COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Promoting the wise use of land
Helping build great communities

PLANNING COMMISSION

MEETING DATE	CONTACT/PHONE	APPLICANT	FILE NO.
December 11, 2014	Murry Wilson / Senior Planner (805) 788-2352	Las Pilitas Resources LLC	DRC2009-00025

SUBJECT

Hearing to consider a request by **LAS PILITAS RESOURCES LLC** for a Conditional Use Permit and Reclamation Plan to allow mining and the phased reclamation of 41 acres on an approximately 234 acre site. The applicant is requesting a maximum annual production rate of 500,000 tons, a portion of which will be recycled asphalt and Portland cement concrete. The project also includes a request to waive the ordinance requirement of Section 22.30.080.A. which limits recycling facilities in the Rural Lands Category to only when in conjunction with an approved waste disposal site and a request to waive the ordinance requirement of Section 22.30.560.B.2.b. which requires storage yards to be screened from public views. The site is in the North County Planning Area, Las Pilitas Sub Area, within the EX1 (Extractive Resource Area) combining designation. Also being considered is the Final Environmental Impact Report. The proposed project is within the Rural Lands land use category and is located at 6660 Calf Canyon Road (north side of Highway 58), east of the Salinas River Bridge and approximately 1/4 mile west of the Parkhill Road intersection, east of the community of Santa Margarita.

RECOMMENDED ACTION

Staff recommends the Planning Commission take the following action:

1. Deny the application for a Conditional Use Permit and Reclamation Plan; and
2. Adopt the Findings included in Exhibit A.

ENVIRONMENTAL DETERMINATION

The Environmental Coordinator, after completion of the initial study, finds that there is evidence that the project may have a significant effect on the environment, and therefore a Final Environmental Impact Report (FEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) for this project. The Final EIR focuses on the following issues: Aesthetics and Visual Resources, Agricultural Resources, Air Quality, Green House Gas Emissions, Biological Resources, Geology, Hazards and Hazardous Materials, Noise, Public Services and Utilities, Recreation, Transportation and Circulation, Wastewater, Water Quality and Supply, and Land Use. The EIR also considers alternatives in addition to the “No Project” alternative. Notice of the Final EIR was provided to the public and copies of the Final EIR were made available for public review. The Final EIR was also distributed to the Planning Commission under separate cover. While an EIR has been prepared, per the Public Resources Code 21080(b)(5) and CEQA Guidelines, CEQA does not apply to projects which a public agency rejects or disapproves. However, the FEIR has provided evidence and information to support this denial, including an evaluation of the significant and unavoidable environmental impacts of the proposed project.

LAND USE CATEGORY	COMBINING DESIGNATION	ASSESSOR PARCEL NUMBER	SUPERVISOR DISTRICT(S)
Rural Lands	EX1 (Extractive Resource Area) and Flood Hazard	070-141-070 and 071	5

PLANNING AREA STANDARDS:

22.98.050A. – Rural Lands (RL)

EXISTING USES:

Residential and agricultural uses

SURROUNDING LAND USE CATEGORIES AND USES:

North: Rural Lands / open space and mining activities
East: Rural Lands and Residential Rural / residential uses
South: Rural Lands and Residential Rural / open space and residential uses
West: Rural Lands / open space and mining activities

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Santa Margarita Community Advisory Group, Public Works, Environmental Health, Ag Commissioner, County Parks, Cal Fire, APCD, SLOCOG, RWQCB, Army Corps, NRCS / RCD, Department of Fish and Wildlife, Cal Trans, Cal Recycle, Department of Water Resources, Public Utilities Commission, and Native American Heritage Commission.	
TOPOGRAPHY: Gently to steeply sloping	VEGETATION: Chaparral, Coast Live Oak Woodland, Central Coast Live Oak Riparian Forest, and grasses
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: Cal Fire	ACCEPTANCE DATE: June 29, 2010

STAFF REPORT OUTLINE

- **PROJECT SUMMARY**
- **STAFF RECOMMENDATION**
- **PROJECT DESCRIPTION / LOCATION**
  - **A. Project Description**
  - **B. Project Location**
- **PROJECT ANALYSIS**
  - **A. Introduction**
  - **B. Neighborhood Compatibility**
    - **1. <u>Community of Santa Margarita</u>**
      - ***a. Traffic***
      - ***b. Noise (Traffic Related)***
      - ***c. Santa Margarita Design Plan***
    - **2. <u>Adjacent to Project Site</u>**
      - ***a. Noise (Blasting and Operations)***
      - ***b. Aesthetics***
  - **C. Cumulative Traffic**
  - **D. Noise (Ordinance Compliance)**
  - **E. Aesthetics and Visual Resources**
  - **F. Conditional Use Permit Findings**
  - **G. Overriding Considerations Required**
- **STAFF COMMENTS**
- **AGENCY REVIEW**
- **LEGAL LOT STATUS**
- **EXHIBITS**
  - **Denial Findings – Exhibit A**
  - **Planning Area Standards – Exhibit B**
  - **Combining Designations – Exhibit C**
  - **Ordinance Compliance – Exhibit D**
  - **Project Graphics – Exhibit E**
  - **Project Referral Responses – Exhibit F**

PROJECT SUMMARY

An application for a Conditional Use Permit and Reclamation Plan for a new surface mine was submitted to the Department of Planning and Building in October 2009 for the proposed project. The project was accepted for processing in June of 2010. Upon preparation of the Initial Study, the Department determined that the project would have the potential to result in significant and

unavoidable impacts to the environment therefore an Environmental Impact Report (EIR) was prepared. Based on a previous hearing regarding an ordinance interpretation, and public scrutiny and controversy regarding the EIR consultant selection process, it was clear that there was intense community concern regarding the proposed mine.

