Section 4.14 Land Use
Comments

4.14.1 Introduction and Existing Conditions

pg. 4.14-1 *- 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.*

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.

Comments

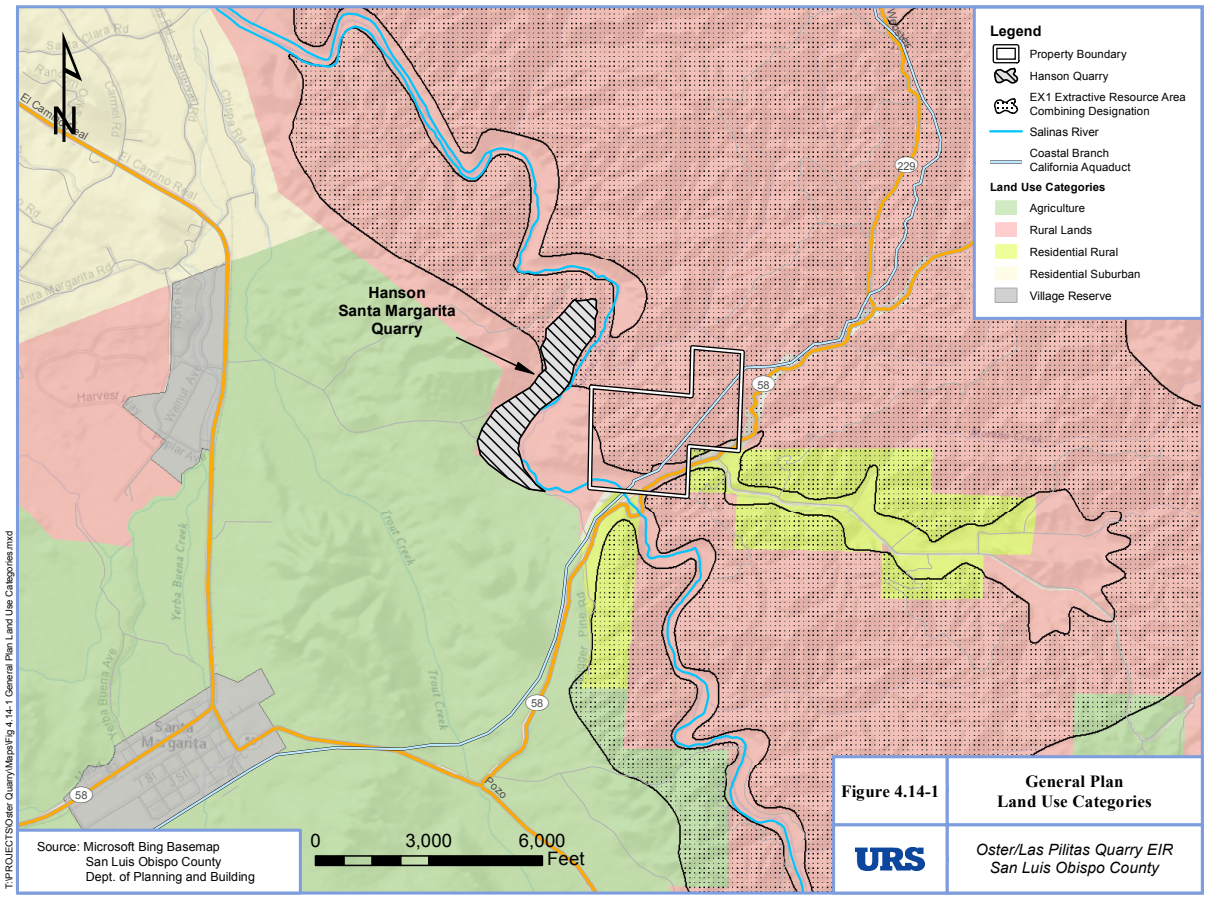
• Because impacts only occur in the presence of receptors, existing land uses are at the core of determining the severity in all impact areas.
• Considering it's fundamental role as the foundation for all planning decisions. Land Use and associated compatibility issues have received less than sufficient attention in the DEIR.
• It is imperative to begin any analysis of land use compatibility with accurate and descriptive mapping of the area, with particular emphasis on existing land uses.
• The Initial Study contained selective mapping submitted by the applicant and a variety of errors in it's description of the area and surroundings.
• Original project mapping omits Parkhill Road, the Salinas River, Salinas River Bridge (Structure 49 0237) and Digger Pine Road.
• The foundation for conclusions that follow "*the proposed quarry site is largely surrounded by undeveloped vacant land and some scattered large lot residential parcels"* has not been sufficiently verified through mapping.
• Insufficiently validated presumptions have been carried forward into other areas of the EIR.
• Figure 4.14-1(General Plan Land Use Categories) identifies Land Use Categories, the Salinas River and the Coastal Branch of the California Aqueduct but fails to provide a clear representation of existing land uses in the vicinity of the proposed project.

