any take of the species, or obtain the appropriate permit or authorization from USFWS to allow any specified take of the species. Evidence of compliance with USFWS requirements shall be provided to the Department of Planning and Building prior to the issuance of a Notice to Proceed for Phase 2A of the quarry, or related clearing and grading work.

26. **MM BIO-10: Effect on Wetland or Riparian Habitat**. Prior to County issuance of a Notice to Proceed to commence quarry activities, the quarry operator shall provide a copy of an approved California Department of Fish and Game Streambed Alteration Agreement or a written determination that such an agreement is not necessary.

Geology

27. **MM GEO-1: Potential Slope Instability**. The applicant/quarry operator shall supplement the Engineering

Geology Investigation prepared by Geosolutions (2009) to address potential fractures or other discontinuities and their effect on final slope stability. If warranted by the supplemental investigation, the applicant shall also submit a revised quarry design, Reclamation Plan and slope stability analysis consistent with requirements of the Surface Mine and Reclamation Act. Any changes shall be reflected in the final Mining Plan, prior to Notice to Proceed.

28. **MM GEO-3: Soil Erosion and Loss of Topsoil**. Vegetation and topsoil removed from the areas to be quarried shall be managed as described in the Reclamation Plan, as approved by the County. (Additional measures to minimize erosion and protect surface water form sediment discharge are described in Conditions of Approval WQ-1a and 1b).

29. **MM GEO-4: Changes in Surface Runoff and Drainage Patterns**. The detention basins and other drainage control features depicted in the project plans (Sheets 12 and 13 in plans dated September 9, 2009, or equivalent sheets in final plans) shall be installed as early as practicable in their associated construction phases, and shall be maintained throughout the life of the quarry operation. (Additional measures to minimize erosion and protect surface water form sediment discharge are described in Conditions of Approval WQ-1a and WQ-1b).

Hazards and Hazardous Materials

30. **MM HAZ-1a: Risk of Explosion or Release of Explosive Material – Transportation**. In accordance with the Blast Plan and as required by federal, state and local regulations, the Blaster and/or explosive delivery company must show evidence of compliance with the following requirements:
    a. Copy of drivers current CDL with HAZMAT endorsement,
    b. Current USDOT HAZMAT Certification of Registration,
    c. Maintain a current California HAZMAT Transportation License,
    d. Current enrollment in a drug screening program according to USDOT CFR Title 49 regulations, and
    e. Maintain a general liability insurance policy for explosive transportation for not less than $5,000,000.

34. **MM HAZ-1b: Risk of Explosion or Release of Explosive Material – Use On-site**. The management, handling and storage of explosive materials shall be conducted in accordance with the Blast Plan (Gasch & Associates, December 2009) and with adherence to the federal, state and local regulations. To avoid potential damage to the State Water Project Pipeline, part of the California Aqueduct, the specific requirements of the California Department of Water Resources shall be incorporated into the Blast Plan. These requirements are specified in a letter from the Department, dated June 6, 2013 and submitted to the County of San Luis Obispo as a response to the Draft EIR for the project. The Blaster shall have a current, valid California "Blaster's License" issued by CalOSHA. No on-site storage of explosive materials is allowed.

35. **MM HAZ-2: Release of Hazardous Materials or Wastes**. Prior to issuance of a Notice to Proceed for the quarry project, the applicant/quarry operator shall provide the Planning and Building Department with documentation that the County Environmental Health Division has reviewed and approved any required registration or plan documents related to the use of hazardous materials and/or generation of hazardous wastes. The management, handling, storage and disposal of hazardous materials and waste shall comply with the applicable federal, state and local hazardous materials and waste regulations. These regulations may include the following requirements:
    a. Potentially hazardous materials and waste shall be stored in a manner to minimize a release (e.g., secondary containment).
    b. A Training Program that addresses the federal, state and local regulatory requirements shall be

prepared and implemented.

c. A Contingency and Spill Response Plan shall be prepared and implemented. The response plan will include a requirement that spill kits be kept on-site at all times. The spill kits should be easily accessible and properly maintained to control and contain the amount and type of spill that potentially may occur based on an inventory of hazardous materials that will be stored on-site.
d. A Business Plan which includes a hazardous materials/waste inventory, quantities and location of hazardous materials/waste and copies of the Training and Contingency Plans shall be prepared and provided to the Certified Unified Program Agency, if hazardous materials are stored above threshold quantities.
e. Routine inspections of the equipment and storage areas shall be conducted.
f. Hazardous waste shall be transferred off-site by a licensed transporter to a permitted hazardous waste disposal facility.
g. Servicing and fueling activities shall take place only in designated fueling areas.
h. Sediment runoff shall be managed under the SWPPP.
i. Spills of fluid hazardous materials shall be reported immediately to the site supervisor and Environmental Health Division.
j. Inspection and emergency response records shall be maintained and made available to regulatory agencies upon request.
k. Any storage of materials shall be consistent with the County's and Use Ordinance Section 22.10.155 – Stormwater Management.

36. **MM HAZ-5: Fire Hazard Risk**. Prior to issuance of Notice to Proceed or issuance of a construction permit for the project, whichever occurs first, the applicant/quarry operator shall apply for and obtain CalFire approval of a Fire Safety Plan for the project. The applicant/quarry operator shall comply with provisions of the Fire Safety Plan and other requirements from CalFire. The applicant/quarry operator shall comply with the current California Fire Code (24 CCR Part 9), California Building Code, Public Resources Code and any other applicable fire laws, as outlined in the "Commercial Fire Plan Review" letter from CAL FIRE/San Luis Obispo County Fire Department, dated July 9, 2010.

37. **MM HAZ-6: Slopes and Other Quarry Hazards**. Throughout the quarry lifetime, the operator shall comply with all applicable worker protection measures addressed by CalOSHA regulations.

    See Conditions of Approval GEO-1 (related to quarry slope and bench stability).
    See Conditions of Approval NOISE-3 (includes public notification and warnings for blast events).

38. **MM HAZ-7b: Exposure to Valley Fever/Worker Safety**. The Quarry operator shall incorporate applicable recommendations from the Public Health Department regarding recognition and control of Valley Fever in safety plans and worker training material. The content of this training material shall require approval by the Planning and Building Department prior to issuance of the grading permit for construction or the Notice to Proceed (whichever occurs first), and this information shall be maintained with operational and safety plans on-site.

Noise

39. **MM NOISE-1: Truck Traffic Noise.** The applicant/quarry operator shall advise all truck drivers exiting the facility regarding the noise sensitive residential uses along the truck route through Santa Margarita, and shall prohibit the use of compression brakes except under emergency conditions. Documentation in the form of notification copies shall be provided to the Planning and Building Department prior to the notice to proceed for Phase 1A of the quarry.

    NOTE: If Applicant Proposed Measure APM LU-1 is adopted, then MM-NOISE-1 would be incorporated into the Traffic Control Management Plan.

40. **MM NOISE-2a: Quarry Operations Noise/Maintenance**. The applicant shall maintain all manufacturers' mufflers or other noise reducing equipment on all quarry vehicles and equipment.

41. **MM NOISE-2b: Quarry Operations Noise/Noise Management Plan**. Prior to issuance of any permits for the start of construction, the applicant shall prepare and submit a noise management plan to specify measures for the control and monitoring of noise levels, to be approved by the Planning and Building Department and implemented by the operator throughout at least the completion of Phase 1A and 1B. Elements of the Noise Management Plan shall include:
    a. Descriptions of measures that may be used to reduce noise levels, which may include:
        i. The use of low noise emitting equipment
        ii. Scheduling of operations to minimize the number of heavy equipment vehicles in use at one time
        iii. Design of stockpile and loading areas to minimize the need for trucks to back up
        iv. Use of adjustable back up alarms or similar measures to minimize noise from this source
        v. The design and placement of stockpiles to act as noise barriers
        vi. The use of temporary noise barriers
    b. Descriptions of monitoring points and times appropriate to obtain data to demonstrate compliance with the County Code (Section 22.10.120)

42. **MM NOISE-2c: Quarry Operations Noise/Noise Complaint Procedures**. The applicant shall provide the County Planning and Building Department with, and post at a visible location on the property, the name and contact information for a representative who will be available to respond to noise complaints. Procedures for responding to and resolving noise complaints shall also be incorporated into the operating plans for the quarry.

43. **MM NOISE-3a: Blasting Noise/Blasting and Public Notification Plan**. Prior to the Notice to Proceed with quarrying in Phase 1A, the applicant shall provide, and the Planning and Building Department shall review and approve if acceptable, a Public Information and Notification Plan for blasting activities. The Plan shall describe the blasting and related activities, and specify a notification procedure so that nearby residences may be informed ahead of time regarding pending blast events. The warning and all clear signal system shall be described, and contact information provided for the purpose of obtaining further information or for lodging complaints. All blasting activities shall be conducted by a licensed blasting contractor in a manner consistent with the blasting plan prepared for the project, and shall be limited to daytime hours on normal working days. All blast events shall be monitored for air overpressure (sound levels) at points that will allow computation of resulting noise levels at nearby residences. Blast reports, including the results of ground vibration and air overpressure monitoring shall be retained at the quarry office and shall be submitted to the County Department of Planning and Building on request, and be available for inspection.

Recreation

44. **MM REC-2a: Access to Future Salinas River Trail**. Prior to issuance of a Notice to Proceed, the property owner shall offer a future trail easement for dedication to the County, along the Salinas River Trail corridor, subject to conditions and County policies to coordinate trail development and to protect public safety and property owner rights. The offer of dedication shall be a minimum of 25 feet in width and be located adjacent to the Salinas River (outside of the creek corridor). The final location of the offer of dedication shall be determined in consultation with the Parks Department.

Traffic

45. **MM TRAFFIC-1a: Increase Traffic at El Camino Real/SR 58 and Estrada Avenue**. Prior to the issuance of

a Notice to Proceed, the applicant/quarry operator shall provide payment or a suitable financial guarantee to fund a portion of the cost of signalization and related intersection improvements at Estrada Avenue SR 58 and El Camino Real. The amount is to be determined by the County Department of Public Works based on the proportion of total peak hour traffic through the intersection that is assignable to this project, using methods consistent with Caltrans guidelines. The timing for this requirement may be extended by the County into a later phase of the quarry project in the event Caltrans and the Department of Public Works determine that postponement of signalization of this intersection is appropriate. Any signal or other improvements at this intersection must meet Caltrans signal warrants and design standards.

46. **MM TRAFFIC-2b: Pedestrian Crossing at Encina Avenue**. Prior to issuance of a Notice to Proceed with quarry operations, the applicant/quarry operator shall construct a pedestrian refuge island on SR 58 at the intersection of Encina Avenue, or related pedestrian safety improvement consistent with the Santa Margarita Design Plan, as approved by the County Department of Public Works and Caltrans. This improvement will require a Caltrans encroachment permit and compliance with applicable Caltrans design standards.

47. **MM TRAFFIC-3a: Access**. Prior to the issuance of any construction permit by the County for the project access road, the applicant/quarry operator shall obtain an Encroachment Permit from Caltrans, and shall incorporate any conditions from Caltrans related to traffic controls or construction of the access road into its design, including a left turn lane from SR58 at the project entrance. These conditions may include sight distance and other design features consistent with the Highway Design Manual, and compliance with subsequent Caltrans environmental review, if necessary, and other Encroachment Permit procedures.

48. **MM TRAFFIC-3b: Internal Traffic and Parking**. The applicant/quarry operator shall designate and publicize to customers and haulers, off-site limits within which trucks should not operate or park while awaiting for the quarry gates to open in the morning. Prior to issuance of the Notice to Proceed for any off-site sale and transport of aggregate material, the applicant/quarry operator shall provide the Department of Planning and Building with documentation identifying these off-site limits and how they will be communicated to truck operators and to residents in the community. The documentation shall also identify by name and telephone number, where complaints may be made regarding unacceptable truck parking.