In June of 2010, the County entered into a contract with URS Corporation to prepare an EIR. The Draft EIR was released for public comment in March 2013 and the public comment period closed on June 5, 2013. The Department held a public workshop during the public comment period (on April 25, 2013) and upon the completion of the comment period received more than 200 comment letters (approximately 800 comments) on the Draft EIR. The Department reviewed all comments on the Draft EIR and has provided response to these comments which are contained in the Final EIR dated November 2014.

Significant community concern has been expressed throughout the various phases of the project including land use incompatibilities adjacent to the project site as well as within the community of Santa Margarita, visual impacts resulting from the proposed project, noise impacts associated with quarry operations, trucks trips along the haul route, and cumulative traffic impacts resulting from the proposed project. The Final EIR concluded that the proposed project would result in several significant and unavoidable impacts (Class I impacts) including significant visual impacts, significant noise impacts, and significant traffic impacts.

Based on Staff's review of the proposed project, including the information contained in the Final EIR, it appears that the proposed project is not consistent with the County General Plan. Applicable Conditional Use Permit findings cannot be made in support of the proposed project, and at the time of preparation of this Staff Report there are insufficient economic, social, technological, or other benefits of the project to override its significant unavoidable environmental impacts.

STAFF RECOMMENDATION

Staff recommends the Planning Commission take the following actions:

1. Deny the application for a Conditional Use Permit and Reclamation Plan; and
2. Adopt the Findings included in Exhibit A.

The detailed basis for this recommendation can be found in the discussion below titled "Project Analysis".

PROJECT DESCRIPTION / LOCATION

A. Project Description – The Applicant is proposing a quarry / surface mine that would occupy approximately 41 acres of an approximately 234 acre site with a maximum annual production of 500,000 tons; a portion of which would include recycled asphalt and Portland cement. A complete project description can be found in the Final Environmental Impact Report (FEIR) within Section 2.0 titled "Project Description".