Accurate and representative mapping matters

• The primary goal of an EIR is to identify and mitigate impacts. Mitigation cannot occur until identification of impacts has.
• Graphics that illustrate EXACTLY what is on the ground in the vicinity of the proposed project are fundamental to evaluating compatibility, the core purpose of land use planning.

Suggested mapping

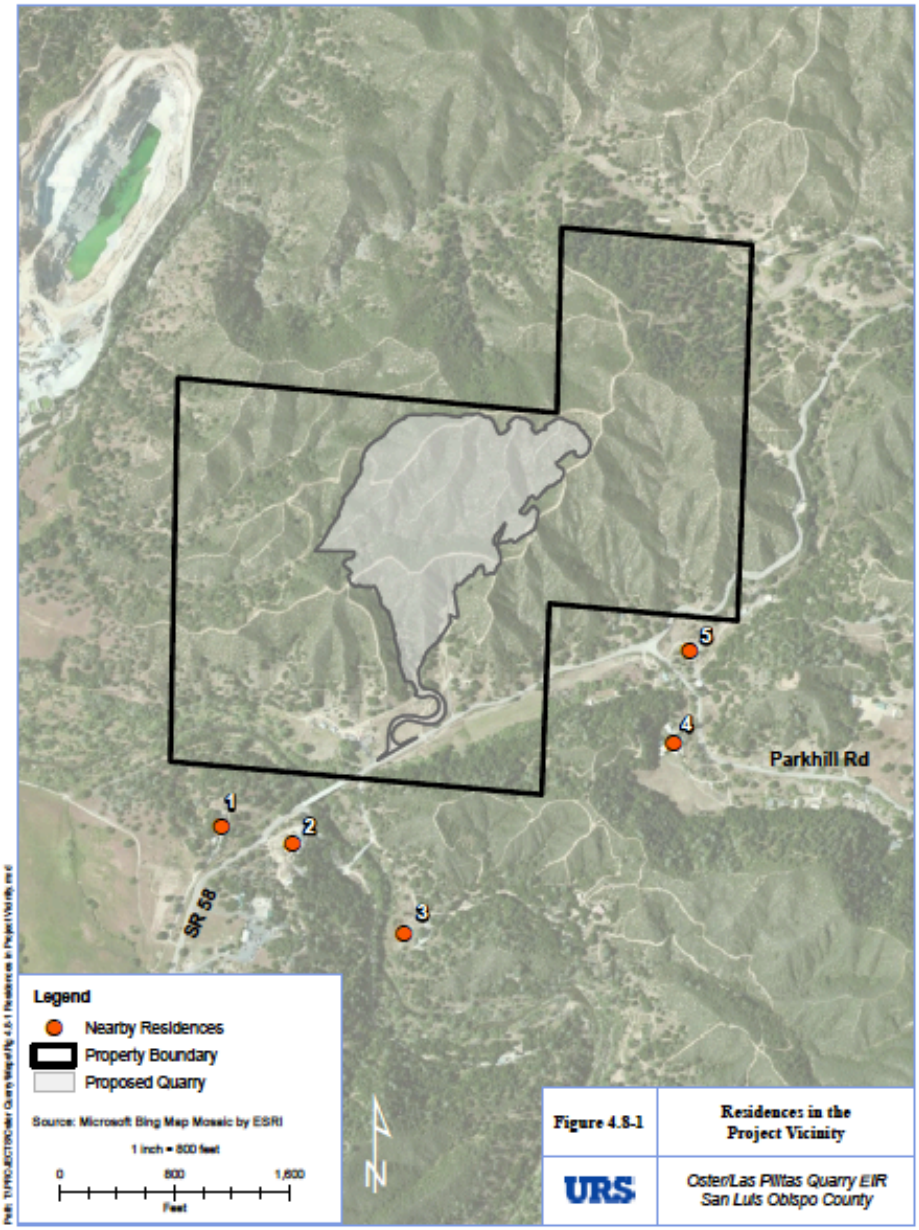
• Parcel Mapping overlaid onto an Area Map needs to be developed and reviewed.
• A uniform table with columns that clearly list distances to nearby residences as well as their property boundaries should be secondarily be developed.
- In order to be useful, the table should cross reference ordinances and elements within the General Plan.
- The table should clearly delineate distances to the various pertinent points that would be necessary to evaluate conformance.