    NOTE: If Applicant Proposed Measure APM LU-1 is adopted, then MM-TRAFFIC-3b would be incorporated into the Traffic Control Management Plan.

49. **MM TRAFFIC-4a: Cumulative Contribution to 2030 Traffic Volumes**. The applicant/quarry operator shall enter into an agreement with the County to pay their fair share of improvements necessary to identified intersections in the community of Santa Margarita. The applicable fair share is currently estimated at 8.1 percent based on the proportional contribution by the project to traffic at the intersection of Estrada Avenue and El Camino Real. The fair share contribution shall be evaluated and the agreement updated as necessary by the County in consultation with Cal Trans, prior to the issuance of each Notice to Proceed for each phase of the quarry.

Wastewater

50. **MM WW-1: Demand for Wastewater Disposal Service**. Prior to the issuance of a permit for the project's septic and leach field system, the applicant/quarry operator shall submit percolation test results and leachfield design details for review and approval by the Department of Planning and Building.

Water Quality and Supply

51. **MM WQ-1a: Alteration of Runoff Water/Construction Activities**. The applicant/quarry operator shall submit appropriate Permit Registration Documents (PRDs) to the SWRCB to provide coverage of the construction of the project (utilities, entrance road, and completion of construction through the end of Phase 1B or other point as appropriate under the Statewide General Permit for Construction (SWRCB Order No. 2009-0009-DWQ, NPDES No. CAS000002, or more current permit). Evidence of such coverage shall be provided to the County prior to the start of construction. All measures to control stormwater runoff and minimize discharges identified in the PRDs and related plans shall be timely implemented during construction.

52. **MM WQ-1b: Alteration of Runoff Water/Mining Activities**. The applicant/quarry operator shall submit Permit Registration Documents and a related Stormwater Pollution Prevention Plan (SWPPP) to the SWRCB to provide coverage of the surface mine as an industrial use under the General Permit for Storm Water Discharges Associated with Industrial Activities (SWRCB Order No. 97-03-DWQ, and NPDES No. CAS000001. Evidence of such coverage shall be provided to the County prior to the start of Phase 1A. Measures to control stormwater runoff and minimize discharges identified in the documentation related to this permit shall be implemented, and be subject to monitoring and verification as provided in the permit. In the event the project comes under the County stormwater provisions and general Nationwide Pollutant Discharge Elimination System Permit, this condition may be met through compliance with the County Stormwater Management provisions of Section 20.10.155 of the Land Use Ordinance.

53. **MM WQ-1c: Alteration of Runoff Water/Equipment Maintenance**. The applicant/quarry operator shall provide parking areas for equipment and servicing of equipment, and storage areas for any hazardous materials or other pollutants kept on-site, that have controlled drainage such that in the event of an accidental spill pollutant runoff to off-site surface water will not occur.

APPLICANT PROPOSED MEASURES

APM LU-1: Compatibility with Land Uses in the Santa Margarita community.

54. **LU-1a**: Prior to any commercial production or sales at the quarry, the Applicant shall prepare and submit a Traffic Control and Management Plan (TCMP) which be updated and resubmitted annually no later than July 1 of each year. The TCMP shall ensure that trucks arriving at or leaving the quarry reduce conflicts with peak pick-up and drop-off and bus arrival/departure times at Santa Margarita Elementary School, and also that truck traffic will not be active on the day of the annual Wildflower Ride. The Applicant shall obtain school start and end times from the Atascadero School District prior to July 1 of each year and shall coordinate with the San Luis Obispo Bike Club to determine the date of the Wildflower Ride for each year.

55. **LU-1b:** The Applicant shall be responsible for funding the installation of a motion-generated flashing light system to be embedded in the crosswalk at the intersection of SR 58 and H Street, subject to authorization by Caltrans and in accordance with Caltrans standards.

56. **LU-1c**: All trucks hauling in and out of the project shall be required to abide by posted speed limits at all times and keep at 25 mph or less through the designated school zone. All drivers visiting the quarry must be provided with a printout advising them to obey these speed limits and use extra caution when driving through the school zone and the downtown area and advising them that the use of engine brakes is prohibited in these areas except in emergency situations.

57. **LU-1d**: The Applicant shall establish a toll-free telephone hotline which members of the public may use

to report any trucks or drivers that were observed exceeding the speed limits or driving unsafely. The Applicant shall investigate all reports, and shall take appropriate corrective and disciplinary action to prevent any further incidents. The Applicant shall provide a two-way radio or other communication device to the school crossing guards or school authorities so that they may directly contact the quarry or the scale house to report any incidents as they happen.

58. Prior to August 1 of each year, and on an ongoing basis for the life of the project, the Applicant shall provide an amount to the Atascadero Unified School District equivalent to the cost of paying a crossing guard to monitor a crosswalk of the School District's choice in Santa Margarita during peak school drop-off and pick up times. The actual amount to be provided is subject to the mutual agreement of the Applicant and the Atascadero Unified School District, and conditions shall be placed on the monies to ensure that it is used for this purpose and for no other purpose.

59. At any time within three (3) years of the start of commercial operations or sales at the quarry, the Community Service Area 23 Advisory Council may request (as indicated by a resolution adopted by a majority of that Council) that the Applicant install speed bumps, or other appropriate traffic calming measures, along I Street in Santa Margarita between Estrada and Wilhelmina, for the purpose of discouraging "cut through" passenger car traffic on that street. All such improvements are subject to approval by the Department of Public Works. In no event shall quarry-related traffic be permitted on H Street or I Street in Santa Margarita, unless it is for the purpose of making a delivery to an address on such streets.

OTHER AGENCY REVIEW

60. Prior to issuance of a grading permit, the Applicant shall provide the County with Agency letters or other verification acceptable to the County that the following agencies have reviewed, or been consulted regarding, the portion of project plans applicable to their respective jurisdictions, with any agency requirements shown on all applicable plans:

    a. California Department of Conservation, Office of Mine Reclamation
    b. CalRecycle
    c. Central Coast Regional Water Quality Control Board
    d. California Department of Fish & Wildlife
    e. Caltrans
    f. California Public Utilities Commission
    g. SLO APCD
    h. U.S. Army Corps of Engineers

EXHIBIT C - CEQA FINDINGS & OVERRIDING CONSIDERATIONS
Las Pilitas Resources Quarry, DRC2009-00025

I. PROJECT DESCRIPTION

The Proposed Project is the construction, operation, and reclamation of an aggregate quarry on approximately 41 acres, within a 234-acre property located at 6660 Calf Canyon Highway (SR 58). The Proposed Project site is approximately 3.3 miles northeast of the community of Santa Margarita, in San Luis Obispo County. The Project would produce a maximum of 500,000 tons of aggregate per year, a portion of which will be recycled asphalt and concrete. Products to be produced and sold include: rip rap, drain rock, landscape wall rock, decorative rock, decomposed granite for landscaping applications (trail pathways, patios, etc.), road base, non-expansive fill, sand, and gravel.

Commercial operations would take place between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, or approximately 250 days per year (non-commercial startup operations could commence at 6:00 a.m., but no crushing, earth-moving equipment, or truck loading is allowed until 7:00 a.m. for noise reasons). Following initial construction of an access road, scale house, and related facilities, mining would occur in six phases, with reclamation occurring of the immediately preceding phase as mining of each subsequent phase begins (called "concurrent reclamation"). Each mining phase would involve vegetation removal, overburden stripping and topsoil salvaging, blasting, shot rock extraction and transport, and material processing. Upon completion of mining in the sixth phase, final reclamation of that phase would occur, and the site would be returned to a natural-looking state suitable for open space. Details of each specific phase are provided in the Final EIR and the Reclamation Plan for the Project.

The Project would add approximately 12.5 million tons of aggregate to the market. The life of the Project would depend upon its annual production rates. If the Project operated at its maximum permitted capacity of 500,000 tons per year each year, the Project would last 25 years (plus approximately 2 years for final reclamation of the last phase). If the Project produced at the lower end of the market, approximately 200,000 tons per year, the Project would last approximately 58 years. Actual production and project life is likely to be somewhere in the middle. Any recycled material accepted by the Project must be processed and resold within 12 months, and would count towards the Project's annual maximum production of 500,000 tons.

II. THE RECORD

For the purposes of CEQA and the Findings IV - IX, the record of the Board of Supervisors relating to the application includes:

1. Documentary and oral evidence received or reviewed by the Board of Supervisors or the Planning Commission in preparation for and during public hearings on the Project.
2. The Las Pilitas Quarry Conditional Use Permit and Reclamation Plan Final EIR (November 2014).
3. The Las Pilitas Quarry Conditional Use Permit application and supporting materials.
4. The Las Pilitas Quarry Reclamation Plan application and supporting materials.

5. The Las Pilitas Quarry Conditional Use Permit and Reclamation Plan Staff Report prepared for the Board of Supervisors.
6. Documents of general knowledge or public accessibility referenced in the Final EIR for the Las Pilitas Quarry Conditional Use Permit and Reclamation Plan or in other reports or communications submitted in connection with the Project, including, without limitation:
    a. The County General Plan, including the land use maps and elements thereof;
    b. The text of the Land Use Element;
    c. The California Environmental Quality Act (CEQA) and the CEQA Guidelines;
    d. The County of San Luis Obispo Environmental Quality Act Guidelines;
    e. The San Luis Obispo County Land Use Ordinance (Title 22);
    f. The California Surface Mining and Reclamation Act (SMARA) and SMARA regulations;
    g. California Geological Survey Special Report 215 (2011);
    h. California Geological Survey Map Sheet 52 (2012);
    i. Other formally adopted County, State, and Federal statutes, regulations, ordinances, and policies.

The custodian of the record is the Clerk of the Board of Supervisors, located at 1055 Monterey Street, San Luis Obispo, California, 93408.

III. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The Board of Supervisors certifies the following the respect to the Las Pilitas Quarry Final EIR:

A. The Board of Supervisors has reviewed and considered the Las Pilitas Quarry Final EIR.

B. The Final EIR for the Las Pilitas Quarry has been completed in compliance with the California Environmental Quality Act.

C. The Final EIR, and all related public comments and responses have been presented to the Board of Supervisors, and they have reviewed and considered the information contained in the Final EIR and testimony presented at the public hearings prior to approving the Las Pilitas Quarry Project.

D. The Board of Supervisors recognizes that the Final EIR incorporates information obtained and produced after the Draft EIR was prepared, and that the Final EIR contains additions, clarifications, and modifications. The Board of Supervisors has considered all of this information and finds that the Final EIR does not add any significant new information to the Draft EIR that would require recirculation under CEQA, because the new information added to the Final EIR does not involve a new significant environmental Impact, a substantial increase in the severity of an environmental Impact, or a feasible mitigation measure, considerably different from other previously analyzed, which the Applicant declines to adopt, and which would clearly lessen the significant environmental Impacts of the Project. The Draft EIR was not inadequate or conclusory in nature such that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR.

E. Based on the above finding, the Board of Supervisors finds that the changes and modifications made to the Final EIR after the Draft EIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code section 21092.1 or CEQA Guidelines 15088.5, and that the Final EIR is appropriate for certification under CEQA.

F. The Las Pilitas Quarry Final EIR reflects the independent judgement of the Board of Supervisors, acting as the lead agency for the project.

IV. FINDINGS FOR IMPACTS IDENTIFIED AS INSIGNIFICANT (CLASS III)

A. Aesthetics and Visual Resources (Class III)

1. **Impact AES-2: Scenic Vista/Salinas River Trail**. Although the project will create graded slopes into natural hillsides in the general vicinity of the proposed Salinas River trail corridor, those views will be blocked by existing vegetation and intervening topography.
   a. Mitigation –Since this effect is less than significant, no mitigation is required.