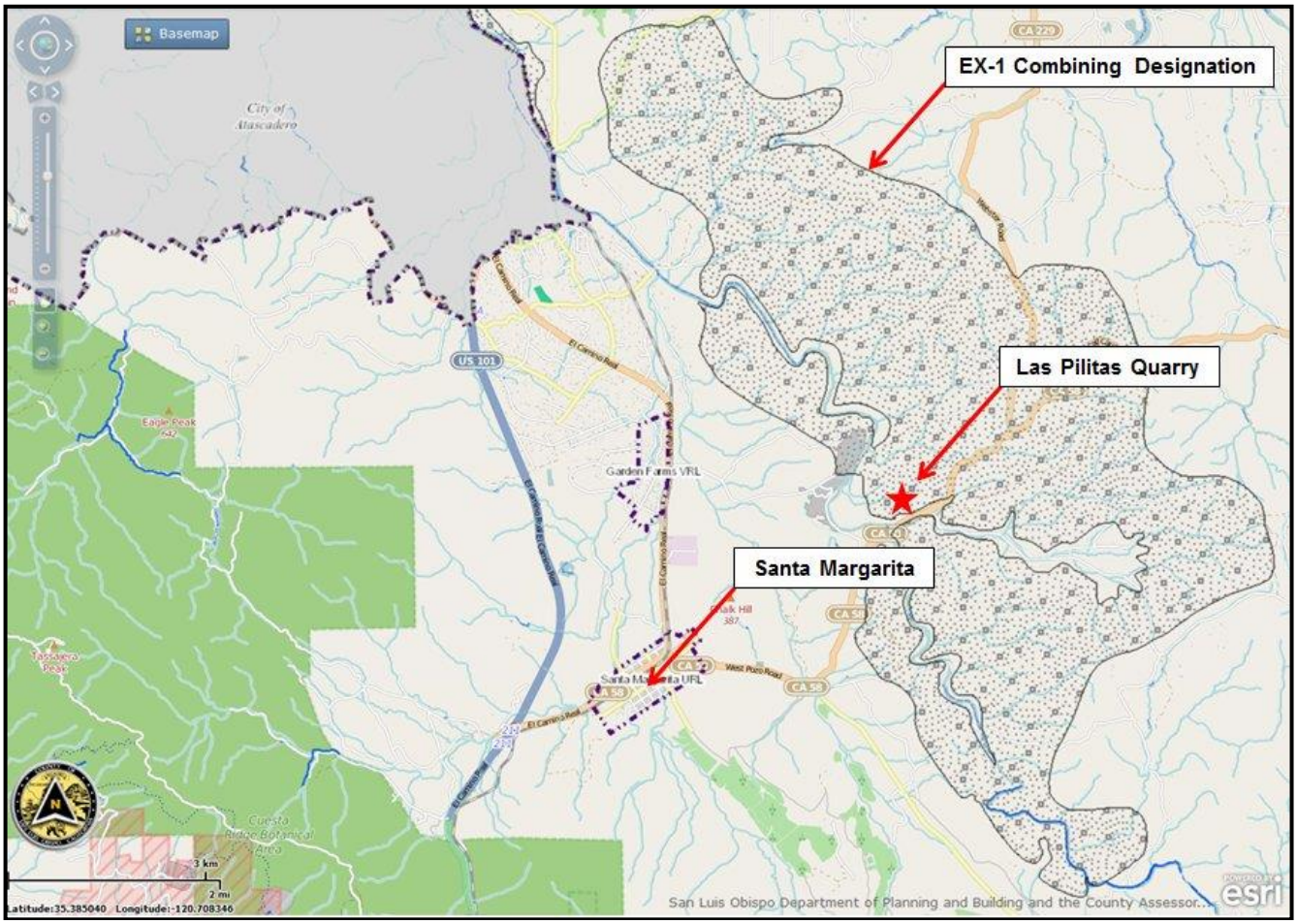


Figure 1 - Project Location Map with EX1 Overlay

B. Project Location – The proposed quarry / surface mine is located approximately three miles northeast of the community of Santa Margarita on the north side of State Route 58, immediately east of the Salinas River. The project site is located at 6660 Calf Canyon Highway (SR 58) which is approximately 234 acres in size (APN 070-141-070 and 071). The project site is located within, but near the western boundary of the Extractive Resource Area (EX1) combining designation (refer to Figure 1).

PROJECT ANALYSIS

A. Introduction

General Plan Consistency – Under State law, the County's decision makers must consider the project's consistency with the County General Plan as a part of the decision making process. Staff recommends that the project, as proposed, is inconsistent with the Conservation and Open Space Element (COSE) and the Noise Element / Ordinance of the County's General Plan. The discussion below identifies these inconsistencies, environmental impacts, and the circumstances that have led Staff to recommend denial of the proposed project. It is important to note that Staff's recommendation for denial of the proposed project does not preclude or set precedence for future mining projects within the EX1 combining designation area. This project was evaluated independently based on the currently proposed project characteristics. Future mine projects in this area will be evaluated based on proposed project characteristics at that time.

Environmental Impact Report – The EIR addressed potential impacts to: Aesthetics and Visual Resources, Agricultural Resources, Air Quality, Green House Gas Emissions, Biological Resources, Geology, Hazards and Hazardous Materials, Noise, Public Services and Utilities, Recreation, Transportation and Circulation, Wastewater, Water Quality and Supply, and Land Use. Where feasible, mitigation measures are included in the EIR to address these impacts. However, the proposed project would result in seven (7) significant and unavoidable (Class I) impacts. Issue areas with Class I impacts include Aesthetics and Visual resources, Noise, and Transportation and Circulation.

Conditional Use Permit Findings - In order to approve a Conditional Use Permit, the Land Use Ordinance (Title 22.62.060(C)(4)) requires that the following findings must be made. Each finding must be supported by evidence in the record. Based on staff's review of the project, the staff report concludes that these findings cannot be made.

> ***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*
> 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).*

Exhibit A includes a complete discussion of the findings based upon facts that have been presented at the time of publishing. The Conditional Use Permit findings overlap to a certain extent with the issue of General Plan consistency and issue areas addressed in the EIR, and thus some issues may be discussed several times under different headings. Of particular importance in regards to the analysis of this project are findings "c" and "d" which address community compatibility and conflict with other uses and neighboring properties.

B. Neighborhood Compatibility

1. <u>Community of Santa Margarita</u>

a. Traffic

<u>Staff Analysis</u>: The project would generate an average of 273 truck trips per day based on a maximum annual production of 500,000 tons (including the proposed recycling activities). Truck traffic generated from the quarry will pass through the residential neighborhood along Estrada Avenue and through downtown Santa Margarita along State Route 58. This additional traffic would compromise the small town, rural character of this historic community. Strong concerns have been expressed by

residents along the proposed truck route through the community of Santa Margarita and from within other parts of Santa Margarita and the surrounding areas.

In addition to general traffic related impacts, the project would result in land use compatibility conflicts between truck traffic, bicyclists, pedestrians and school children. The project will contribute approximately 35 peak hour truck trips through the downtown portion of the community of Santa Margarita, and will contribute towards potential conflicts with pedestrian movements across El Camino Real at Encina Avenue. There is a crest vertical curve on Estrada Avenue (SR 58) south of H Street, which is the location of the Santa Margarita Elementary School crossing. This crest obscures driver views from the south of the school pedestrian crossing. SR 58 also passes directly through the "business district" of the community of Santa Margarita, and within close proximity of the Santa Margarita Elementary School. Children walking to and from school regularly cross SR 58 via a designated crossing at the intersection of SR 58 and H Street.