Comments on Figure 4.14-1

• Two concentrations of Residential Rural (RR) parcels existing within the Las Pilitas Area Plan.
• As illustrated, viewed as the cluster (village) that they are, they are directly adjacent to the proposed quarry site and significantly impacted by operations.
• Nothing about this map would indicate that there are more than 60 individual parcels within one mile of the proposed quarry's scale house or how individual parcels are situated in relationship to the proposed quarry operations.
• While an overview of Land Use Categories is a fundamental tool for initial review, breaking these RR areas down to their constituent parcels is needed in order to gain an in-depth working knowledge of the area being studied. A decision cannot be arrived at regarding suitability or compatibility of a proposed use without knowing what exists on the ground.

Figure 4.8-1 next page



Comments on Figure 4.8-1

- Five nearby residences are identified on this map.
- No indication of how those residences were identified is provided.
- No parcel divisions are illustrated.
- Mapping fails to provide sufficient depth to gain an overview of compatibility issues.

Overview of Figure MP4.14-2

• Margarita Proud has constructed a Parcel/Area map (**Figure MP4.14-2**) built from Parcel mapping overlaid onto an Area Map.
• Margarita Proud has constructed a Parcel Inventory (**Table MP4.14-1**) that lists APN's of all parcels that show up within 5280' (one mile show as dotted orange line) from the scale house location at the proposed quarry.
• The intent of Figure MP4.14-2 is to more thoroughly understand the area most impacted by industrial operations.

Suggested additions to MP4.14-2

• Increase scope to greater distance that identifies all receptors and their relative location to the proposed project.

1. The parcel count increases significantly if additional parcels beyond the one mile line are included.
2. It is reasonably foreseeable that impacts associated with air quality, noise, and water supply project beyond the one mile mark, particularly in those residential areas to the east/ southeast (Parkhill Road) and south/southwest (Digger Pine Road).
3. The prevailing wind comes right up the Parkhill Rd. canyon from the NW. Many residents have pointed this out throughout the process and within the over 200 letters that were received during the scoping process. Residents more than 2 miles southeast of the proposed quarry on Parkhill Rd. (near Parkhill Rd. church) report hearing the train daily. The rail corridor is nearly 4.5 miles from CDF Station 40 on Parkhill Rd.
4. Extending the parcel inventory out to the two mile mark, especially on Parkhill Rd. would provide much more accurate identification of receptors for 4.3 Air Quality, and 4.8 Noise as well as better inform many assumption relating to 4.13 Water Quality and Supply.

• Detailed development of accurate mapping that can be used to develop more complete and descriptive parcel inventories.

- This would be useful as part of an informational document for our decision makers that endeavors to fully disclose all aspects of the project and the resulting impacts.

Figure MP4.14-2 next page

Figure MP4.14-2 Parcel Map overlaid onto Area Map (orange = one mile (5280') from scale house @ proposed quarry operation.