B. Agricultural Resources (Class III)

1. **Impact AG-1: Loss of Agricultural Land**. The project involves the direct conversion of 1.2 acres of Metz loamy sand, 0–5 percent slope, which is currently used for grazing, and loss of access to an additional 0.9 acre. This is a relatively small area of Important Agricultural Soil and the current agricultural use is low density.
   a. Mitigation –Since this effect is less than significant, no mitigation is required.
2. **Impact AG-4: Cumulative Effects Related to Agricultural Resources.** The proposed project would result in a loss of approximately 2.1 acres of grazing land which is relatively small in size and is generally of low productivity.
   a. Mitigation – Since this effect is less than significant, no mitigation is required.

C. Air Quality (Class III)

1. **Impact AQ-1c: Emissions of Other Criteria Pollutants (CO and SO2)**. The project will result in emissions of carbon monoxide (CO) and small amounts of sulfur dioxide (SO2) which will not accumulate or cause exceedances of any AAQS.
   a. Mitigation –Since this effect is less than significant, no mitigation is required.
2. **Impact AQ-3: Creation of Objectionable Odors**. The project proposes to mine granitic rock and produce aggregate products for sale. The project will also accept and process "Type A" inert debris, consisting of Portland Cement Concrete and Asphaltic Concrete, to produce recycled material for use in roadway construction.
   a. Mitigation – Since this effect is less than significant, no mitigation is required.
3. **Impact AQ-4: Consistency with Clean Air Plan**. The project involves activities and generation of truck traffic that would be potentially inconsistent with the Clean Air Plan.
   a. **Mitigation** –Since this effect is less than significant, no mitigation is required.
4. **Impact AQ-5: Cumulative Effects Related to Air Quality**. The project, in combination with the Hanson Santa Margarita Quarry and other significant projects, involve activities and generation of truck traffic that would be potentially inconsistent with the Clean Air Plan.
   a. **Mitigation** – Since this effect is less than significant, no mitigation is required.

D. Biological Resources (Class III)

1. **Impact BIO-11: Effect on Wildlife Movement**. The Quarry project may potentially Impact landscape level movement of large mammals, migratory birds or other wildlife.
   a. Mitigation – Since this effect is less than significant, no mitigation is required.

2. **Impact BIO-12: Cumulative Effects Related to Biological Resources**. The loss of 40.29 acres of habitat from this project site may potentially constitute a cumulatively considerable biological Impact in this region, in the context of surrounding habitat in the region surrounding the project site.
   a. Mitigation – Since this effect is less than significant, no mitigation is required.

E. Cultural Resources (Class III)

A Phase I (surface) survey was conducted (Heritage Discoveries, Inc., April 16, 2009), which indicated that there was no evidence of cultural materials on the property within the project activity areas. No historic structures are present and no paleontological resources are known to exist in the area. Due to the steepness of the terrain affected by the proposed quarry, the likelihood of major cultural resources being present is very low.

F. Geology (Class III)

1. **Impact GEO-2: Exposure to Geologically Hazardous Conditions**. The proposed quarry site may potentially be affected by an Alquist-Priolo fault zone, expansive soils, or a 100-year floodplain.
   a. Mitigation – Since this effect is less than significant, no mitigation is required.

2. **Impact GEO-5: Policy Consistency and Effects on Future Mining**. The project design may potentially preclude future mining on other portions of the Oster property, and/or potentially not affect the potential for mining granitic rock on nearby properties.
   a. Mitigation – Since this effect is less than significant, no mitigation is required.

3. **Impact GEO-6: Cumulative Effects Related to Geology**. Some effects related to geology could be cumulative in nature. These effects include the loss of topsoil through erosion and the discharge of sediment into surface water courses. These effects may be associated with any proposed quarry, or with any other type of development or even with a change in agricultural activities. For these issues, permit requirements and existing statewide programs provide measures that serve to avoid or minimize the potential cumulative effects on a project-by-project basis.
   a. Mitigation – Since this effect is less than significant, no mitigation is required.

G. Greenhouse Gas Emissions (Class III)

1. **Impact GHG-1: Greenhouse Gas Generation.** The greenhouse gas emissions generated from the Quarry project may potentially exceed the Screening Threshold (10,000 MTCO2e/year) established for evaluating these emissions.
   a. Mitigation –Since this effect is less than significant, no mitigation is required.

2. **Impact GHG-2: Potential Greenhouse Gas Generation Plan Conflicts**. The Quarry project may potentially conflict with the applicable Greenhouse Gas Emission policies of the Open Space and Conservation Element of the County General Plan.
   a. Mitigation – Since this effect is less than significant, no mitigation is required.

3. **Impact GHG-3: Cumulative Effects Related to Greenhouse Gas Emissions**. The greenhouse gas emissions generated from the Quarry project may be significant, when combined with the emissions from the Hanson Quarry or other sources.
   a. Mitigation – Since this effect is less than significant, no mitigation is required.

H. Hazards and Hazardous Materials (Class III)

1. **Impact HAZ-3: Effect on Regional or Local Evacuation Plans**. The Project may potentially conflict with emergency response or regional or local evacuation plans. The project will have its own dedicated access drive from SR 58, which may potentially affect access to either of the two residences located elsewhere on the property, or any other residences in the vicinity.
   a. Mitigation –Since this effect is less than significant, no mitigation is required.
2. **Impact HAZ-4: Airport Flight Patterns**. The proposed quarry may potentially involve activities that would interfere with aircraft operations in the vicinity. For these reasons, the proposed project could potentially expose people to a safety risk associated with airport flight patterns.
   a. Mitigation – Since this effect is less than significant, no mitigation is required.
3. **Impact HAZ-8: Cumulative Effects Related to Hazards and Hazardous Materials**. All present and future granite quarries which transports, manages, and handles explosive and hazardous materials may cause potential Impacts related to hazards. All quarries and major construction projects have potential to contribute to Valley Fever, through removal of vegetation and topsoil during grading.
   a. Mitigation – Since this effect is less than significant, no mitigation is required.

I. Land Use (Class III) - There are no Land Use Class III Impacts

J. Noise (Class III)

1. **Impact NOISE-3b: Blasting Ground Vibration**. The project will involve blasting and heavy equipment operation that may potentially induce vibration at nearby residences. Estimated peak particle velocities of 0.2–0.3 inch per second are considered very low are not expected to cause damage to normal structures.
   a. Mitigation –Since this effect is less than significant, no mitigation is required.
2. **Impact NOISE-4: Cumulative Effects Related to Operational Noise**. Operational noise from the project, when added to existing operational noise from the Hanson Santa Margarita Quarry, may cause a significant Impact.
   a. Mitigation – Since this effect is less than significant, no mitigation is required.

K. Population and Housing (Class III)

Existing structures on the larger property that includes the proposed quarry site include a barn, storage shed, shop/garage, a trailer and two single residential structures, all located towards the southern boundary of the site off of SR 58. These structures are limited in number, and support the existing residences and ranch uses located there. The project will not induce growth in the area (as described further in Section 7.1 of this EIR).

L. Public Services and Utilities (Class III)

1. **Impact PS-2: Demand for Public Services**. The project will contribute a small increment to demand for other public services, which can be provided by the appropriate public service providers (police, schools, roads, and solid waste).

a. **Mitigation** –Since this effect is less than significant, no mitigation is required.

2. **Impact PS-3: Cumulative Effects Related to Public Services and Utilities**. This project, along with others in the area, will have a cumulative effect on road facilities as well as police and fire protection, and will not affect schools.
   a. **Mitigation** –Since this effect is less than significant, no mitigation is required.

M. Recreation (Class III)

1. **Impact REC-1: Increase Use or Demand for Recreational Facilities**. The project may potentially increase population and/or provide new housing, and it may potentially increase the demand for recreational facilities.
   a. **Mitigation** – Since this effect is less than significant, no mitigation is required.

2. **Impact REC-3: Cumulative Effects Related to Recreation**. All present and future granite quarries may potentially increase population and/or provide new housing, and they may potentially increase the demand for recreational facilities.
   a. **Mitigation** –Since this effect is less than significant, no mitigation is required.

N. Transportation and Circulation (Class III)

1. **Impact TRAFFIC-1b: Traffic Volume Increases – Level of Service**. The project will cause small increases in the traffic delay at intersections in the project vicinity, and on the traffic density on US Highway 101 and the SR 58 freeway ramps. In all cases, these changes will not alter the existing Level of Service (LOS) and in all cases the existing LOS is within applicable standards.
   a. **Mitigation** – Since this effect is less than significant, no mitigation is required.

2. **Impact TRAFFIC-2a: Elementary School Crossing**. Project generated heavy truck traffic may impair visibility of roadway traffic from the Santa Margarita Elementary school crossing on Estrada Avenue at H Street. Since the crossing design and improvements on this state highway are consistent with applicable standards, this effect is a less than significant Impact.
   a. **Mitigation** – Since this effect is less than significant, no mitigation is required. **NOTE**: Applicant Proposed Measure APM LU-1A addresses this item as a land use compatibility issue.

O. Wastewater (Class III)

1. **Impact WW-2: Cumulative Effects Related to Wastewater**. The project, in conjunction with future development in the area, may potentially contribute to a small increment of demand for wastewater treatment services.
   a. **Mitigation** – Since this effect is less than significant, no mitigation is required.

P. Water Quality and Supply (Class III)

1. **Impact WQ-3: Increased Use of Surface Water**. The project will increase total water use on the property from approximately 2 afy to 7 afy. This amount may potentially require an increase in the use of surface water.
   a. **Mitigation** –Since this effect is less than significant, no mitigation is required.

2. **Impact WQ-4: Effect on Community Water Service Provider**. This project could potentially affect a nearby water service provider such as CSA 23 in Santa Margarita.
   a. **Mitigation** –Since this effect is less than significant, no mitigation is required.

3. **Impact WQ-5: Cumulative Effects Related to Water Quality and Supply**. The project, in conjunction with the nearby Hanson Santa Margarita Quarry and other uses, will continue the use of surface and shallow subsurface water from the Salinas River. This water use could potentially and adversely affect upstream users or contribute to any short-term declines in water levels along Parkhill Road, due to its location.
   a. **Mitigation** – Since this effect is less than significant, no mitigation is required.

V. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT BUT MITIGABLE (CLASS II)

A. Aesthetics And Visual Resources (Class II)

1. **Impact AES-3: Nighttime Glare**. The Project will create a new source of nighttime lighting in the vicinity, which may generate glare visible to residence on properties to the south or southwest.
   a. **Mitigation** –
      MM AES-3: Lighting Plan. Prior to the issuance of a building permit for the project scale house, the applicant/quarry operator shall provide a plan or specifications for all lighting (including security lighting) that complies with the County Land Use Ordinance for approval by the County Planning and Building Department. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from SR 58.
   b. **Findings** – Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.
   c. **Supporting Evidence** – Please refer to pages 4.1-12 to 4.1-13 of the FEIR.

B. Agricultural Resources (Class II)

1. **Impact AG-2: Introduction of Invasive Species**. Ground disturbance and regular movement of vehicles into and out of the property, and revegetation efforts during reclamation, will increase the potential for an introduction of invasive weed species. These weed species may impair the agricultural use of other properties near the project.
   a. **Mitigation** –
      MM AG-2: Introduction of Invasive Species. Prior to the issuance of the Notice to Proceed, the applicant shall incorporate a Weed Control Program into the Operational Plan and Reclamation Plan for County review and approval. The Weed Control Plan shall include methods, success criteria and a monitoring and reporting program to the satisfaction of the County.
   b. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.
   c. **Supporting Evidence** – Please refer to page 4.2-11 of the FEIR.