In addition, bicyclists would be required to share SR 58 with the truck traffic generated by the proposed project. There is no dedicated bike lane on SR 58, which leaves little room for bicyclists and truck traffic to share the road. Trucks will need to maintain the appropriate separation as required by State law (3-foot rule). The limited room to accommodate large trucks and cyclists would result in a slowing of traffic as trucks wait for an opportunity to pass with a safe buffer from other users. Numerous comments letters from the public have expressed concern regarding these potential land use conflicts of the project.

The project's increase in heavy truck traffic would result in incremental damage and wear to roadway pavement surfaces (e.g. potholes and other roadway damage) along SR 58. The degree to which this wear and tear would occur depends on the roadway's design (pavement type and thickness) and its current condition. While this impact can be mitigated through the implementation of mitigation measure Traffic-4b, there would be a lag time between the wear to the roadway pavement surfaces and the repair of the impacted roadway surfaces. This impact would be contrary to the health, safety, and welfare of bicyclists and other users during the time between the impact to the roadway surfaces and when the repair is made.

b. Noise (Traffic Related)

Staff Analysis: The project would generate truck traffic that would result in a significant increase in noise within the Community of Santa Margarita. This would increase ambient noise levels in the community and expose sensitive receptors to noise levels near and in excess of the maximum allowable transportation based noise thresholds (depending on the location of the sensitive receptor). Haul trucks produce particularly low frequencies combined with high pitched noises from braking and acceleration and deceleration. In addition, the community currently has relatively low traffic volumes. Thus, the increase in truck trip noise would not be compatible with the rural, quiet character of the community. In addition, many comments letters from the public have expressed concern regarding the noise impacts of the project associated with the proposed truck trips and the related noise impacts within the community of Santa Margarita.

c. Santa Margarita Design Plan

Staff Analysis: The project would generate an average of 273 truck trips per day based on a maximum annual production of 500,000 tons (including the proposed recycling

activities). The additional truck traffic would be potentially inconsistent with community preferences, which are presented in the Santa Margarita Community Plan and Santa Margarita Design Plan, including the Design Plan, Vision for Santa Margarita (I-B) and Goals (C). Although some identified traffic impacts can be mitigated, the passage of this volume of heavy trucks through the community of Santa Margarita is inconsistent with the goals of the design plan. These Vision statement and Goals generally call for an increase in the pedestrian friendly nature of downtown including slowing traffic, narrowing roadways, and increasing pedestrian crossings. The increase in trucks through the downtown and accompanying noise and pollution is not consistent with these Vision and Goals. These concerns were identified in comments received during the scoping period for this EIR as well as comments received during the public comment period for the Draft EIR. The increase in truck traffic generated from the proposed quarry could compromise the desired rural character of the community of Santa Margarita, as expressed in the adopted Santa Margarita Design Plan.

2. <u>Adjacent to the Project Site</u>

a. Noise (Blasting and Operations)

<u>Staff Analysis</u>: The proposed project would expose residents to blasting and operation noise in an otherwise rural, quiet and natural setting. This would result in regular disturbances to nearby sensitive receptors (residential uses). Such nuisance noises, which would exceed noise ordinance standards, would result in excessive noise levels which are detrimental to the public health, welfare and safety and contrary to the public interest. Excessive noise can: interfere with sleep, communication, relaxation and full enjoyment of one's property; contribute to hearing impairment and a wide range of adverse physiological stress conditions; and adversely affect the value of real property. While the impacts can be partially mitigated, impacts related to noise at the project site have been determined to be significant and would be incompatible with surrounding uses.

b. Aesthetics

<u>Staff Analysis</u>: The project would be visually prominent in a relatively rural and natural setting. The project is located in a transition zone between the semi-rural the Santa Margarita area and the rural and steeply sloped oak woodland and chaparral covered hillsides adjacent to the Salinas River corridor. There are numerous scattered residences within the vicinity of the proposed project site. Nearby residences would have views of the project site, in addition to travelers utilizing SR 58. The project would result is significant disturbance to the project site and change the natural setting and visual character of the area. In addition, several comment letters from the public contained in the Final EIR have expressed concern regarding the visual impacts of the proposed project. For these reasons, Staff has found that the project would represent a significant change from the current character of the area and would not be compatible with the existing visual character of the area.

C. Cumulative Traffic

<u>Impact</u>: Regarding cumulative traffic volumes, the project will contribute towards future (2030) traffic volumes including trips associated with the development of the Santa Margarita Ranch Agricultural Residential Cluster Subdivision, that will degrade the Level of Service (LOS) at the intersection of Estrada Avenue (SR 58) and El Camino Real, and at the intersection of Estrada Avenue and H Street, which is the location of the Santa Margarita Elementary School pedestrian crossing. The project would be required to pay its fair share (currently estimated at

8.1% and 9.1% respectively) to mitigate impacts to SR 58. However, it was concluded that impacts would be significant and unavoidable due to the lack of certainty regarding Caltrans approval of needed improvements and the uncertainty of timing of the needed improvements which may never be fully realized due to the lack of other contributors and funding.

Future heavy truck traffic in the area, as well as the project's increase in heavy trucks along SR 58, would result in more rapid deterioration of the roadway surface along the proposed haul route. The contribution of the project's heavy truck traffic to existing heavy truck traffic and future heavy trucks along this route is considered a potentially significant cumulative impact.