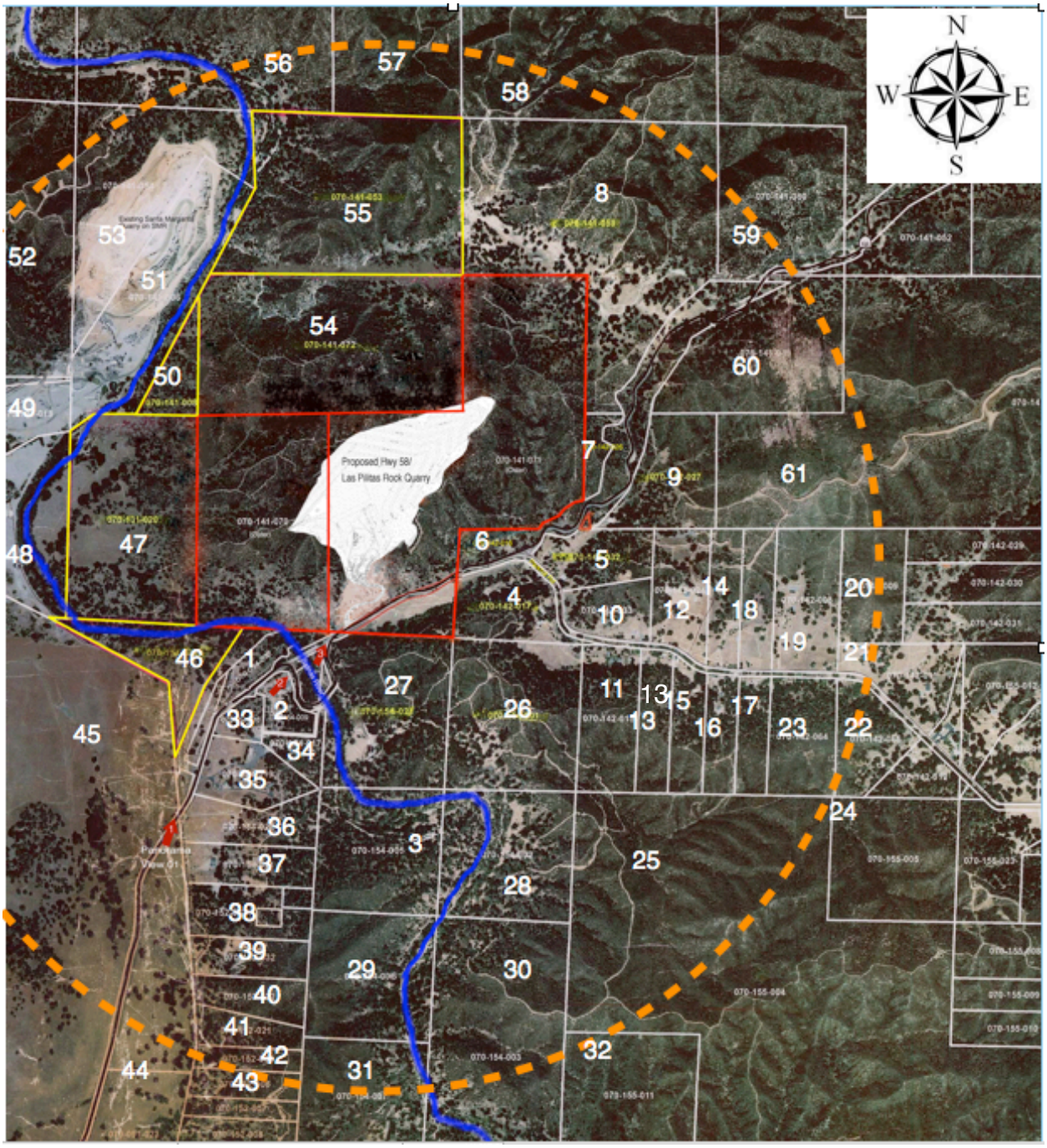


Table MP4.14-1 Parcel Inventory

Inventory of parcels, the parcel size, if a building permit has been issued for the parcel since the EX1 Combining Designation has been in place, associated land-use classification and other location information within the one mile radius defined in Figure MP 4.14-2

#	APN	Parcel Size	Permit issued since EX1	LUC	Location Notes
1	070-154-032	12 ac	Not in EX1	RR	adjacent to 070-141-070
2	070-154-009	5 ac	yes	RR	6755 Hwy. 58
3	070-154-005	40 ac	yes	RL	
4	070-142-017	26 ac	yes	RR	SW corner Parkhill/58
5	070-142-032	14 ac	yes	RR	NE corner Parkhill/58
6	070-142-016	2.4 ac	yes	RR	adjacent to 070-141-071
7	070-142-026	3.3 ac	vacant	RR	adjacent to 070-141-071
8	070-141-059	> 40 ac	yes	RL	adjacent to 070-141-071
9	070-142-027	27 ac	yes	RR	Hwy. 58
10	070-142-033	10 ac	yes	RR	6450 Parkhill Rd.
11	070-142-015	23 ac	yes	RR	6445 Parkhill Rd.
12	070-142-024	14 ac	yes	RR	6428 Parkhill Rd.
13	070-142-020	11 ac	yes	RR	6395 Parkhill Rd.
14	070-142-025	14 ac	yes	RR	6352 Parkhill Rd.
15	070-142-022	10 ac	yes	RR	6375 Parkhill Rd.
16	070-142-021	10 ac	yes	RR	6355 Parkhill Rd.
17	070-142-019	10 ac	yes	RR	6321 Parkhill Rd.
18	070-142-007	10 ac	yes	RR	6324 Parkhill Rd.
19	070-142-008	19 ac	yes	RR	6318 Parkhill Rd.
20	070-142-009	< 20 ac	yes	RR	Parkhill Rd.
21	070-142-011	6.5 ac	yes	RR	Parkhill Rd.
22	070-142-065	14 ac	no	RR	Parkhill Rd.
23	070-142-064	18 ac	yes		Parkhill Rd.
24	070-155-005	40 ac	no	RL	Parkhill Rd.

