

## **4.14 LAND USE**

### **4.14.1 Introduction and Existing Conditions**

The Initial Study for this project (contained in Appendix A) included a preliminary determination that the proposed quarry would be consistent with all applicable plans, policies, and regulations, and that it would be compatible with surrounding land uses. That preliminary conclusion was based on the review of environmental issues and on the input received from other County departments and other agencies contacted through referrals during preparation of the Initial Study. Since then, completion of the analyses of environmental issues described in the preceding sections has identified several effects that are considered significant impacts that relate to the issue of land use compatibility. These include aesthetics and visual resources, noise, and cumulative traffic effects through the Santa Margarita community.

Work has also commenced on a new Santa Margarita Community Plan, a draft of which was released in January 2013. Community vision and the expectations of residents and businesses in the community are also factors that may influence the final determination of land use compatibility. That determination will be made by the Planning Commission and/or the Board of Supervisors.

Throughout this EIR, the consistency of the proposed quarry with various plans and policies is summarized in each section. Those results, along with the following discussions provide the information upon which the determination of land use compatibility will be made. The applicant has proposed several measures – noted as “Applicant Proposed Measures” or APMs – that are intended to reduce the potential for incompatibility, particularly with respect to the Santa Margarita community. These are summarized at the end of this subsection.

The proposed surface mining operation is located north of both state Route 58 and the Coastal Branch of the California Aqueduct, approximately 3 miles northeast of the unincorporated community of Santa Margarita in San Luis Obispo County, California. In general, moderately steep to steep terrain dominates the vacant proposed quarry site with slopes ranging from 15 to 75 percent.

The quarry site is located less than one half mile east of the Salinas River. Moreno Creek is south of the site on the opposite side of SR 58; Moreno Creek connects to the Salinas River southwest of the site. The proposed quarry site is largely surrounded by undeveloped vacant land and some scattered large lot residential parcels, with the Hanson Aggregate granite quarry located less than one-half mile northwest of the site and scatter rural residential development to the south and southeast of the project site.

The historic community of Santa Margarita, three miles southwest of the project site, is envisioned to remain as a rural small town. As outlined in Section 4.11 of this EIR, present

and future truck traffic through Santa Margarita presents land use compatibility issues for this community.

Through the downtown area of Santa Margarita, the highway consists of two 12-foot-wide travel lanes within a right-of-way that is up to 100 feet wide. There is a striped center left turn lane for three blocks between Murphy and Pinal Avenues. State Route 58 through Santa Margarita is classified as a Principal Arterial intended to carry traffic on trips connecting population centers in the Circulation Element of the Salinas River Area Plan (San Luis Obispo County 2009a:page 5-4).

#### **4.14.2 San Luis Obispo County Plans and Policies**

Table 4.14-1 presents a preliminary review of Plans and Policies of the San Luis Obispo County General Plan that are applicable to Land Use issues relative to this proposed surface mining operation.

#### **4.14.3 Regulatory Setting**

The property is within the County's Las Pilitas Planning Area (see Figure 4.14-1) and is designated as Rural Lands in the Las Pilitas Planning Area Rural Land Use Category Map (San Luis Obispo County 2010). All of the area proposed to be mined, and much of the remaining property, is covered by the EX1 Energy and Extractive Resource Combining Designation in the Las Pilitas Planning Area Rural Combining Designation Map (San Luis Obispo County 2009b), 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 as explained in the Las Pilitas Area Plan (San Luis Obispo County 2003:page 6-1). The project design and reclamation plan will be reviewed to determine compliance with the statute and regulations of the California Surface Mine and Reclamation Act (SMARA, found at 2 PRC 2710, and 14 CCR 3500) and with the County requirements found in Chapter 22.36 of the County Code. These codes require the stockpiling and reuse of topsoil and vegetative matter, stabilizing final slopes with benching and contouring, and the phased reclamation and revegetation as final slopes are reached.

#### **4.14.4 Assessment Methodology**

After preparation of the Initial Study and during work on this EIR, detailed reviews of various planning and policy documents were conducted as part of the analysis of environmental effects of the project. Those reviews are summarized in the policy consistency analysis tables in each section. Other County departments and outside agencies were also consulted with respect to their responsibilities and policies. These included the County Department of Public Works, Caltrans, the Air Pollution Control District, and others.