Staff Analysis: From a cumulative perspective, the project would reduce the LOS at various SR 58 intersections within the Community of Santa Margarita. This would result in delays for residents of the community of Santa Margarita and other users of SR 58 and result in increased traffic congestion at the identified intersections. The necessary improvements to SR 58 would require the approval of Caltrans as well as the California Public Utilities Commission (due to the proximity to the railroad crossing) at the El Camino Real / Estrada Avenue (SR 58) intersection. It is not known if or when those improvements would be approved by Caltrans and if additional funding would be available to pay for the improvements. Due to this uncertainty, it can be assumed that the improvements may not be implemented. Because of the scale of improvements and uncertainty, Staff concludes that this cumulative traffic impact is, in part, a basis for denial of the proposed project.

With regards to deterioration of the roadway surface along the proposed haul route, there would be a lag time between the wear to the roadway pavement surfaces and the repair of the impacted roadway surfaces as discussed above. This impact would be contrary to the health, safety, and welfare of bicyclist and other users during the time between the impact to the roadway surfaces and when the repair is made. Based on the identified lag time between the impacted roadway surface and the timing of the repair, Staff concludes that this cumulative traffic impact is also, in part, a basis for denial of the proposed project.

D. Noise (Ordinance Compliance)

The project would generate a maximum of 273 truck trips per day based on a maximum annual production of 500,000 tons (including the proposed recycling activities). The trucks would travel through the community of Santa Margarita. The proposed trips associated within the project would generate a significant increase in ambient noise along the identified truck route with the community. Project trucks would generate noise as a result of braking, stops / starts, acceleration, and deceleration. The community of Santa Margarita is a relatively small community with relatively low levels of traffic. The vehicle trips that would be generated by the project would create low, distinct noises that would significantly increase the existing traffic noise in the community. Sensitive receptors would be exposed to consistently elevated noise levels throughout the day.

As proposed, the project would be inconsistent with various Noise Element and Ordinance goals and policies. The project does include several mitigation measures to minimize impacts related to quarry operations and blasting noise; nonetheless, staff concludes the following General Plan and ordinance goals and policies cannot be met (also see Exhibit A).

- Noise Element Goal 3.1.1: *"To protect the residents of San Luis Obispo County from the harmful and annoying effects of exposure to excessive noise."*

- Noise Element Goal 3.1.3: *"To preserve the tranquility of residential areas by preventing the encroachment of noise-producing uses."*

- Noise Element Policy 3.3.1: *"The noise standards in this chapter represent maximum acceptable noise levels. New development should minimize noise exposure and noise generation."*

- Noise Element Policy 3.3.3: *"Noise created by new transportation noise sources, including roadway improvement projects, shall be mitigated so as not to exceed the levels specified in Table 3-1 within the outdoor activity areas are interior spaces of existing noise sensitive land uses."*

- Noise Element Policy 3.3.5 (b): *"Noise levels shall be reduced to or below the noise level standards in Table 3-2 where the stationary noise source will expose an existing noise-sensitive land use (which is listed in the Land Use element as an allowable use within its existing land use category) to noise levels which exceed the standards in Table 3-2."*

- Noise Element Policy 3.3.5 (c): *"Noise levels shall be reduced to or below the noise level standards in Table 3-2 where the stationary noise source will expose vacant land in the Agriculture, Rural Lands, Residential rural, Residential Suburban, Residential Single-Family, Residential Multi-Family, Recreation, Office and Professional, and Commercial Retail land use categories to noise levels which exceed the standards in Table 3-2."*

- Noise Element Policy 3.3.5 (d): *"For new proposed resource extraction, manufacturing or processing noise sources or modifications to those sources which increase noise levels: where such noise sources will expose existing noise-sensitive land uses (which are listed in the Land Use Element as allowable uses within their land use categories) to noise levels which exceed the standards in Table 3-2, best available control technologies shall be used to minimize noise levels. The noise levels shall in no case exceed the noise level standards in Table 3-2."*

- Noise Ordinance – Section 22.10.120 (Noise Standards): *"This Section establishes standards for acceptable exterior and interior noise levels and describes how noise shall be measured. These standards are intended to protect persons from excessive noise levels, which are detrimental to the public, health, welfare and safety and contrary to the public interest because they can: interfere with sleep, communication, relaxation and full enjoyment of one's property; contribute to hearing impairment and a wide range of adverse physiological stress conditions; and adversely affect the value of real property."*

Impact: Regarding truck traffic noise, the project will generate additional truck traffic, which will increase noise levels along SR 58 up to 1.9 dBA, with distinct low frequency noise associated with heavy trucks. At some locations (refer to Table 4.8-7 on page 4.8-15 of the Final EIR) the resulting noise levels will exceed the County criteria of 60 dBA (for roadway noise). This increase, particularly since it would be associated with heavy truck traffic, will be perceived as significant. It will affect outdoor living areas exposed to traffic noise and the increase in heavy truck traffic will be perceived as objectionable.