#	APN	Parcel Size	Permit issued since EX1	LUC	Location Notes
25	070-155-004	320 ac	NA	RL	BLM Land
26	070-154-001	40 ac	yes	RL	
27	070-154-024	39 ac	yes	RL	
28	070-154-002	40 ac	no	RL	
29	070-154-006	40 ac	no	RL	
30	070-154-003	120 ac	no	RR	
31	070-154-007	40 ac	no	RL	
32	070-155-011	40 ac	no	RL	
33	070-154-018	5 ac	yes	RR	6795 Hwy. 58
34	070-154-017	5 ac	yes	RR	
35	070-154-019	13 ac	yes	RR	6835 Hwy. 58
36	070-154-022	14 ac	yes	RR	Digger Pine Rd.
37	070-154-021	14ac	yes	RR	Digger Pine Rd.
38	070-152-033	16 ac	yes	RR	Digger Pine Rd.
39	070-152-032	10 ac	yes	RR	Digger Pine Rd.
40	070-152-022	10 ac	yes	RR	Digger Pine Rd.
41	070-152-021	10 ac		RR	Digger Pine Rd.
42	070-152-005	6 ac		RR	Digger Pine Rd.
43	070-152-006	7 ac		RR	Digger Pine Rd.
44	070-091-023				now part of parcel 45
45	070-091-037	1697 ac	NA	AG	Major Domo LLC (SMR) Access road into Hanson follows northern boundary of this parcel.
46	070-154-033	17 ac	NA	RL/RR	Kaiser (mining buffer parcel) adjacent to Oster

#	APN	Parcel Size	Permit issued since EX1	LUC	Location Notes
47	070-131-020	79 ac	NA	RL	Kaiser (mining buffer parcel) adjacent to Oster
48	070-131-021	73 ac	NA	RL	Kaiser
49	070-131-018	8 ac	NA	RL	SMR LLC
50	070-141-008	5 ac	NA	RL	Kaiser (mining buffer parcel)
51	070-141-006	40 ac	NA	RL	Mission Lakes LLC (SMR) Hanson Quarry operations
52	070-131-003	171 ac	yes	RL	Dkf LLC (SMR) Hanson expansion site
53	070-141-054	115 ac	NA	RL	Mission Lakes LLC (SMR) Hanson Quarry operations
54	070-141-072	80 ac	NA	RL	Kaiser (mining buffer parcel) adjacent to Oster
55	070-141-053	64 ac	NA	RL	Kaiser (mining buffer parcel)
56	070-141-001	160 ac	no	RL	
57	070-141-041	363 ac	no	RL	
58	070-141-061	404 ac	no	RL	
59	070-141-060	40 ac	no	RL	
60	070-141-049	50 ac	no	RL	
61	070-141-039	360 ac	no	RL	BLM Land
62					

pg. 4.14-4 & 5
4.14.5 Compatibility Criteria
4.14.6 Compatilbility with Land Uses immediately adjacent to the Project Site

Comments

• Table 4.14-2 (pg. 4.14-5) contains several inaccuracies:

1. North - 070-141-059 is a RL parcel with residences already existing.
2. South/southwest - Digger Pine Road is completely omitted.
   - Table MP4.14-1 locates parcels within one mile of the proposed scale house.
   - There are more parcels and homes up Digger Pine if the distance is increased.
   - Digger Pine Road's proximity to 58 and to the proposed site has not been adequately addressed in this DEIR.
3. South/slightly southwest - Rural homes on Digger Pine Road in Residential Rural.
4. East/ slightly southeast - Rural homes on Parkhill Rd.
   - Not vacant land, not grazing (no water).
   - Table MP4.14-1 and Figure MP4.14-2 illustrate that several (more than two but not many) does not accurately describe the depiction of this table.
5. West - This description is nearly accurate.
   - Overlooked is that Hanson Quarry exists on SMR properties (main quarry is held by Mission Lakes LLC, comprised of one or more of the SMR owners).
   - As shown on Figure MP4.14-2, there are at least 5 parcels bordering Oster that are held by Hanson as buffers to their mining operations.
   -There is no mining currently or planned. The expansion Hanson has applied for moves to the Northwest.
   - It is a mis-representation to portray the western boundaries of the Oster parcels as being adjacent to the Hanson Quarry.
   - Bordering the Oster parcels to the northwest, west, and southwest are Hanson owned parcels purchased specifically to be buffers from their mining operations (refer to table MP4.14-1 for details and APN's)

• Table 4.14-2 focuses on the EX1 Extractive Resource Combining Designation in several areas, hinting that the presence of EX1 Extractive Resource Combining Designation somehow ensures compatibility with this specific project proposal.

- The stated purpose of this combining designation within the DEIR (pg. 4.14-5) is *"to protect existing resource extraction operations from encroachment by incompatible land uses that could hinder resource extraction"*.
- The entirety of LUO 22.14.050 reads:

A. Purpose and applicability. The Extractive Resource Area (EX1) 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. In addition, Framework for Planning - Inland Portion, Part I of the Land Use Element contains guidelines which call for proposed land use category amendments to give priority to maintaining land use categories which allow and are compatible with resource extraction.
B. Processing requirements. The following standards apply to proposed land uses within the EX1 combining designation which are required to have Minor Use Permit or Conditional Use Permit approval by Section 22.06.030 (Allowable Land Uses and Permit Requirements), Article 22.04 (Standards for Specific Land Uses), or by planning area standards in Article 9.
1. All proposed mineral or petroleum extraction uses are subject to the requirements of Sections 22.14.040 through 22.14.044 and 22.08.170 through 22.08.198.
2. Approval of any use other than mineral resource extraction may be granted only when the finding is made that the proposed use will not adversely affect the continuing operation or expansion of a mineral resource extraction use.