2. **Impact AG-3: Dust Generation**. Dust will be generated during the quarry development and use which could adversely affect agricultural resources.
   a. **Mitigation** –

MM AG-3: Dust Generation. Mitigation Measure AQ-1b serves as adequate mitigation for Impact AG-3.

b. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supporting Evidence** –Please refer to page 4.2-11 of the FEIR.

C. Air Quality (Class II)

1. **Impact AQ-1a: Emissions of ROG+NOX**. Operations at the quarry at the planned production rate of 500,000 tons per year would generate combined emissions of Reactive Organic Gases (ROG) and nitrogen oxides (NOX) in excess of the daily and annual SLOAPCD thresholds defining a significant Impact for these ozone precursors.

   a. **Mitigation** –
   MM AQ-1a: Emissions of ROG+NOX. Prior to issuance of a Notice to Proceed for the first phase of the quarry operation, the applicant or quarry operator shall provide evidence to the Department of Planning and Building that an acceptable set of measures to reduce ROG+NOX emissions has been approved by the SLOAPCD. The Quarry operator shall comply with the following on-site requirements for this project to minimize ROG+NOX emissions, or achieve equivalent reductions through measures approved by the SLOAPCD:

      1) Blasting shall not be conducted on days when portable aggregate processing equipment is in operation.
      2) On and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and/or job sites to remind drivers and operators of the 5 minute idling limit.
      3) If not required by other regulations (CARB on-road or off-road diesel requirements), transport operations conducted by the quarry operator shall be restricted to trucks with 2007 model year engines or newer trucks.
      4) Use Best Available Control Technology (BACT) measures for construction activities as follows:
         i. Further reducing emissions by expanding use of Tier 3 and Tier 4 off-road and 2010 on-road compliant engines;
         ii. Repowering equipment with the cleanest engines available; and
         iii. Installing California Verified Diesel Emission Control Strategies. These strategies are listed at: http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm.
      5) Prior to issuance of a Notice to Proceed for the first phase of the quarry operation, the applicant or quarry operator shall prepurchase off-site ROG + NOx mitigation from the SLOCAPCD, as outlined in the approved Activity Management Plan (AMP) and based on the then-in-place pricing under the Carl Moyer Grant Program. Thereafter, the project operator shall report to the SLOCAPCD as stated in the approved AMP. If applicant determines on-road diesel truck engine model years are not available and/or cannot be verified, applicant agrees to use the San Luis Obispo County on-road diesel truck fleet average emission factor and a total count of truck trips. SLOCAPCD shall then utilize this information to invoice the project operator in accordance with its off-site mitigation program any emissions deemed to exceed APCD thresholds during the reporting period. Copies of all reports, invoices, and payments under this program shall be provided to the Department of Planning and Building for verification and audit.
      6) The Activity Management Plan (AMP) shall include, but not be limited to the

following elements:

i. General project phase schedule and a description of activities and all project generated emissions, including vehicle haul trips, blasting, recycling, off-road vehicle activity and diesel equipment.
ii. Description of mitigation measures, including all equipment emission reduction measures.
iii. A timeline for submittal of quarterly reports.
iv. A section describing contents of quarterly reports. Include a description of the tracking mechanism to ensure the truck engine model year is as stated in the AMP. Describe the use of the weigh scale software in tracking vehicle trips. Include the contact person(s) responsible for monitoring. Provide phone, email and mailing address of responsible contact person.

7) The quarterly reports shall include, but not be limited to the following elements:
   i. Tabulation of on and off-road equipment used during the reporting period (age/model year, horsepower, engine tier, miles and/or hours of operation).
   ii. Tabulation of on-road truck trips and hours of use for off-road equipment, blasting activity.

b. Findings- Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supporting Evidence- Please refer to pages 4.3-1 to 4.3-26 of the FEIR.

2. **Impact AQ-1b: Emissions of PM10 Fugitive Dust.** Operations at the quarry at a production rate of 500,000 tons per year would generate emissions of PM10 fugitive dust in excess of the daily SLOAPCD thresholds defining a significant Impact for this criteria pollutant. The fugitive dust emissions would not exceed the annual threshold.

a. Mitigation –

MM AQ-1b: Emissions of PM10 Fugitive Dust. In addition to compliance with MM AQ-1a, the Quarry operator shall comply with the following on-site requirements for this project to minimize PM10 fugitive dust emissions:

1) Reduce the amount of disturbed area where possible, by retaining the natural vegetation and soil within each quarry phase until that phase is ready to start.
2) Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
3) All soil or product stockpile areas should be sprayed daily as needed, or be covered or treated to minimize windblown dust.
4) The project access drive should be completed and paved prior to the start of quarry operations and the operation of heavy trucks on the property for aggregate sales purposes.
5) Locations for stockpiles and material storage areas, along with specifications for dust control measures, shall be shown on all applicable construction and mining plans.
6) The quarry operator shall designate a person to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and phone

number of such person shall be provided to the SLOAPCD prior to issuance of Notice to Proceed or other permit to initiate work on the project.

7) Reclamation and revegetation of all disturbed areas shall occur as soon as practicable in a phased manner consistent with the project plans. Watering or other treatments shall be used on replaced soil material to control windblown dust until vegetation is established.
8) All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD.
9) Vehicle speed for all quarry vehicles and trucks on unpaved portions of the operations area shall not exceed 15 mph.
10) All trucks hauling dirt, sand, soil, or other loose materials are to be covered, fitted with appropriate seals and splash guards, and must be operated in conformance with California Vehicle Code 23114 related to hauling materials.
11) Sweep streets at the end of each day if visible soil material is carried onto the project access road. Water sweepers with reclaimed water should be used where feasible.
12) Prior to commencement of any construction activities (e.g., site preparation, grading or construction activities) the applicant will notify the County Department of Planning and Building and the SLOAPCD, by letter, of the status of the air quality measures outlined above. The letter will state the following:
    i. The controls that will be implemented;
    ii. The reasons why any unimplemented measures are considered infeasible and the measures incorporated to substitute for these measures; and
    iii. When scheduled construction activities will be initiated to allow for SLOAPCD inspection of the mitigation measures.
13) At all times during construction and operation of the quarry, the operator shall prevent visible emissions in excess of the limits prescribed in SLOAPCD Rule 401 and avoid causing any nuisance as prohibited in Rule 402.

b. Findings- Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supporting Evidence- Please refer to pages 4.3-26 to 4.3-30 of the FEIR.

3. **Impact AQ-2a: Emissions of DPM.** The project operations will emit diesel particulate matter (DPM) above the daily SLOAPCD threshold. Modeling of the long term carcinogenic effects of DPM, and other carcinogens that may be released in small amounts, indicate that the unmitigated increase in potential cancer risk may be higher than the SLOAPCD health risk threshold.
   a. Mitigation –
   MM AQ-2a: Emissions of DPM. Mitigation Measure AQ-1a serves as adequate mitigation for Impact AQ-2a.
   b. Findings- Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.
   c. Supporting Evidence- Please refer to pages 4.3-31 to 4.3-34 of the FEIR.

4. **Impact AQ-2b: Naturally Occurring Asbestos**. The project will involve grading and soil removal and quarrying of the underlying rock. If Naturally Occurring Asbestos (NOA) were present, it could be disturbed and emitted into the air where it could expose workers or nearby residents to this toxic air contaminant.
   a. Mitigation –

MM AQ-2b: Naturally Occurring Asbestos. Prior to the issuance of the Notice to Proceed or related permit to start construction on the project, the quarry operator shall submit evidence to the Department of Planning and Building, that either an exemption has been granted by the SLOAPCD, or the provisions of the CARB Air Toxic Control Measure related to NOA have been implemented.

b. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.
c. **Supporting Evidence-** Please refer to pages 4.3-34 to 4.3-35 of the FEIR.

D. Biological Resources (Class II)

1. **Impact BIO-1: Effect on Rare Plants.** The quarry project, through construction and/or ongoing quarry operations, will result in the loss of populations of seven plant species considered sensitive by the CNPS or of concern to San Luis Obispo County. This loss is considered a potential significant Impact.
   a. **Mitigation** –
   MM BIO-1: Effect on Rare Plants. Prior to issuance of the Notice to Proceed for the quarry project, the applicant/quarry operator shall identify and permanently preserve 69 acres of habitat land on-site, consistent with the areas shown in Figure 4.5-1. To ensure this preservation, the applicant shall record an open space easement that protects the habitat in perpetuity. The open space easement shall be controlled by a qualified conservation organization approved by the County. Potential conservation organizations include but are not limited to: The Nature Conservancy, San Luis Obispo Land Conservancy, or Greenspace.
   b. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.
   c. **Supporting Evidence-** Please refer to pages 4.5-1 to 4.5-34 of the FEIR.

2. **Impact BIO-2: Effect on Wildlife Species.** Habitat for several animals considered Species of Special Concern by the California Department of Fish and Wildlife, and Birds of Conservation Concern by the U.S. Fish and Wildlife Service will be directly removed or affected by the quarry project.
   a. **Mitigation** –
   MM BIO-2: Effect on Wildlife Species. Mitigation BIO-1 serves as adequate mitigation for Impact BIO-2.
   b. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.
   c. **Supporting Evidence-** Please refer to pages 4.5-34 to 4.5-35 of the FEIR.

3. **Impact BIO-3: Effect on Ringtail Cat.** The quarry project, through construction and/or ongoing quarry operations, may adversely Impact the ringtail cat, which is a California Fully Protected Species. Specifically, vegetation clearing during the ringtail cat breeding season (March 1 through June 30) has the potential to result in the mortality of ringtail cats, which would be a significant Impact.
   a. **Mitigation** –
   MM BIO-2: Effect on Ringtail Cat. If vegetation clearing will occur during the ringtail cat breeding season (March 1 through June 30), a qualified biologist will conduct focused searches for potential dens within areas that are proposed for clearing and grading. Any active dens will be protected with a suitable buffer

based on location, and types of activity with the area as determined by the qualified biologist. Once the young have left the den or the breeding attempt has failed, as determined by a qualified biologist, normal vegetation clearing actives may resume.

b. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.
c. **Supporting Evidence-** Please refer to page 4.5-35 of the FEIR.

4. **Impact BIO-4: Effect on Birds.** The quarry project, through construction and/or ongoing quarry operations, may adversely Impact native birds and their active nests, which are protected under the Migratory Bird Treaty Act (MBTA), administered by the US Fish and Wildlife Service. Specifically, vegetation clearing during the bird breeding season (March 1 through June 30) has the potential to result in the mortality of eggs or nestlings of native birds.
   a. **Mitigation** –
   MM BIO-4: Effect on Birds. If vegetation clearing will occur during the bird breeding season (March 1 through June 30), a qualified biologist will conduct focused searches for nesting birds of the affected areas and adjacent areas within 200 feet of the affected areas, or to the property boundary if less than 200 feet and permission from the adjacent landowner cannot be obtained. All active native bird nests will be protected with a suitable buffer based on the species of bird, nest location, and types of activity with the area as determined by the qualified biologist. Once the young have fledged or the nest has failed, as determined by a qualified biologist, the nest will be removed and normal actives may resume.
   b. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.
   c. **Supporting Evidence-** Please refer to page 4.5-36 of the FEIR.

5. **Impact BIO-5: Effect on Bats.** The quarry project, through construction and/or ongoing quarry operations, may adversely Impact the Pallid bat and its roost, or one of three other species all of which are California Species of Special Concern. Removal of trees or rocks with crevices or pockets where bats are roosting would be considered a significant Impact on these species.
   a. **Mitigation** –
   MM BIO-5: Effect on Bats. Prior to issuance of a notice to proceed with each phase of the quarry, the quarry operator shall retain a qualified biologist to conduct a survey for bats that may be roosting in trees, rock crevices or other locations. If bat roosts are identified within the quarry during active operations, a qualified biologist will work to displace the bats using passive techniques. If quarry operations are stopped for greater than 30 days, a qualified biologist will survey the quarry for bat roosts prior to restarting quarry operations. After three nights of relocation efforts or after the qualified biologist has determined that the area is clear of bats, quarry operations may resume.
   b. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.
   c. **Supporting Evidence-** Please refer to pages 4.5-36 to 4.5-37 of the FEIR.