Regarding quarry operations noise, during the early phases of the proposed quarry, including the initial construction and quarrying through the completion of Phases 1A and 1B (up to 12 ½ years), the hourly Leq values caused by the quarry operations at some nearby residences will exceed the County daytime Leq standard of 50 dBA (or ambient plus 1 dBA). Operational noise impacts are expected from the project due to the use of heavy equipment including bulldozers, front-end loaders, excavators, and rock drilling equipment. In addition to the

regular noise of equipment, backup safety alarms associated with trucks and off-road vehicles as well as the use of rock processing equipment such as a crusher, sorting equipment, and the loading of trucks would also be heard at surrounding sensitive receptors.

Regarding blasting noise and vibration, during early phases of the proposed quarry blasting, Lmax values at nearby residences are predicted to range from 62 dBA to 80 dBA, depending on the prediction method used. Values above 70 dBA would be inconsistent with the County standard for Lmax values from a stationary source noise and would be a significant impact.

Truck traffic from the project when added to existing truck traffic from the Hanson Santa Margarita Quarry and other existing traffic noise in the vicinity would be significant. Increases due to the project generated heavy truck traffic will be about 2 dBA, which when added to existing traffic would be a significant increase in noise levels along the proposed haul routes within the community of Santa Margarita.

Staff Analysis: As a result of the increased noise generated by, trucks travelling through the community and quarry operations, staff has concluded that the project is inconsistent with the Noise Element and Noise Ordinance goals and policies and the regulations. Key issues related to noise impacts associated with the proposed project including General Plan and Ordinance inconsistencies relate to truck traffic noise, quarry operational noise, and blasting noise. Truck traffic noise, blasting noise and operational noise cannot be mitigated as there are no feasible measures to implement that would reduce noise levels to acceptable levels.

E. Aesthetics and Visual Resources

Impact: The project will impact scenic vistas. The project will create graded slopes into natural hillsides, which will be visible to the public from portions of the State Route (SR) 58 corridor, which is identified for study as a scenic corridor by the Conservation and Open Space Element. These slopes may adversely affect the aesthetic character of the site and the surrounding area.

The project is expected to have a significant impact on views from eastbound traffic along the SR 58 corridor, and similar effects on views from a few residents located south of the project site. The location of water Tank "A" (to provide potable water for the proposed project) will be visible from public views and has the potential to silhouette against the skyline as viewed from SR 58.

The visual effects of the project can be reduced, but not avoided until after maturity of revegetation associated with the proposed reclamation plan activities, which would not occur for several decades. Even after revegetation, it cannot be guaranteed that the proposed revegetation efforts would fully mitigate the visual impacts associated with the proposed project.

Staff Analysis: The County's COSE includes Goal VR-1 and VR-2 which respectively state, "Through the review of proposed development, encourage designs that are compatible with the natural landscape and with recognized historical character, and discourage designs that are clearly out of place within rural areas" and "the natural and historic character and identity of rural areas will be preserved." The slopes of the proposed mining area and mining equipment would be visible from SR 58 and would be inconsistent with the rural visual character of the area.

The project is located in a transition zone between the semi-rural Santa Margarita area and the rural and steeply sloped oak woodland and chaparral covered hillsides adjacent to the Salinas River corridor. The project would be highly visible in an area that is predominately

characterized by a natural setting including the riparian corridor surrounding the Salinas River. Due to the length of time before restoration would occur and the time for vegetation to mature, the project would be visible for over 25 years until planted vegetation associated with the proposed reclamation plan matures.

In addition, although SR 58 not officially designated as a scenic highway, Policy VR 4.1 of the COSE indicates that SR 58 will eventually become a scenic corridor. The COSE also includes Policy MN 1.1 which states that the County must evaluate proposed mining operations in areas having open space, scenic, habitat, recreational, or agricultural value by balancing these values against the need for extracting mineral resources from such areas.

The project would have a significant impact on aesthetics and visual resources in the area of the proposed project. Therefore, Staff concludes the General Plan goals and policies described herein cannot be met.

F. Conditional Use Permit Findings

Staff Analysis: The required findings for issuance of the Conditional Use Permit cannot be met because the project would adversely impact the health, safety and welfare of the community and the public as a result of seven significant and unavoidable impacts related to aesthetics, noise and traffic (see Denial Findings – Exhibit A). Sensitive receptors will be subject to the harmful and annoying effects due to the exposure to excessive noise as result of truck traffic within the community of Santa Margarita and as a result of operational activities and blasting noise and vibration adjacent to the proposed project site. The project would result in land use compatibility conflicts between truck traffic, bicyclists, pedestrians and school children. More specifically, public concerns have been expressed regarding the safety of the truck traffic through the community of Santa Margarita and along the proposed haul routes including the school crossing at the intersection of SR 58 and H Street, conflicts with bicyclists along SR 58, and the pedestrian crossing at El Camino Real and Encina Avenue. Public concerns have also been expressed regarding the potential health risks of the project including emissions associated with the truck traffic.

G. Overriding Considerations Required

In order to approve a project with significant and unavoidable impacts, the California Environmental Quality Act (CEQA) requires decision makers 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 impacts when determining whether to approve or deny the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of the proposed project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered acceptable.