- The purpose of this ordinance is not to usher in mining proposals without regards to existing surroundings, but to protect existing mining operations from encroachment by incompatible uses.
- What is before you is a mining proposal, not an existing "resource extraction operation".
- A mining proposal must prove itself to be compatible with existing surrounding uses and demonstrate that the uses IT proposes are not likely to cause public health and safety problems.
- The existence of the EX1 Extractive Resource Combining Designation provides no special protection from the fundamental purpose of planning to address compatibility between uses.
- The existence of the EX1 Extractive Resource Combining Designation is not, and should not be a consideration in the process underway to determine if granting a discretionary Conditional Use Permit (CUP) is an appropriate action for a site specific proposal.
- Section 4.14 would be the only section of this DEIR where the EX1 Extractive Resource Combining Designation should have received any attention. Instead, the existence of an overlay has been used throughout the DEIR in a seeming attempt to convert an inapplicable piece of background land use information into an underlying assumption of importance.

Comparing Siting to Existing Quarries

• Comparing Figure MP4.14-2 to the siting of several quarry operations already existing within the same sector of the same production-consumption region, Santa Margarita Quarry, and Rocky Canyon Quarry, illustrates that the size of parcels and uses surrounding these existing facilities are much better suited to their surroundings than the location currently proposed by Las Pilitas Resources, LLC.

Below are area maps and adjoining parcel inventories for Santa Margarita Quarry (Hanson), (Figure MP4.14-4 and Table MP4.14-4), and Rocky Canyon Quarry (Figure MP4.14-4 and Table MP4.14-5)

Santa Margarita Quarry

• Santa Margarita Quarry is operated by Hanson Aggregates on parcels 070-141-054 (Mission Lakes LLC), 070-141-006 (Mission Lakes LLC), 070-131-018 (SMR LLC), and 070-131-019 (Kaiser).
• As previously discussed, Hanson owns the adjoining parcels to the south and east of their operations. Those parcels are identified in Table MP4.14-1 and also asterisked (*) in Table MP4.14-4.
• Extraction operations shall provide and be provided with adequate buffering and screening from adjacent land uses.[1]
• This quarry is adjoined almost entirely by parcels it owns or leases, including the smallest of these parcels, 070-154-033.

Figure MP4.14-4 next page

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[1] Ordinance 2498, An ordinance amending specific sections of the San Luis Obispo County LUO, Title 22 of the County Code, introduced at regular meeting of the BOS held on April 16, 1991

Figure MP4.14-4

1. El Camino Real to Hwy. 101 (approximately equidistant to north or southbound on-ramps)
2. Entrance into Hanson Quarry - the 1.5 mile long access road provides a staging area and places distance between mining operations and residential uses to the north and west.

<u>Parcels adjoining Hanson Aggregates Quarry</u>

• <u>North</u> - Large parcels in RL
• <u>East</u> - No mining occurs on multiple parcels * owned by Hanson along entire eastern perimeter of Hanson's mining operations. *Buffer parcels.
• <u>South</u> - Large parcels (519ac and 1696ac) parcels in AG.
• <u>West</u> - Large parcels in AG (same parcels as above) and RL (parcel expansion is currently proposed on). Staging along Hanson's access road is approximately 1.75 miles long.

Parcels adjoining Hanson Aggregates Quarry

A.P.N.	Parcel size	Use Category
*070-141-053	64 acres	RL
*070-141-072	80 acres	RL
*070-141-008		RL
*070-131-020	40+ acres	RL
*070-154-033	17 acres	RL
070-091-037	1,696 acres	Ag
070-091-038	519 acres	Ag
070-131-003	171 acres	RL
070-131-002	100+ acres	RL
070-141-001	80+ acres	RL

Table MP4.14-4

	Hanson	**Las Pilitas Resources**
Permitted volume	700,000 annual tons	500,000 annual tons
Access route into plant	9240’	700’ (pg. ES-2)
Grade of access route	minimal	10% (Dwg. 08-23 Tartaglia)

Table MP4.14-5
Contrast in ability to accommodate truck accumulation and staging between Hanson and proposed Las Pilitas Quarry

Rocky Canyon Quarry

Located 3 miles north of Santa Margarita Quarry, Rocky Canyon is adjoined only by large parcels within the RL and AG land use categories (Table MP4.14-5)