6. **Impact BIO-6: Effect on California Red Legged Frog (CRLF).** The project, through grading into the main drainage in Phase 2 of the quarry could Impact creek or pond habitat used by CRLF – a species listed as threatened by the U.S. Fish and Wildlife Service and as a Species of Special Concern by the California Department of Fish and Wildlife. Any Impacts to CRLF would be considered significant.
   a. **Mitigation** –
      MM BIO-6: Effect on California Red Legged Frog (CRLF). Prior to authorization to proceed with Phase 2 of the quarry, or any preparatory work that would Impact the main drainage located in the Phase 2 area, the quarry operator shall retain a qualified biologist to conduct a habitat assessment and/or protocol survey for CRLF in accordance with guidance published by the U.S. Fish and Wildlife Service current at the time. If CRLF is determined to be present, the quarry operator shall either modify the project design and implementation to avoid any take of the species, or obtain the appropriate permit or authorization from USFWS to allow any specified take of the species. Evidence of compliance with USFWS requirements shall be provided to the Department of Planning and Building prior to the issuance of a Notice to Proceed for Phase 2A of the quarry, or related clearing and grading work.
   b. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.
   c. **Supporting Evidence-** Please refer to pages 4.5-37 to 4.5-38 of the FEIR.

7. **Impact BIO-7: Effect on Oak Trees.** The Quarry project will have a potentially significant Impact by the direct removal of 44 mature (i.e., greater than five inches in diameter at breast height) oak trees.
   a. **Mitigation** –
      MM BIO-7: Effect on Oak Trees. Mitigation BIO-1 serves as adequate mitigation for Impact BIO-7, since the areas to be preserved in open space include approximately 200 mature oak trees in their associated habitats.
   b. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.
   c. **Supporting Evidence-** Please refer to page 4.5-38 of the FEIR.

8. **Impact BIO-8: Effect of Dust on Plants**. The proposed quarry will generate dust which could Impact the health and vigor of native vegetation.
   a. **Mitigation** –
      MM BIO-8: Effect of Dust on Plants. Mitigation BIO-1 serves as adequate mitigation for Impact BIO-8.
   b. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.
   c. **Supporting Evidence-** Please refer to pages 4.5-38 to 4.5-39 of the FEIR.

9. **Impact BIO-9: Effects on Vegetation and Habitat**. The quarry project will result in a loss of 2.35 acres of sensitive habitat, within a total disturbance area of 40.29 acres. This habitat loss is considered a potential significant Impact.
   a. **Mitigation** –
      MM BIO-9: Effects on Vegetation and Habitat. Mitigation BIO-1 serves as adequate mitigation for Impact BIO-9. The area preserved as open space in Mitigation BIO-1 would include 9.66 acres of sensitive habitats within a total of

68.82 acres of permanent open space.

b. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supporting Evidence-** Please refer to pages 4.5-39 and 4.5-40 of the FEIR.

10. **Impact BIO-10: Effect on Wetland or Riparian Habitat**. The Quarry project will adversely Impact (remove) approximately 0.25 acre of Seasonally Flooded Vernal Swale, which may be wetland or riparian habitat.

a. **Mitigation –**
MM BIO-10: Effect on Wetland or Riparian Habitat. The project design includes preservation of approximately 0.45 acre of the drainage in question, plus the creation of a 0.75 acre detention basin adjacent to the preserved portion of the drainage, and other detention basins within the quarry site. Prior to County issuance of a Notice to Proceed to commence quarry activities, the quarry operator shall provide a copy of an approved California Department of Fish and Game Streambed Alteration Agreement or a written determination that such an agreement is not necessary.

b. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supporting Evidence-** Please refer to pages 4.5-40 to 4.5-41 of the FEIR.

E. **Cultural Resources (Class II)** - There are no Cultural Resources Class II Impacts.

F. **Geology (Class II)**

1. **Impact GEO-1: Potential Slope Instability.** The project may create unstable slopes if fracture patterns or other discontinuities in the underlying granitic rock are of a type and orientation that would adversely affect the designed slopes.

a. **Mitigation –**
MM GEO-1: Potential Slope Instability. The applicant/quarry operator shall supplement the Engineering Geology Investigation prepared by Geosolutions (2009) to address potential fractures or other discontinuities and their effect on final slope stability. If warranted by the supplemental investigation, the applicant shall also submit a revised quarry design, Reclamation Plan and slope stability analysis consistent with requirements of the Surface Mine and Reclamation Act. Any changes shall be reflected in the final Mining Plan, prior to Notice to Proceed.

d. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.

b. **Supporting Evidence-** Please refer to pages 4.6-5 to 4.6-6 of the FEIR.

2. **Impact GEO-3: Soil Erosion and Loss of Topsoil**. The project will create graded slopes into natural hillsides and remove natural vegetation and topsoil, which may increase soil erosion and sediment transport.

a. **Mitigation –**
MM GEO-3: Soil Erosion and Loss of Topsoil. Vegetation and topsoil removed from the areas to be quarried shall be managed as described in the Reclamation Plan, as approved by the County. (Additional measures to minimize erosion and

protect surface water form sediment discharge are described in Conditions of Approval WQ-1a and 1b).

e. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.

b. **Supporting Evidence-** Please refer to page 4.6-6 of the FEIR.

3. **Impact GEO-4: Changes in Surface Runoff and Drainage Patterns**. The project will grade and quarry an area of approximately 41 acres, draining towards Moreno Creek (entrance road and Phases 1A and 1B), and in the northern unnamed creek drainage towards the Salinas River. Substantial and adverse on- or off-site erosion effects may occur.

   a. **Mitigation** –
   MM GEO-4: Changes in Surface Runoff and Drainage Patterns. The detention basins and other drainage control features depicted in the project plans (Sheets 12 and 13 in plans dated September 9, 2009, or equivalent sheets in final plans) shall be installed as early as practicable in their associated construction phases, and shall be maintained throughout the life of the quarry operation. (Additional measures to minimize erosion and protect surface water form sediment discharge are described in Conditions of Approval WQ-1a and WQ-1b).

   b. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.

   c. **Supporting Evidence-** Please refer to pages 4.6-6 to 4.6-7 of the FEIR.

G. **Greenhouse Gas Emissions (Class II)** -No Cultural Resources Class II Impacts.

H. **Hazards and Hazardous Materials (Class II)**

1. **Impact HAZ-1a: Risk of Explosion or Release of Explosive Material - Transportation.** The Project could create a hazard to the public or the environment through inadvertent explosion during the transportation of explosives.

   a. **Mitigation** –
   MM HAZ-1a: Risk of Explosion or Release of Explosive Material – Transportation. In accordance with the Blast Plan and as required by federal, state and local regulations, the Blaster and/or explosive delivery company must show evidence of compliance with the following requirements:
      a. Copy of drivers current CDL with HAZMAT endorsement,
      b. Current USDOT HAZMAT Certification of Registration,
      c. Maintain a current California HAZMAT Transportation License,
      d. Current enrollment in a drug screening program according to USDOT CFR Title 49 regulations, and
      e. Maintain a general liability insurance policy for explosive transportation for not less than $5,000,000.

   b. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.

   c. **Supporting Evidence-** Please refer to pages 4.7-10 to 4.7-11 of the FEIR.

2. **Impact HAZ-1b: Risk of Explosion or Release of Explosive Material – Use On-site**. The Project would create a hazard to workers, public or the environment as a result of accidental explosions of blasting material at the site.
   a. **Mitigation** –
      MM HAZ-1b: Risk of Explosion or Release of Explosive Material – Use On-site. The management, handling and storage of explosive materials shall be conducted in accordance with the Blast Plan (Gasch & Associates, December 2009) and with adherence to the federal, state and local regulations. To avoid potential damage to the State Water Project Pipeline, part of the California Aqueduct, the specific requirements of the California Department of Water Resources shall be incorporated into the Blast Plan. These requirements are specified in a letter from the Department, dated June 6, 2013 and submitted to the County of San Luis Obispo as a response to the Draft EIR for the project. The Blaster shall have a current, valid California "Blaster's License" issued by CalOSHA. No on-site storage of explosive materials is allowed.
   b. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.
   c. **Supporting Evidence-** Please refer to pages 4.7-10 to 4.7-11 of the FEIR.
3. **Impact HAZ-2: Release of Hazardous Materials or Wastes**. The Project could release hazardous materials or hazardous wastes stored on-site, or brought to the site in loads of material to be recycled.
   a. **Mitigation** –
      MM HAZ-2: Release of Hazardous Materials or Wastes. Prior to issuance of a Notice to Proceed for the quarry project, the applicant/quarry operator shall provide the Planning and Building Department with documentation that the County Environmental Health Division has reviewed and approved any required registration or plan documents related to the use of hazardous materials and/or generation of hazardous wastes. The management, handling, storage and disposal of hazardous materials and waste shall comply with the applicable federal, state and local hazardous materials and waste regulations. These regulations may include the following requirements:

      a. Potentially hazardous materials and waste shall be stored in a manner to minimize a release (e.g., secondary containment).
      b. A Training Program that addresses the federal, state and local regulatory requirements shall be prepared and implemented.
      c. A Contingency and Spill Response Plan shall be prepared and implemented. The response plan will include a requirement that spill kits be kept on-site at all times. The spill kits should be easily accessible and properly maintained to control and contain the amount and type of spill that potentially may occur based on an inventory of hazardous materials that will be stored on-site.
      d. A Business Plan which includes a hazardous materials/waste inventory, quantities and location of hazardous materials/waste and copies of the Training and Contingency Plans shall be prepared and provided to the Certified Unified Program Agency, if hazardous materials are stored above threshold quantities.
      e. Routine inspections of the equipment and storage areas shall be conducted.
      f. Hazardous waste shall be transferred off-site by a licensed transporter to a permitted hazardous waste disposal facility.

g. Servicing and fueling activities shall take place only in designated fueling areas.
h. Sediment runoff shall be managed under the SWPPP.
i. Spills of fluid hazardous materials shall be reported immediately to the site supervisor and Environmental Health Division.
j. Inspection and emergency response records shall be maintained and made available to regulatory agencies upon request.
k. Any storage of materials shall be consistent with the County's and Use Ordinance Section 22.10.155 – Stormwater Management.

b. Findings- Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supporting Evidence- Please refer to pages 4.7-11 to 4.7-13 of the FEIR.

4. **Impact HAZ-5: Fire Hazard Risk**. The project will involve blasting and the use of heavy equipment in the vicinity of natural vegetation in an area within a very high fire hazard severity zone.

a. Mitigation –
MM HAZ-5: Fire Hazard Risk. Prior to issuance of Notice to Proceed or issuance of a construction permit for the project, whichever occurs first, the applicant/quarry operator shall apply for and obtain CalFire approval of a Fire Safety Plan for the project. The applicant/quarry operator shall comply with provisions of the Fire Safety Plan and other requirements from CalFire. The applicant/quarry operator shall comply with the current California Fire Code (24 CCR Part 9), California Building Code, Public Resources Code and any other applicable fire laws, as outlined in the "Commercial Fire Plan Review" letter from CAL FIRE/San Luis Obispo County Fire Department, dated July 9, 2010.

b. Findings- Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supporting Evidence- Please refer to pages 4.7-14 to 4.7-15 of the FEIR.