Based on Staff's review of the proposed project and the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits presented at this time, Staff is recommending that the proposed project be denied. At this time, the benefits of the project do not appear to outweigh the significant environmental impacts identified in the FEIR.

STAFF COMMENTS

A large volume of public comments have been received during various phases of processing the proposed project including the scoping meeting and comments on the Draft EIR. Comments have

been received both in support and in opposition to the proposed project. As discussed above, the project would result in significant and unavoidable impacts (Class I) which cannot be mitigated to a less than significant level. The proposed project also appears to be inconsistent with provisions of the General Plan. Through the public hearing process, your Commission may determine, based on public comment and other input from members of the public and / or the Applicant to either approve or deny the proposed project.

AGENCY REVIEW

Department of Conservation (OMR) – Refer to Office of Mine Reclamation letter dated July 16, 2010 and County response letter dated November 4, 2014 (see comments in Exhibit F).
Public Works – Refer to Public Works Department letters dated October 30, 2009 and July 9, 2010 (see comments in Exhibit F).
Environmental Health – Refer to Public Health Department letter dated October 22, 2009 (see comments in Exhibit F).
Ag Commissioner – Refer to Department of Agriculture letter dated August 2, 2010 (see comments in Exhibit F) and additional comments and responses to EIR (to be provided under separate cover).
County Parks – Please condition a 25-foot wide trail easement along the Salinas River (see comments in Exhibit F).
Cal Fire – Refer to "Commercial Fire Safety Plan Review" dated November 17, 2009 and February 8, 2014 (see comments in Exhibit F).
SLOAPCD – Refer to email correspondence dated October 30, 2009 (see comments in Exhibit F) and refer to Section 9.0 in the Final EIR, comment letter R.02 (Gary Arcemont).
CA Department of Fish and Wildlife – No comment.
Cal Trans – Refer to Cal Trans letter dated September 5, 2014 (see comments in Exhibit F) and Section 9.0 in the Final EIR, comment letter S.02 (Adam Fukushima).
RWQCB – Refer to Section 9.0 in the Final EIR, comment letter S.04 (Phil Hammer).
U.S. Fish and Wildlife – No comment.

LEGAL LOT STATUS

One parcel (APN: 070-141-070) was legally created by recordation of a Notice of Voluntary Merger, M02-291, Parcel 1 (Document #2002-080592) at a time when that was a legal method of creating parcels.

One parcel (APN: 070-141-071) is a portion of Section 10, Township 29 South, Range 13 East, M.D.M. and was legally created by deed at a time when that was a legal method of creating parcels. Certificate of Compliance C02-0290, Parcel 1 (Document #2002-080593) was issued and recorded confirming this parcel as a legal parcel based on deed history.

The Staff Report has been prepared by Murry Wilson and reviewed by Steve McMasters.

EXHIBITS

Exhibit A – Denial Findings
Exhibit B – Planning Area Standards
Exhibit C – Combining Designations
Exhibit D – Ordinance Compliance
Exhibit E – Project Graphics
Exhibit F – Project Referral Responses

DENIAL FINDINGS – EXHIBIT A

Conditional Use Permit (Land Use Ordinance Section 22.62.060C.4.)

1. The proposed project or use is not consistent with the San Luis Obispo County General Plan because:

    a. The Conservation and Open Space Element (COSE) includes Goal VR-1 and VR-2 which respectively state, "Through the review of proposed development, encourage designs that are compatible with the natural landscape and with recognized historical character, and discourage designs that are clearly out of place within rural areas" and "the natural and historic character and identity of rural areas will be preserved." The slopes of the proposed mining area and mining equipment would be visible from SR 58 and would be inconsistent with the rural visual character of the area. The project is located in a transition zone between the semi-rural upper Salinas River Valley (the Santa Margarita area) and the rural and steeply sloped oak woodland and chaparral covered hillsides adjacent to the Salinas River corridor which is highly scenic. The project's excavated slopes associated with the quarry operations would be visible to the public in an area that is predominately characterized by a natural setting including the riparian corridor surrounding the Salinas River. Due to the length of time before restoration would occur, the time for vegetation to mature, and the uncertainty of successful revegetation on the excavated slopes; the project would be visible for over 25 years until planted vegetation associated with the proposed reclamation plan matures and meets the success criteria established in the reclamation plan and the SMARA guidelines. Although SR 58 not an officially designated scenic highway, Policy VR 4.1 of the COSE indicates that SR 58 will eventually become a scenic corridor. The significant and unavoidable impacts associated with the proposed quarry and the excavated slopes that will be visible to travelers along SR 58 would not be consistent with the identification of SR 58 for designation as a scenic corridor.

    b. Conservation and Open Space Element (COSE) Goal MN-1 and Policy MN 1.1 require the County to evaluate proposed mining operations in areas having open space, scenic, habitat, recreational, or agricultural value by balancing these values against the need for extracting mineral resources from such areas. While the State of California has recognized the importance of aggregate resources and the need to balance the demand and supply of aggregate materials in the San Luis Obispo – Santa Barbara production consumption region; the Applicant has not demonstrated that the need for the proposed facility would outweigh the visual and environmental impacts of the project including significant and unavoidable impacts to Aesthetics and Visual Resources, Noise, and Transportation and Circulation.

    c. The project would be inconsistent with Noise Element Goals and Policies because sensitive receptors will be subject to the harmful and annoying effects of exposure to excessive noise as result of truck traffic within the community of Santa Margarita and as a result of operation activities and blasting noise and vibration adjacent to the proposed project site; including exceedances of the noise standards which represent maximum acceptable noise levels which cannot not be feasibly mitigated to acceptable levels.

    d. Denial of the proposed project does not preclude or set precedence for future mining projects within the EX1 combining designation area. This project was evaluated independently based on the currently proposed project characteristics. Future mine projects in this area will be evaluated based on proposed project characteristics at that time.