**DRAFT ENVIRONMENTAL IMPACT REPORT  
LAND USE**

**TABLE 4.14-1  
POLICY CONSISTENCY ANALYSIS – LAND USE**

<b>Source</b>	<b>Policy Statement</b>	<b>Discussion</b>	<b>Preliminary Determination</b>
COSE Policy BR 2.3 Habitat Conservation Plans	The County will continue to collaborate with local agencies, landowners, and nonprofit organizations to fund and prepare habitat conservation plans (HCP) for federally listed species. The County should collaborate with RCDs, the NRCS, and other organizations to fund collaborative conservation planning to conserve habitats.	The North San Luis Obispo County Habitat Conservation Program (NSLOC) is not yet adopted; however, its proposed boundaries are more than 4.7 miles away from the project site, and would therefore not be affected by the project.	Not applicable
COSE Policy MN 2.1 Protect Mineral Resources	Protect mineral and aggregate resources from incompatible uses in designated areas likely to contain significant mineral deposits in order that such deposits may be available for future use. Extract in-stream aggregate materials in a sustainable manner that balances the rate of extraction with the rate of natural replenishment.	Application of the EX1 Energy and Extractive Resource Combining Designation will protect existing resource extraction operations from encroachment by incompatible land uses that could hinder resource extraction.	Potentially Consistent
COSE Policy MN 2.2 Incompatible Development	Protect existing resource extraction operations from encroachment by incompatible land uses, land use category changes, and land divisions that could hinder resource extraction.	Once the quarry is established, application of the EX1 Energy and Extractive Resource Combining Designation will protect existing resource extraction operations from encroachment by incompatible land uses that could hinder resource extraction.	Potentially Consistent
Framework for Planning (Principle 1, Policy 1)	County policy to protect a living environment that is safe, healthful, and pleasant.	The project will generate substantial noise at the project site, and project related truck traffic will affect the Community of Santa Margarita.	Potentially Inconsistent

Note: additional General Plan references are presented in other Sections of this EIR.

Community input included comments provided during the EIR scoping process. Throughout this process, several potential inconsistencies with agency plans and policies have been identified.

#### **4.14.5 Compatibility Criteria**

The determination of consistency with plans and policies is within the authority of the decision makers (e.g., Planning Commission, Board of Supervisors) as part of their review and consideration of the project. The determination will ultimately be reflected in an action and adoption of findings associated with the use permit. With appropriate consideration of the significance criteria presented in Appendix G of the CEQA Guidelines, the County of San Luis Obispo has developed and adopted the following criteria to determine project consistency with respect to various Land Use plans and policies, and compatibility with surrounding land uses:

- a. Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, Etc.) adopted to avoid or mitigate for environmental effects; and/or
- b. Be potentially inconsistent with any habitat or community conservation plan; and/or
- c. Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project; and/or
- d. Be potentially incompatible with surrounding land uses.

#### **4.14.6 Applicability of Significance Criteria**

With regard to Criteria “a” and “c,” these environmental issues are collectively addressed in the other respective Chapters of Section 4 of this EIR. With regard to habitat or conservation plans cited in Criterion “b,” the County of San Luis Obispo and the City of Paso Robles have initiated the development of a multiple species habitat conservation program for the north and eastern portions of the County (NSLOC). The goal is to prepare a Habitat Conservation Program in support of Federal and State permitting processes. The NSLOC is not yet adopted; however, its boundaries are more than 4.7 miles away from the project site, and would therefore not be affected by the project. No other habitat or community conservation plans are currently proposed or in effect that would be applicable to the project site.

In summary, this Land Use analysis focuses on compatibility with surrounding land uses, Criterion “d.” The discussion is presented in two parts. First, the compatibility of the quarry project itself with its surrounding land uses is considered. Second, the compatibility of the project-generated heavy truck traffic with uses along SR 58 and through Santa Margarita is discussed. The Applicant Proposed Measures, intended to improve compatibility in this respect, are presented at the end of this second discussion.

**Compatibility with Land Uses immediately adjacent to the Project Site**

The proposed quarry is within the EX1 Extractive Resource Combining Designation, as shown on Figure 4.14-1. As defined by the Land Use Ordinance, Section 22.14.050, this combining designation is used to identify areas of the county which the California Department of Conservation's Division of Mines and Geology has classified as containing or being highly likely to contain significant mineral deposits. The purpose of this combining designation is to protect existing resource extraction operations from encroachment by incompatible land uses that could hinder resource extraction.

The project is a new resource extraction operation proposed in area containing a mix of existing uses. Some of the existing uses, such as the rural residential uses, may not be compatible with a new resource extraction operation. Surrounding uses are illustrated on Figure 4.14-1, and summarized in Table 4.14-2.