5. **Impact HAZ-6: Slopes and Other Quarry Hazards**. Unstable, steep slopes may be created during the mining process. Workers will be exposed to risks from heavy equipment, blasting, steep slopes, truck operations, and other activities associated with mining operations.

a. Mitigation –
MM HAZ-6: Slopes and Other Quarry Hazards. Throughout the quarry lifetime, the operator shall comply with all applicable worker protection measures addressed by CalOSHA regulations.

See Conditions of Approval GEO-1 (related to quarry slope and bench stability).
See Conditions of Approval NOISE-3 (includes public notification and warnings for blast events).

b. Findings- Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supporting Evidence- Please refer to pages 4.7-15 to 4.7-16 of the FEIR.

6. **Impact HAZ-7: Potential Exposure to Valley Fever**. The project will grade, remove, and stockpile topsoil, which may expose workers to fungal spores that cause Valley Fever and contribute to the off-site transport of soil and spores.

a. Mitigation –

MM HAZ-7a: Potential Exposure to Valley Fever/Dust Control. Mitigation measure AQ-1b (control of PM10 and fugitive dust) will provide adequate control of dust within the project site.

MM HAZ-7b: Exposure to Valley Fever/Worker Safety. The Quarry operator shall incorporate applicable recommendations from the Public Health Department regarding recognition and control of Valley Fever in safety plans and worker training material. The content of this training material shall require approval by the Planning and Building Department prior to issuance of the grading permit for construction or the Notice to Proceed (whichever occurs first), and this information shall be maintained with operational and safety plans on-site.

b. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.
c. **Supporting Evidence-** Please refer to pages 4.7-16 to 4.7-17 of the FEIR.

I. **Land Use (Class II)** - There are no Land Use Class II Impacts.

J. **Noise (Class II)** - There are no Noise Class II Impacts.

K. **Population And Housing (Class II)** - No Population and Housing Class II Impacts.

L. **Public Services And Utilities (Class II)**

1. **Impact PS-1: Increase in Fire Hazards**. The project will contribute to an increase in fire hazards by introducing sources of ignition including: blasting and construction equipment, into a high fire hazard severity zone.
   a. **Mitigation –**
   MM PS-1: Increase in Fire Hazards. Mitigation HAZ-5 serves as adequate mitigation for Impact PS-1.
   b. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.
   c. **Supporting Evidence-** Please refer to page 4.9.2 of the FEIR.

M. **Recreation (Class II)**

1. **Impact REC-2a: Access to Future Salinas River Trail.** Future agricultural uses, as allowed by the Rural Lands category, may pose a conflict with the development of the future Salinas River Trail and/or may be incompatible with the recreational uses along this future trail.
   a. **Mitigation –**
   MM REC-2a: Access to Future Salinas River Trail. Prior to issuance of a Notice to Proceed, the property owner shall offer a future trail easement for dedication to the County, along the Salinas River Trail corridor, subject to conditions and County policies to coordinate trail development and to protect public safety and property owner rights. The offer of dedication shall be a minimum of 25 feet in width and be located adjacent to the Salinas River (outside of the creek corridor). The final location of the offer of dedication shall be determined in consultation with the Parks Department.

b. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.
c. **Supporting Evidence-** Please refer to pages 4.10-4 to 4.10-6 of the FEIR.

2. **Impact REC-2b: Conflict with Bicyclists along SR 58**. Heavy vehicle traffic associated with the proposed project may conflict with bicyclists traveling along SR 58.
   a. **Mitigation** –
   MM REC-2b: Conflict with Bicyclists along SR 58. Mitigation Measure TRAFFIC-4b serves as adequate mitigation for Impact REC-2b.
   b. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.
   c. **Supporting Evidence-** Please refer to pages 4.10-6 to 4.10-7 of the FEIR.

N. **Transportation and Circulation (Class II)**

1. **Impact TRAFFIC-1a: Increase Traffic at El Camino Real/SR 58 and Estrada Avenue**. The project will contribute additional traffic to this intersection adjacent to the UPRR rail crossing, where a potential need for signalization already exists. Potentially unsafe traffic conditions may be created at this location.
   a. **Mitigation** –
   MM TRAFFIC-1a: Increase Traffic at El Camino Real/SR 58 and Estrada Avenue. Prior to the issuance of a Notice to Proceed, the applicant/quarry operator shall provide payment or a suitable financial guarantee to fund a portion of the cost of signalization and related intersection improvements at Estrada Avenue SR 58 and El Camino Real. The amount is to be determined by the County Department of Public Works based on the proportion of total peak hour traffic through the intersection that is assignable to this project, using methods consistent with Caltrans guidelines. The timing for this requirement may be extended by the County into a later phase of the quarry project in the event Caltrans and the Department of Public Works determine that postponement of signalization of this intersection is appropriate. Any signal or other improvements at this intersection must meet Caltrans signal warrants and design standards.
   b. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.
   c. **Supporting Evidence-** Please refer to pages 4.11-18 to 4.11-24 of the FEIR.

2. **Impact TRAFFIC-2b: Pedestrian Crossing at Encina Avenue**. The project will increase traffic, and contribute towards pedestrian safety conflicts, at this crossing of El Camino Real in downtown Santa Margarita.
   a. **Mitigation** –
   MM TRAFFIC-2b: Pedestrian Crossing at Encina Avenue. Prior to issuance of a Notice to Proceed with quarry operations, the applicant/quarry operator shall construct a pedestrian refuge island on SR 58 at the intersection of Encina Avenue, or related pedestrian safety improvement consistent with the Santa Margarita Design Plan, as approved by the County Department of Public Works and Caltrans. This improvement will require a Caltrans encroachment permit and compliance with applicable Caltrans design standards.

b. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.
c. **Supporting Evidence-** Please refer to pages 4.10-24 to 4.10-27 of the FEIR.

3. **Impact TRAFFIC-3a: Access**. The proposed access drive will require construction within the SR 58 right-of-way causing temporary disruption of highway traffic, and long term adverse effects on traffic using the state highway.
   a. **Mitigation –**
   MM TRAFFIC-3a: Access. Prior to the issuance of any construction permit by the County for the project access road, the applicant/quarry operator shall obtain an Encroachment Permit from Caltrans, and shall incorporate any conditions from Caltrans related to traffic controls or construction of the access road into its design, including a left turn lane from SR58 at the project entrance. These conditions may include sight distance and other design features consistent with the Highway Design Manual, and compliance with subsequent Caltrans environmental review, if necessary, and other Encroachment Permit procedures.
   b. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.
   c. **Supporting Evidence-** Please refer to pages 4.10-27 to 4.10-29 of the FEIR.

4. **Impact TRAFFIC-3b: Internal Traffic and Parking**. Early morning parking by trucks waiting for the quarry to open could disturb and adversely affect residential areas.
   a. **Mitigation –**
   MM TRAFFIC-3b: Internal Traffic and Parking. The applicant/quarry operator shall designate and publicize to customers and haulers, off-site limits within which trucks should not operate or park while awaiting for the quarry gates to open in the morning. Prior to issuance of the Notice to Proceed for any off-site sale and transport of aggregate material, the applicant/quarry operator shall provide the Department of Planning and Building with documentation identifying these off-site limits and how they will be communicated to truck operators and to residents in the community. The documentation shall also identify by name and telephone number, where complaints may be made regarding unacceptable truck parking.

   NOTE: If Applicant Proposed Measure APM LU-1 is adopted, then MM-TRAFFIC-3b would be incorporated into the Traffic Control Management Plan.
   b. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.
   c. **Supporting Evidence-** Please refer to pages 4.10-27 to 4.10-29 of the FEIR.

O. Wastewater (Class II)

1. **Impact WW-1: Demand for Wastewater Disposal Service**. The project will contribute to an incremental demand for Wastewater service, which can be provided by an on-site septic system.
   a. **Mitigation –**
   MM WW-1: Demand for Wastewater Disposal Service. Prior to the issuance of a permit for the project's septic and leach field system, the applicant/quarry operator shall submit percolation test results and leachfield design details for review and approval by the Department of Planning and Building.

b. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.
c. **Supporting Evidence-** Please refer to page 4.12-3 of the FEIR.

P. Water Quality and Supply (Class II)

1. **Impact WQ-1: Alteration of Runoff Water.** The project would disturb an area of approximately 41 acres, draining towards Moreno Creek (entrance road and Phases 1A and 1B), and in the northern unnamed creek drainage towards the Salinas River. The grading and quarry activities may introduce pollutants including sediment, and materials associated with quarrying and rock processing, into these surface waters through stormwater runoff and/or dry season releases.
   a. **Mitigation** –
   MM WQ-1a: Alteration of Runoff Water/Construction Activities. The applicant/quarry operator shall submit appropriate Permit Registration Documents (PRDs) to the SWRCB to provide coverage of the construction of the project (utilities, entrance road, and completion of construction through the end of Phase 1B or other point as appropriate under the Statewide General Permit for Construction (SWRCB Order No. 2009-0009-DWQ, NPDES No. CAS000002, or more current permit). Evidence of such coverage shall be provided to the County prior to the start of construction. All measures to control stormwater runoff and minimize discharges identified in the PRDs and related plans shall be timely implemented during construction.

   MM WQ-1b: Alteration of Runoff Water/Mining Activities. The applicant/quarry operator shall submit Permit Registration Documents and a related Stormwater Pollution Prevention Plan (SWPPP) to the SWRCB to provide coverage of the surface mine as an industrial use under the General Permit for Storm Water Discharges Associated with Industrial Activities (SWRCB Order No. 97-03-DWQ, and NPDES No. CAS000001. Evidence of such coverage shall be provided to the County prior to the start of Phase 1A. Measures to control stormwater runoff and minimize discharges identified in the documentation related to this permit shall be implemented, and be subject to monitoring and verification as provided in the permit. In the event the project comes under the County stormwater provisions and general Nationwide Pollutant Discharge Elimination System Permit, this condition may be met through compliance with the County Stormwater Management provisions of Section 20.10.155 of the Land Use Ordinance.
   b. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.
   c. **Supporting Evidence-** Please refer to pages 4.13-9 to 4.10-10 of the FEIR.

2. **Impact WQ-2: Alteration of Groundwater**. The project will discharge septic effluent via an on-site leach field, which has potential to contaminate groundwater.
   a. **Mitigation** –
   MM WQ-2: Alteration of Groundwater. Mitigation Measure WW-1 (Section 4.12) serves as adequate mitigation for Impact WQ-2.
   b. **Findings-** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supporting Evidence-** Please refer to pages 4.13-10 to 4.10-11of the FEIR.