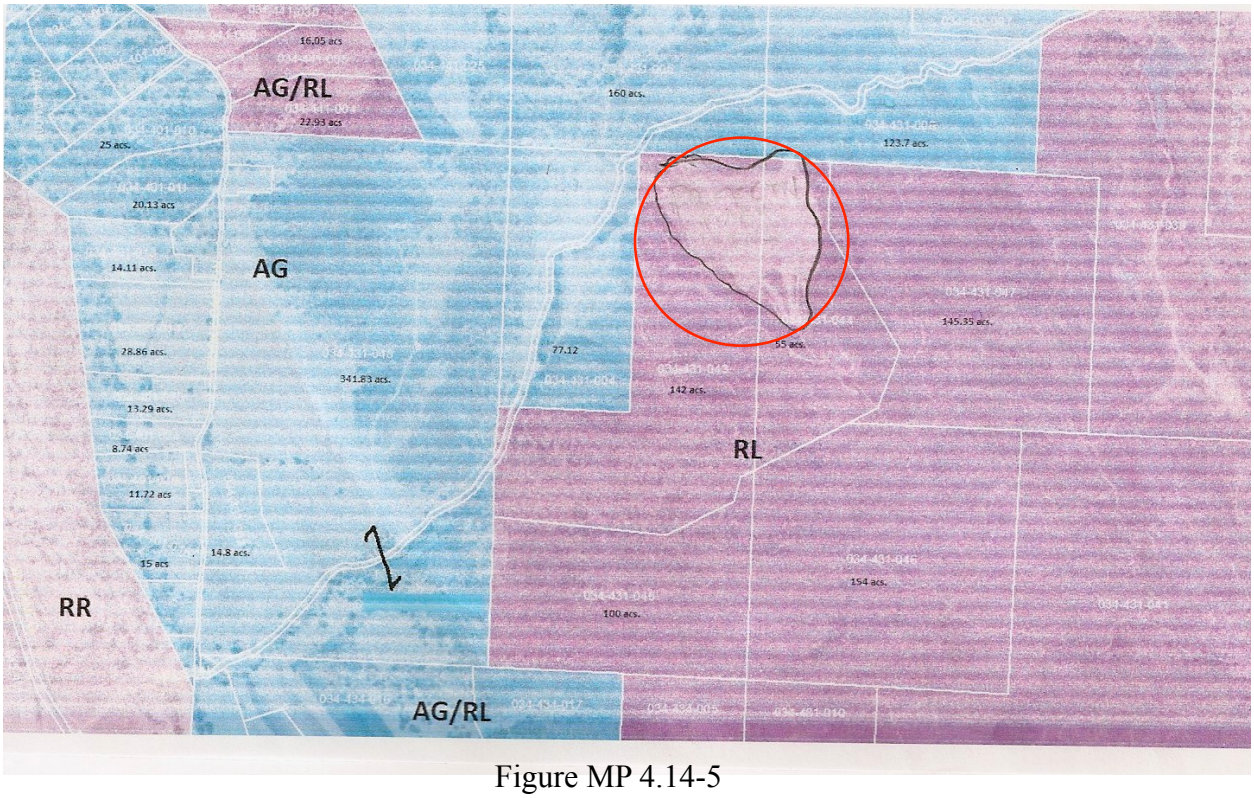

Figure MP 4.14-5

Parcels adjoining Rocky Canyon Quarry

A.P.N.	Parcel size	Use Category
034-431-045	100 acres	Rural Lands
034-431-046	154 acres	Rural Lands
034-431-047	145 acres	Rural Lands
034-431-048	342 acres	Ag
034-431-004	77 acres	Ag
034-431-005	160 acres	Ag
034-431-006	124 acred	Ag

Table MP4.14-5

pg. 4.14-7 *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.*

Comments

• Impacts directly contributing to inconsistencies with the rural character of the community have not been adequately defined or addressed.
• It will be difficult to assess consistency with LUO Section 22.62.060 (C)(4)(d) without a detailed evaluation of impacts that deteriorate rural character.

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pg. 4.14-8 *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.*

Comments

• Truck traffic will travel on Hwy. 58 as well as any other roadways encountered in getting to delivery locations.
• If truck traffic *will occur only on SR 58*, this routes all truck trips through Santa Margarita to 101.
• This situation would introduce the need to re-visit the truck trip distribution assumption percentages as presented.
• Will the occurrence of truck traffic *only on SR 58* be possible to achieve given the *Oster Quarry Market Area*[2] introduced as part of the DEIR?