**TABLE 4.14-2  
COMPATIBILITY WITH SURROUNDING AREA**

<b>Adjacent Properties</b>	<b>Existing Land Uses</b>	<b>Future Land Use Categories, per County General Plan</b>	<b>Discussion</b>
North	Vacant land, grazing	Rural Lands/EX1 Extractive Resource Area Combining Designation	Large lots and adherence to the EX1 Extractive Resource Area Combining Designation will ensure compatibility if these properties are developed in the future.
South	Several rural homes on Parkhill Road and SR 58	1. Rural Lands/EX1 Extractive Resource Area Combining Designation 2. Residential Rural	Combination of: distance; retention of ridgelines; and operational restrictions may reduce incompatibility of the quarry to the existing and future residential development south of the project, but impacts (Noise) would still result.
East	Vacant land, grazing, rural home on SR 58	1. Rural Lands/EX1 Extractive Resource Area Combining Designation 2. Residential Rural	Combination of: distance; retention of ridgelines; and operational restrictions may reduce incompatibility of the quarry to the existing and future residential development south of the project, but impacts (Noise) would still result. Large lots and adherence to the EX1 Extractive Resource Area Combining Designation will ensure compatibility if vacant properties develop in the future.
West	Vacant land, grazing, Hanson Quarry	Rural Lands/EX1 Extractive Resource Area Combining Designation	Large lots and adherence to the EX1 Extractive Resource Area Combining Designation may ensure compatibility if these properties develop in the future.

Site specific environmental issues related to the proposed mining activities, such as noise, parking, traffic, dust control, etc. have been appropriately addressed, and these issues are presented in other sections of this EIR. While most of the impacts identified in this EIR can be mitigated, impacts related to noise at and in the vicinity of the project site have been determined to be significant and would contribute to a potential incompatibility with surrounding uses.

### **Compatibility with Land Uses in the Santa Margarita Community**

Truck traffic generated from the quarry will pass through the residential neighborhood along Camino Estrada and through downtown Santa Margarita along State Route 58, and compromise the small town, rural character of this historic community. Strong concerns have been expressed by residents near the proposed quarry, along the truck route through Santa Margarita and from within other parts of Santa Margarita and the surrounding areas. While a number of issue areas were identified, many voiced specific concerns regarding the type and number of truck trips generated by the project that would pass near Santa Margarita Elementary School and through the downtown area.

**Santa Margarita Community Plan and Santa Margarita Design Plan.** This additional truck traffic would be potentially inconsistent with community preferences, which are presented in the Public Review Draft Santa Margarita Community Plan (San Luis Obispo County, January 2013). In addition, following are excerpts from the adopted Santa Margarita Design Plan that illustrate the existing and desired character of the Santa Margarita community:

#### **I-B. Vision for Santa Margarita**

People in Santa Margarita enjoy a rural small town with shaded walkways, landscaped yards and an active, attractive downtown...An enlivened downtown and business corridor appear consistent with the community's historical character...Increasing numbers of residents and visitors enjoy the street scene in downtown throughout the day and into the evening. Through the downtown, the pavement of El Camino Real is narrower, occupied by wider sidewalks and split by a landscaped median that provides safer pedestrian crossings. Canopies of trees within wider sidewalks, bulb-outs and the median define and enclose the street and improve traffic and pedestrian safety.

#### **C. Goals of the Design Plan**

2. Plan a circulation pattern for pedestrians, bicyclists and vehicles with safe and pedestrian-friendly routes for traveling within the community.

#### **D. Key Issues and Opportunities**

**El Camino Real (SR 58)**...Rather than taking such measures as re-locating the state highway out of town, people would prefer slowing traffic and making the street more pedestrian-friendly...

**Estrada Avenue/SR 58.** SR 58 south of the railroad to the edge of the community appears to lack sufficient paved width for bicycles, shoulders for pedestrians, and safe street crossings, particularly at H Street. As a school crossing, this intersection is considered unsafe for pedestrians and vehicles.

Although most identified traffic impacts can be mitigated (see Section 4.11), the passage of heavy trucks through the Santa Margarita community is potentially inconsistent with the goals of the design plan, and was also mentioned in comments received during the scoping period for this EIR. The truck traffic generated from the proposed quarry (273 daily trips, on average) could compromise the desired rural character of the Santa Margarita community, as expressed in the adopted Santa Margarita Design Plan.