VI. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT & UNAVOIDABLE (CLASS I)

The unavoidable significant Impacts of the Project are found to be acceptable due to overriding considerations (See Section VII). The Findings below are for Class I Impacts, where implementation of the Project may result in the following significant, unavoidable environmental Impacts:

A. Aesthetics and Visual Resources (Class I)

1. **Impact AES-1: Scenic Vistas**. The Final EIR states that the Project will create graded slopes into natural hillsides, which will be visible to the public from portions of the SR 58 corridor, which is identified for study as a scenic corridor by the Conservation and Open Space Element, and that the slopes may adversely affect the aesthetic character of the site and the surrounding area. In addition, the water tank "A" to be installed for the Project would be visible to the public and would have the potential to silhouette against the skyline.
   a. **Mitigation –**
   AES-1a: Scenic Vistas/Reclamation and Revegetation: The Applicant shall be required to revegetate and reclaim all disturbed areas as early as practical, in accordance with the approved Reclamation Plan, and to assure that the reclaimed vegetation is permanently established and maintained, as well as providing financial assurances pursuant to state and local ordinances to cover the cost of final reclamation in the event the mine operator does not complete its reclamation obligations.
   AES-1b and 1c: Scenic Vistas/Off-site Landscaping Agreement: The Applicant must install and maintain landscaping on an identified piece of nearby property designed to screen the views of the Project from eastbound travelers on SR 58, and to maintain such landscaping for the life of the project.
   AES-1d: Scenic Vistas/Screening of Water Tank: The Applicant shall install, and maintain for the life of the project, landscaping designed to screen Tank A from the views of the public along SR 58, and shall install a tank that is as low in profile as possible and painted a neutral or dark, non-contrasting color.
   b. **Findings** – There is no established scenic roads program in the County, nor any identified scenic corridor on SR 58. Although SR 58 is listed in the COSE as a candidate road for possible inclusion in a *future* scenic roads program, it is important to note that the candidacy is for the entire 70-mile stretch of SR 58 in the County (COSE 9.14), and there is no indication that this particular stretch of SR 58 would meet the criteria for inclusion in such a program, such as by containing unique landscape features that are worthy of protection under the program. Because the suggested scenic roads program under the COSE has not been implemented by the County to date, this standard is not applicable to the Project. In addition, although the Proposed Project would be visible to drivers for a short stretch on SR 58 and would alter the existing landscape, the view drivers would have of the Project has already been degraded by existing mining activity. The existing Santa Margarita Quarry, which has existed for the past 100 years and recently applied for a 59 year extension, has significantly altered the natural viewshed along this stretch of SR 58. Accordingly, mining activities have long been part of the character of the existing landscape in this

area, and will be for the foreseeable future. The Las Pilitas Quarry therefore is consistent with the existing character of the landscape. In addition, the visible portion of the Las Pilitas Quarry will ultimately be fully reclaimed to a natural state, removing any permanent Impacts to the aesthetics of the area. To the extent that the visual Impacts of the Project could still be considered significant from the perspective of the highly sensitive viewer, changes or alterations have been required in the Project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects may not be considered lessened to a level of insignificance. These Impacts are nevertheless found acceptable by reason of the overriding considerations discussed in Section VII.

c. **Supportive Evidence** – Please refer to pages 4.1-1 through 4.1-14 of the FEIR, pages 5 through 6 of the Las Pilitas Quarry Submittal in Support of Appeal dated April 9, 2015, Policy VR 4.1 of COSE, and page 4.2-19 of the Santa Margarita Quarry Expansion FEIR.

2. **Impact AES-4: Cumulative Effects on Aesthetics and Visual Resources.** The Final EIR states that the Project may have a cumulative effect on Aesthetics and Visual Resources because it is reasonable to expect that future quarries will be approved and constructed in the area surrounding the project, which may have adverse visual Impacts similar to the Proposed Project.

   a. **Mitigation -** Mitigation measures AES-1a, 1b, 1c, and 1d would apply to minimize the Project's contribution to this Impact, and similar mitigation measures are likely to be required of any future quarries in the area.

   b. **Findings -** Apart from the Santa Margarita Quarry Expansion, which was found to have no significant visual Impacts, no additional quarry projects have been proposed for this area, and any future proposals would be required to go through the permitting and environmental review process. The location, configuration, and visual Impacts of future mining projects can only be speculated at at this time. However, because the Proposed Project is located in an area of known rock deposits that is zoned for mining, and to a certain extent it can be assumed that future quarries may be developed in this zone that could, along with the Proposed Project, make cumulative contributions to a significant visual effect. Changes or alterations have been required of the Project which would avoid or substantially lessen the significant environmental effects as identified in the EIR; however, these effects may not be considered lessened to a level of insignificance. These Impacts are nevertheless found acceptable by reason of the overriding considerations discussed in Section VII.

   c. **Supportive Evidence** – Please refer to pages 4.10-4.14 of the FEIR, and Chapter 4.2 of the Santa Margarita Quarry Expansion FEIR.

B. **Agricultural Resources** – No Class I Impacts for Agricultural Resources.

C. **Air Quality** – No Class I Impacts for Air Quality.

D. **Greenhouse Gas Emissions** – No Class I Impacts for Greenhouse Gas Emissions.

E. **Biological Resources** – No Class I Impacts for Biological Resources.

F. **Geology** – No Class I Impacts for Geology.

G. **Hazards and Hazardous Materials** – No Class I Impacts for Hazards and Hazardous Materials.

H. Noise (Class I)

1. **Impact NOISE-1: Truck Traffic Noise.** The Project's truck traffic could incrementally increase noise levels along SR 58 by up to 1.9 dBA, according to the FEIR, at certain sensitive receptors. This is a significant and unavoidable Impact.
   a. Mitigation – The implementation of structural measures (e.g., sound walls, solid core doors, and/or double paned windows) would be infeasible due to physical, economic, or other constraints, and would rely upon the cooperation of off-site property owners, which cannot be assured. Feasible mitigation measures are as follows:
   NOISE-1: Truck Traffic Noise: The Applicant shall advise all truck drivers exiting the facility regarding sensitive noise receptors along the haul route, and shall prohibit the use of compression brakes except under emergency circumstances.
   b. Findings - Changes or alterations have been required in the Project which will substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects may not be lessened to the level of insignificance. These Impacts are acceptable by reason of the overriding considerations discussed in Section VII.
   c. Supporting Evidence – Please refer to pages 4.8-1 through 4.8-16 of the FEIR and pages 9 through 10 of the Las Pilitas Quarry Submittal in Support of Appeal, dated April 9, 2015.

2. **Impact NOISE-2: Quarry Operations Noise**. During the early phases of the Project, the hourly Leq values caused by the operations at some nearby residences may exceed the County daytime Leq standard, as stated in the FEIR, which results in a potential increase of 1.7 to 2.9 hourly dBA at the two nearest residences.
   a. Mitigation –
   NOISE-2a: Quarry Operations Noise/Maintenance: The Applicant shall maintain all manufacturers' mufflers or other noise-reducing equipment on all quarry vehicles and equipment.
   NOISE-2b: Quarry Operations Noise/Noise Management Plan: The Applicant shall prepare a plan for control and monitoring of noise to ensure it remains within acceptable levels during the early phases of quarry operations. Elements of the noise management plan shall include descriptions of noise reducing measures, such as the use of low noise emitting equipment and the use of noise barriers, and shall also include a monitoring plan to demonstrate compliance with County noise standards.
   NOISE-2c: Quarry Operations Noise/Noise Complaint Procedures: The Applicant shall publicly post and provide to the County the name and contact information for a representative who will respond to noise complaints, and shall incorporate a procedure for resolving noise complaints into its noise management plan.
   b. Findings: Changes or alterations have been required in the Project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. If successful, these measures should mitigate to these Impacts to less than significant levels. However, in the event that mitigation monitoring proves that these effects cannot be lessened to the level of insignificance with feasible mitigation measures, these Impacts are nevertheless found acceptable by reason of the overriding considerations discussed in Section VII.
   c. Supporting Evidence- Please refer to pages 4.8-17 through 4.8-22 of the FEIR, and pages 10 through 11 of the Las Pilitas Resources Submittal in Support of Appeal, dated April 9, 2015.

3. **Impact NOISE-3a Blasting Noise.** Quarry operations involving blasting may potentially cause a significant Impact. During early phases of the quarry blasting, Lmax values at nearby residences are predicted to range from 62 dBA to 80 dBA, depending on the prediction model used.
   a. **Mitigation –**
      NOISE-3a: Blasting Noise/Blasting and Public Notification Plan. The Applicant must prepare a blasting plan which would specify blasting activities, a residential noticing program, a warning and al clear signal system, and contact information for lodging complaints. All blast events shall be monitored for air overpressure (sound levels) at points that will allow computation of resulting noise levels at nearby residences.
   b. **Findings -** Blasting will occur approximately 20 times per year, for less than 2 seconds each event, and will only occur after advance notification of nearby residences, and only during daytime, normal working hours. Blast events will be monitored to allow computation of noise levels at nearby residences; however, because the predictive models used vary widely, it cannot be known whether the noise from blasting will be less than significant until the monitoring program is in place. Changes or alterations have been required in the Project which should avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects may not be lessened to the level of insignificance. Nevertheless, these Impacts are acceptable by reason of the overriding considerations discussed in Section VII.
   c. **Supporting Evidence** – Please refer to pages 4.8-22 through 4.8-25 of the FEIR.

4. **Impact NOISE-5: Cumulative Traffic Noise.** Truck traffic from the project, when added to existing truck traffic from the Hanson Santa Margarita Quarry and traffic noise from other projects in the vicinity, may cause a significant Impact.
   a. **Mitigation** – The implementation of structural measures (e.g., sound walls, solid core doors, and/or double paned windows) would be infeasible due to physical, economic, or other constraints, and would rely upon the cooperation of off-site property owners, which cannot be assured. Feasible mitigation measures are as follows:
      NOISE-1: Truck Traffic Noise: The Applicant shall advise all truck drivers exiting the facility regarding sensitive noise receptors along the haul route, and shall prohibit the use of compression brakes except under emergency circumstances.
   b. **Findings:** Cumulative noise from the project's truck traffic, when added to existing truck traffic, may not ultimately be substantial because, as noted in the FEIR, the proposed project truck traffic will not completely add on to existing aggregate traffic in the region—it will displace at least some of it. The overall percentage of heavy truck traffic on SR 58 and area roadways is expected to remain in the existing three percent range. Changes or alterations have been required in the Project which should avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects may not be lessened to the level of insignificance. These Impacts are nevertheless acceptable by reason of the overriding considerations discussed in Section VII.
   c. **Supporting Evidence** – Please refer to pages 4.8-25 through 4.8-27 and 4.11-29 to 4.11-30 of the FEIR and page 17 of the Las Pilitas Resources Submittal in Support of Appeal, dated April 9, 2015.

I. **Public Services & Utilities** – No Class I Impacts to Public Services and Utilities.

J. **Recreation** – No Class I Impacts to Recreation.

K. **Transportation & Circulation (Class I)**

1. **Impact TRAFFIC-4a Cumulative Contribution to 2030 Traffic Volumes.** The Project will contribute towards future (2030) traffic volumes, including trips associated with the Santa Margarita Ranch Agricultural Residential Cluster Subdivision, that will degrade the LOS at the intersection of Estrada Avenue (SR 58) and El Camino Real, and the nearby intersection of Estrada Avenue (SR 58) and H Street.
   a. Mitigation -
   TRAFFIC-4a: Cumulative Contribution to 2030 Traffic Volumes. The Applicant shall enter into an agreement to pay their fair share of improvements necessary to signalize identified intersections in the community of Santa Margarita.
   b. Findings - Changes or alterations have been required in the Project which would avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, it is uncertain when these measures would be implemented, as they involve numerous activities and may be subject to delays outside the control of the Applicant. Accordingly, there may a time period during which these effects have not been lessened to the level of insignificance. These Impacts are acceptable by reason of the overriding considerations discussed in Section VII.
   c. Supporting Evidence – Please refer to pages 4.10-1 through 4.10-35 and pages 26 through 27 of the Las Pilitas Quarry Appeal.

L. **Water Quality & Supply** – No Class I Impacts to Water Quality & Supply.

M. **Land Use** – No Class I Impacts to Land Use.

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

Findings pursuant to CEQA Guidelines sections 15093 and 15092.

A. **Significant Impacts.** The Proposed Project's significant and unavoidable adverse Impacts are as follows:

1. The Project will create graded slopes into natural hillsides, which will be visible to the public from portions of the SR 58 corridor, which is identified for study as a scenic corridor by the Conservation and Open Space Element, and that the slopes may adversely affect the aesthetic character of the site and the surrounding area. In addition, the water tank "A" to be installed for the Project would be visible to the public and would have the potential to silhouette against the skyline.
2. The Project may have a cumulative effect on Aesthetics and Visual Resources because it is reasonable to expect that future quarries will be approved and constructed in the area surrounding the project, which may have adverse visual Impacts similar to the Proposed Project.
3. The Project's truck traffic could incrementally increase noise levels along SR 58 by up to 1.9 dBA at certain sensitive receptors, with distinct low frequency noise associated with heavy trucks.
4. During the early phases of the Project, the hourly Leq values caused by the operations at some nearby residences may exceed the County daytime Leq standard, as stated in the FEIR, which results in a potential increase of 1.7 to 2.9 hourly dBA at the two nearest residences.