1. Contrary to information provided to the public by the project applicant at the scoping meeting that the main market would be Nipomo, *"the aggregate market in the region of the proposed Oster Quarry (project) was researched in order to evaluate how operation of the project would affect supply and demand for aggregate in the region. The Oster Quarry Target Market is shown in Figure 1 and consists mainly of U.S. Highway 101 corridor between the City of San Luis Obispo and the northern County line."*
2. When did the market area change?
3. Who made the determination to change the market area and why?

• It is common knowledge that Hwy. 58 is a state owned and maintained highway.
• The county of San Luis Obispo has authority to deny a CUP application if it is determined that the project would generate a volume of traffic beyond the safe capacity of <u>all</u> roads providing access to the project, either existing or to be improved with the project. (LUO 22.62.060 (C)(4)(e).
• The "project" is not under the jurisdiction of Caltrans, it is under the jurisdiction of the County of San Luis Obispo.
• Project conditions can address any aspect of a CUP application deemed appropriate to address.

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[2] Sespe Consulting, Inc., Memorandum, October 28, 2011 (DEIR Appendix D)

pg. 4.14-8 *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.*

Comments

• As proposed, the haul route to the quarry would include Hwy. 58.

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pg. 4.14-9 & 10 **Applicant Proposed Measure LU-1**

Comments

• A Traffic Control Management Plan must be defined and included in the DEIR. Developing it at a time after public comment period has expired is not acceptable and does not conform to CEQA guidelines.
• The Planning Dept. has no special capability in either traffic control management or validation of controls, but cannot escape it's responsibility for ensuring adequacy of the Traffic Control Management Plan program.
- Any TCMP shall be managed by an independent consulting firm and overseen by the permitting authority.
• Elementary School arrival/departure times are one component of activity to and from the Elementary School.
• It is stated that truck traffic will not be active on the day of the annual Wildflower Ride.
- Proposed operating hours are 6:00 a.m. to 5:00 p.m. Monday through Friday.
- The Wildflower Ride historically occurs on a weekend.
  • The first Wildflower Ride was in 1972.
  • For over 40 years, the event has taken place on a Saturday.
  • The next event is scheduled for Saturday April 26, 2014.
- Many other quarries operate on weekends and during night-time hours.
- Are there measures in place that would guarantee this applicant will not seek to expand operating hours into weekends and nighttime in the future?
• No information on the origin of APM/LU-1b or any studies that concluded it increases public safety have been provided in this DEIR.
- It is not possible to determine if this would be effective mitigation.
- This mitigation fails to maintain the rural character the community prefers and has documented in the Santa Margarita Community Plan.
- Refer to Santa Margarita Design Plan (Highway 58-Estrada Avenue Corridor Enhancement and Pedestrian Improvements) for appropriate mitigation at this location that has already been designed with community input.

• Downtown Improvements at Encina through Margarita Ave. as outlined in the Santa Margarita Design Plan should be part of any mitigation measures intended to address the character of Santa Margarita.

- Trip distribution as outlined in Figure 4.11-3 and the associated impacts of diverting the haul route away from downtown Santa Margarita will need to be re-considered as the rural character of the town is considered.

• APM/LU-1c is not effective or enforceable mitigation.

- Independent management of such guidelines must be in place prior to issuance of any use permits.
- A clear and enforceable definition of emergency must be defined and included.

• APM/LU-1d is not effective or enforceable mitigation.

- A toll-free traffic hot-line operated by applicant is ineffective.
  - The experience of local residents with a similar hot-line for the Carrizo solar projects informs this statement.
  - Those results inspire little confidence that a plan that proved ineffective for a temporary 3 year project would be effective for one lasting up to 58 year.
- An independently managed program shall be implemented that ceases quarry operations upon report of an infraction until such time that appropriate corrective and disciplinary action to prevent any further incidents has been taken.

Additional Comments - Section 4.14

• There are far more parcels being affected than recognized in the DEIR.
• Project Mapping and the mapping within the DEIR are inadequate.
• Impacts to the entire community of Santa Margarita have been left largely unaddressed in the DEIR.
• The existence of the EX1 Extractive Resource Combining Designation provides no special protection from the fundamental purpose of planning to address compatibility between uses or any compatibility considerations ordinarily applicable to a CUP application.
• The performance standards of the Land Use Ordinance ensure compatibility of adjacent uses.
• The LUE and LUO are together a growth management system that directs the amount, type and intensities of development into specific areas.
• Combining designations are applied in addition to other requirements within a particular land use category.[3]
• The reason that you are unlikely to see a concrete batch plant next to your house is because of the regulations contained in the LUO.[4]
• Land use compatibility is potentially a significant impact not adequately addressed in the DEIR.

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[3] How to Use the LUE & LUO System, SLO County Department of Planning and Building pg. 2

[4] How to Use the LUE & LUO System, SLO County Department of Planning and Building pg. 3