**Land Use Ordinance (Title 22).** The Land Use Ordinance requires specific findings to be made, in regards to community character and compatibility, by the decision making body upon the approval of any conditional use permit. These findings include (Section 22.62.060):

#### **C. Conditional Use Permits approval or disapproval**

- 4. Required findings.** The Review Authority shall not approve or conditionally approve a Conditional Use Permit unless it first finds that:
  - a. The proposed project or use is consistent with the Land Use Element of the General Plan; and
  - b. The proposed project or use satisfies all applicable provisions of this Title; and
  - c. 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; and
  - d. That the proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development; and

**DRAFT ENVIRONMENTAL IMPACT REPORT**  
**LAND USE**

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- e. That the proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project
- f. Any additional findings required by planning area standards in Article 9 (Community Planning Standards), combining designation (Chapter 22.14), or special use (Article 4).

Additional information that may be considered in formulating the required findings is presented in the next few paragraphs.

Truck traffic will occur only on SR 58, a state-owned and maintained highway. As such, the County has no authority to limit truck trips along this route. SR 58 passes directly through the “business district” of the community of Santa Margarita, and within close proximity of the Santa Margarita Elementary School, which is located off H Street, approximately 0.25 mile from SR 58. Children walking to and from school regularly cross SR 58 via a designated crossing at the intersection of SR 58 and H Street. The crossing is striped and marked with signage in accordance with Caltrans standards for School Area Pedestrian Safety (Caltrans 1996), and includes several other safety features. School zone speed limits are posted and enforced in the area, and a driver feedback sign has been installed for northbound traffic. The crossing is monitored by school crossing guards during drop-off and pick-up times, and Caltrans and the County recently installed a manually-operated flashing beacon light on either side of the crosswalk.

Currently, large trucks regularly travel through the downtown center of Santa Margarita. This is a historically-relevant area featuring small, locally-owned businesses on either side of the highway. Local businesses include restaurants and antique stores, a post office, feed store, a mercantile, and a gas station. The Santa Margarita Volunteer Fire Department is also located on this stretch of SR 58. There is only one designated crosswalk across SR 58 in the downtown area, at the intersection with Encina Avenue. However, the posted speed limit through the downtown area is 35 miles per hour, and this portion of the highway is wide and straight with long sight distances. A center turn lane also runs the length of the highway through most of the downtown. Large truck traffic along this stretch is common, due to the existence of a local trucking company and a truck repair operation, as well as trucks servicing the nearby Hanson quarry and other business. Passenger trucks hauling livestock trailers are also common along this stretch due to the rural and agricultural nature of the area.

In general, large trucks have the effect of slowing down passenger vehicles in the area. Maximum aggregate production from the Las Pilitas Quarry shall be limited to 500,000 tons of aggregate per year, which will limit the number of trucks that will travel the haul route servicing the quarry. Based upon traffic studies performed as a part of this EIR, this will equate to a 7 percent increase in current traffic during peak hours (please see the Transportation & Circulation Chapter (4.11) of this EIR). While there is no identified

**DRAFT ENVIRONMENTAL IMPACT REPORT  
LAND USE**

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significant traffic safety impact based on measurable safety thresholds (e.g., sight distance, prevailing speed, etc.), the traffic associated with the proposed quarry may create a land use incompatibility and may not be consistent with the character of the community.

The Noise Chapter (4.8) of this EIR also identified significant impacts to surrounding residents as a result of quarry operation and blasting noise, and significant impacts to residents in the community of Santa Margarita along the truck route, due to the increase in truck noise. The specifics of this issue are dealt with in the Noise chapter, but it contributes to the incompatibility with surrounding uses and also will need to be considered by the decision makers in their review of the project and adoption of the findings discussed above.

In response to the concerns of the community regarding this issue, the applicant has proposed a number of measures to reduce potential traffic conflict (“Applicant Proposed Measures” or APM). These measures will be considered by the decision makers in their consideration and review of the project, and the determination regarding consistency with applicable plans and policies, and compatibility with surrounding uses.

<b>Description of Issue</b>	<b>Applicant Proposed Measure</b>
<p><b>Compatibility with Land Uses in the Santa Margarita community.</b> Truck traffic from the project has the potential to be incompatible with surrounding land uses that generate pedestrian traffic, such as the Santa Margarita Elementary School and the downtown business district.</p>	<p>APMLU-1: Compatibility with Land Uses in the Santa Margarita community.</p> <p>APMLU-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.</p> <p>APMLU-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.</p> <p>APMLU-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.</p> <p>APMLU-1d: The Applicant shall establish a toll-free telephone</p>

**DRAFT ENVIRONMENTAL IMPACT REPORT  
LAND USE**

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<b>Description of Issue</b>	<b>Applicant Proposed Measure</b>
	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.