5. Quarry operations involving blasting may potentially cause a significant Impact. During early phases of the quarry blasting, Lmax values at nearby residences are predicted to range from 62 dBA to 80 dBA, depending on the prediction model used.
6. Truck traffic from the project, when added to existing truck traffic from the Hanson Santa Margarita Quarry and traffic noise from other future, probable projects in the vicinity, may contribute to a significant noise Impact for sensitive receptors along a state highway.
7. The Project will contribute towards future (2030) traffic volumes, including trips associated with the Santa Margarita Ranch Agricultural Residential Cluster Subdivision, that will degrade the LOS at the intersection of Estrada Avenue (SR 58) and El Camino Real, and the nearby intersection of Estrada Avenue (SR 58) and H Street.

B. **Findings** – The Board of Supervisors has weighed the benefits of the Proposed Project against its unavoidable environmental Impacts. Based upon consideration of the record as a whole, the Board of Supervisors finds that there is substantial evidence in the record to conclude that the benefits of the Project outweigh its unavoidable adverse environmental Impacts. In support of this finding, the Board of Supervisors has determined that the following benefits, each of which is sufficient to support this finding, support approval of the Proposed Project.

C. **Project Benefits and Supporting Evidence** – The proposed project would have the following social, economic, and environmental benefits:

1. Provide a local, reliable, and economic source of high quality construction aggregates to serve market demands in San Luis Obispo County and the Central Coast region.
2. Contribute to increased price competition and product diversity and availability in the local aggregate market.
3. Ensure a long-term regional supply of construction aggregates by adding 12.5 million tons of aggregate reserves to offset the needs projected in Special Report 215.
4. Promote the land use policies of the County and the policies of the California Surface Mining and Reclamation Act regarding the development of local sources of aggregate.
5. Provide high-paying jobs for employees of the quarry.
6. Lead to a net reduction in greenhouse gas emissions in the region by reducing the need to import aggregate from long distances to meet local demand.
7. Ensure the restoration of all disturbed areas at the Project site to pre-disturbance conditions or better at the end of the useful lifetime of the Project.
8. Provide roadway and safety enhancements within the community of Santa Margarita.
9. Result in the permanent preservation of 69 acres of on-site habitat, including oak woodlands, as permanent open space under a conservation easement.
10. Dedicate a recreational trail easement for potential use by the public along the Salinas River corridor at the end of the Project's useful life.

VIII. REJECTION OF ALTERNATIVES

In total, the Final EIR analyzed 13 different alternatives which, which can be categorized as follows and each of which are specifically rejected for the reasons described below:

A. **No Project Alternative:** This alternative would not result in any of the Class I Impacts identified, but it also would not result in any of the project benefits, and would not help meet the regional aggregate demand identified in Special Report 215. Because the demand for additional aggregate over time would still exist, other quarries may be proposed in the future to meet this demand that would have greater significant Impacts than the Proposed Project. Any other mining project in an EX or EX-1 area in the County is likely to be farther from the market, resulting in a longer haul route, Impact larger numbers of neighbors or other land uses, or face significant environmental constraints posed by the Salinas River corridor. (See Aggregate Availability Maps, Special Report 215)

B. **Expansion of Existing Quarries:** The EIR considered whether it would be possible to rely on expansion of the existing quarries (Rocky Canyon and/or the Santa Margarita Quarry) to meet projected aggregate demand. Although the Impacts of these quarries are currently already being experienced, their effects may change somewhat over time as they are expanded, but may be perceived as being less than the Proposed Project. Neither quarry, however, would provide a third source of local aggregate in order to foster price competition and reduce the existing need to import material from outside the area, or provide for diversification of supply. The primary market for material from these quarries is asphaltic concrete or Portland cement concrete, and public testimony was received that the existing quarries are occasionally out of lower-value products such as decomposed granite or certain sized gravel, and that there can be a significant delay in receive those products. Of the total demand for construction aggregate projected in Special Report 215, approximately 48% is for non-concrete and asphalt products. Because this alternative would help not meet this demand, or the specific objectives of the Proposed Project to foster price competition, reduce the need to import material from outside of the area, or increase the diversity and reliability of the local supply of aggregate products, it is rejected.

C. **Alternative Locations:** The FEIR also studied seven alternative locations for the Project. None of the locations were deemed legally feasible because they were not owned by the Applicant, and the willingness of the landowners to develop these sites was unknown. From what was known of these sites, each one faced environmental constraints that would lead to Impacts as great as, or greater than the Proposed Project, and thus were not environmentally superior to the Proposed Project.

D. **Alternative Project Designs:** The FEIR three alternative quarry designs, including two revised access road designs, designed to reduce the Impacts of the Proposed Project. However, while some of the environmental Impacts of the Proposed Project would have been reduced, new and greater Impacts would have been creative, making these alternatives environmentally inferior to the Proposed Project. The narrow cut alternative would have a reduced aesthetic Impact when compared to the Proposed Project, and would potentially reduce some noise Impacts as well, but would reduce the available aggregate volume by at least 15-20 percent, and possibly more. Accordingly, this alternative would not meet all of the project objectives, and would reduce the availability of future aggregate supplies even further, in the face of the shortfall projected by Special Report 215. For this reason, this alternative is rejected.

E. **Alternative Access Route to SR 58**: This alternative would use have trucks use the proposed access driveway at the project site, 0.4 miles of SR 58 to cross the Salinas River, then use an existing private road and build a new road segment to travel past the

Hanson Quarry, and then utilize the existing Hanson Quarry access road to access El Camino Real, and ultimately Highway 101. This alternative would reduce, but not eliminate, truck traffic through the community, as some trucks would still have to travel through the downtown portion of Santa Margarita to access Highway 101. It would reduce traffic noise along the portion of SR 58 from Estrada Avenue past J Street, but traffic noise levels in the downtown area would be unchanged. Public comment received on this alternative indicated that it is not legally, economically, or environmentally feasible for several reasons. The Applicant is unlikely to be able to acquire the rights to cross the private land involved and utilize the private roads involved, as they are under the control of a direct competitor. In addition, the Applicant would need to get the permission of Union Pacific Railroad to utilize the private crossing, and it is unknown whether that permission could be obtained, or how long that would take. The cost of building, paving, and maintaining the private road segments involved would be cost prohibitive. Finally, the construction and improvement of the private road is likely to have its own environmental Impacts, due to the number of seasonal drainages that would have to be crossed, the Impacts to prime agricultural land, and the amount of aggregate that it would take to build the road; whereas SR 58 currently exists and would not have to be built. For these reasons, this alternative is rejected.

IX. OTHER CEQA FINDINGS

A. The Board of Supervisors finds that changes or alterations have been incorporated into the project to mitigate or avoid significant Impacts to the greatest degree practicable. These changes or alterations include mitigation measures and project modifications outlined herein, and set forth more fully in the Las Pilitas Quarry Conditional Use Permit and Reclamation Plan Final EIR, and incorporated as Conditions of Approval for the Project. For those remaining significant effects on the environment found to be unavoidable, they are considered acceptable due to the overriding considerations described in Section VII.

B. The Board of Supervisors finds that there are no other changes or alterations to incorporate into the Project that would eliminate or substantially lessen significant Impacts and that fall under the responsibility and jurisdiction of another agency.

C. The Final EIR is adequate to support approval of the Project, including all Conditions of Approval imposed by the Board of Supervisors, because the Conditions of Approval only enhance the social, economic, and environmental benefits of the Project, and will not create any new significant environmental Impacts or create a substantial increase in the severity of any environmental Impacts. The Final EIR is adequate for each entitlement or approval, and any future discretionary approvals required for construction and operation of the Project, so long as such entitlements or approvals were adequately analyzed in the Final EIR.

D. Per CEQA Guidelines Section 15126.4(a)(1)(B), the Proposed Project includes performance-based conditions relating to environmental Impacts and includes requirements to prepare more detailed plans that will further define the mitigation based on the more detailed plans to be submitted as part of the construction phase. Each of the following mitigation measures is made binding via a Condition of Approval, and

contains performance-based standards that must be met, therefore avoid the potential for these measures to be considered deferred mitigation under CEQA:

1. AES-1b, 1c, 1d: Prepare a landscaping screening plan.
2. AES-3: Prepare a lighting plan.
3. AG-2: Incorporate a weed control program.
4. AQ-1a: Incorporate measures to reduce ROG and NOx emissions.
5. BIO-3: Conduct focused surveys for ringtail cat prior to vegetation clearing.
6. BIO-4: Complete nesting bird surveys prior to vegetation clearing.
7. BIO-5: Conduct bat surveys prior to each quarry phase.
8. BIO-6: Conduct renewed habitat assessments or protocol surveys prior to Impacting the onsite drainage during Phase 2.
9. GEO-1: Ongoing slope stability investigation during the project.
10. HAZ-1b: Incorporation of the requirements of DWR into the Blast Plan.
11. HAZ-2: Implement a handling and training program for hazardous materials.
12. HAZ-5: Obtain approval of a Fire Safety Plan for the quarry.
13. NOISE-2b: Implement and monitor a Noise Management Plan.
14. NOISE-2c: Implement noise complaint procedures.
15. NOISE-3a: Prepare a Blast Plan and Public Notification Plan.
16. TRAFFIC-3a: Incorporate traffic control measures as specified by Caltrans for construction of the project entrance road.
17. TRAFFIC-3b: Prepare an offsite parking management plan.
18. TRAFFIC-4b: Reduce project contribution to deterioration of SR 58 structural conditions.
19. WW-1: Design a leachfield system for wastewater.
20. APM LU-1: Prepare a Traffic Control and Management Plan in coordination with the School District prior to July 1 of each year.

X. MITIGATION MONITORING PROGRAM

A. The Applicant, Las Pilitas Resources, LLC, will be primarily responsible for ensuring that all mitigation measures are complied with. They will be assisted in this effort by the County Department of Planning and Building, Planning and Environmental Divisions. Mitigation measures will be programmed to occur at, or prior to, the following milestones for each phase of the Project. For example, if a mitigation measure states that it is required to be completed prior to issuance of a construction permit, final inspection, or occupancy, it is only required prior to issuance of the construction permit, final inspection, or occupancy for each applicable phase of the Project.

- *Prior to issuance of a notice to proceed for each phase of quarry operation.* These are measures where the County needs to review and approve the plans before they are implemented.
- *Prior to issuance of construction permits.* These are measures where the County needs to review and approve the plans before they are implemented.
- *Prior to vegetation removal/prior to issuance of a grading permit.* These are measures that need to be undertaken before earth moving activities begin. These measures include items such as preconstruction biological surveys, staking the limits of biologically sensitive areas or vegetation to remain, confirming biological mitigation plans with resource agencies, and including pertinent design details in project plans.
- *Implement throughout the life of the project.* These are measures that will continue through the life of the excavation and reclamation activities.

Connecting each one of the mitigation measures to these milestones and consistent with Project phasing will integrate mitigation monitoring into existing County processes, as encouraged by CEQA. In each instance, implementation of the mitigation measure will be accomplished in parallel with another activity associated with the Project.

B. As lead agency for the Las Pilitas Quarry Conditional Use Permit and Reclamation Plan, the Board of Supervisors hereby certifies that the Mitigation Monitoring Program is adequate to ensure the implementation of the mitigation measures described herein.