2. The proposed project does not satisfy all applicable provisions of Title 22 of the County Code because:

    a. Noise Ordinance – Section 22.10.120 (Noise Standards) cannot be met, which states, "This Section establishes standards for acceptable exterior and interior noise levels and describe how noise shall be measured. These standards are intended to protect persons from excessive noise levels, which are detrimental to the public, health, welfare and safety and contrary to the public interest because they can: interfere with sleep, communication, relaxation and full enjoyment of one's property; contribute to hearing impairment and a wide range of adverse physiological stress conditions; and adversely affect the value of real property." The proposed project will result in exceedances of the 60 dBA Ldn standard due to roadway noise generated by the proposed projects truck traffic. The proposed project will result in exceedances of the 50 dBA daytime hourly Leq standard for point source project noise as a result of quarry operations. The proposed project will result in exceedances of the 70 dBA standard for Lmax associated with blasting noise associated with quarry operations.

    b. Surface Mining and Reclamation – Section 22.36.040E. cannot be met because the project will result in significant and unavoidable impacts to aesthetic and visual resources which cannot be mitigated. The slopes of the proposed mining area and mining equipment would be visible from SR 58 and would be inconsistent with the rural visual character of the area. The project is located in a transition zone between the semi-rural upper Salinas River Valley (the Santa Margarita area) and the rural and steeply sloped oak woodland and chaparral covered hillsides adjacent to the Salinas River corridor which is highly scenic. The projects excavated slopes associated with the quarry operations would be visible to the public in an area that is predominately characterized by a natural setting including the riparian corridor surrounding the Salinas River. Due to the length of time before restoration would occur, the time for vegetation to mature, and the uncertainty of successful revegetation on the excavated slopes; the project would be visible for over 25 years until planted vegetation associated with the proposed reclamation plan matures and meets the success criteria established in the reclamation plan and the SMARA guidelines. Although SR 58 not an officially designated scenic highway, Policy VR 4.1 of the COSE indicates that SR 58 will eventually become a scenic corridor. The significant and unavoidable impacts associated with the proposed quarry and the excavated slopes that will be visible to travelers along SR 58 would not be consistent with the identification of SR 58 for designation of SR 58 as a scenic corridor. Additionally, public concerns have been expressed regarding the safety of the truck traffic which would include approximately 35 peak hour truck trips through the community of Santa Margarita and along the proposed haul routes including the school crossing at the intersection of SR 58 and H Street, conflicts with bicyclist along SR 58, and the pedestrian crossing at El Camino Real and Encina Avenue, and the potential health risks of the project including emissions associated with the truck traffic. As indicated by these concerns, the project is incompatible with the community of Santa Margarita.

3. The establishment and subsequent operation or conduct of the use will be, because of the circumstances and conditions in this particular case, detrimental to the health, safety and / or welfare of the general public and / or persons residing and / or working in the neighborhood of the use, and / or be detrimental and / or injurious to property and / or improvements in the vicinity of the use because:

    a. Sensitive receptors will be subject to the harmful and annoying effects of exposure to excessive noise as result of truck traffic within the community of Santa Margarita and

as a result of operational activities and blasting noise and vibration adjacent to the proposed project site; including exceedances of the noise standards which represent maximum acceptable noise levels which cannot not be feasibly mitigated to acceptable levels.

b. The project would result in land use compatibility conflicts between truck traffic, bicyclists, pedestrians and school children. The project will contribute approximately 35 peak hour truck trips through the community of Santa Margarita, and will contribute towards potential conflicts with pedestrian movements across El Camino Real at Encina Avenue. There is a crest vertical curve on Estrada Avenue (SR 58) south of H Street, which is the location of the Santa Margarita Elementary School crossing. This crest obscures driver views from the south of the school pedestrian crossing. SR 58 also passes directly through the "business district" of the community of Santa Margarita, and within close proximity of the Santa Margarita Elementary School. Children walking to and from school regularly cross SR 58 via a designated crossing at the intersection of SR 58 and H Street. In addition, bicyclists would be required to share SR 58 with the truck traffic generated by the proposed project. There is no dedicated bike land on SR 58, which leaves little room for bicyclists and truck traffic to share the road which could result in a lessening of their perceived experience cycling on the roadway. This perception could result in a disincentive for bicyclist to use SR 58 during operational hours of the quarry. Each of these concerns reflects an incompatibility with land use with the community of Santa Margarita.

c. Public concerns have been expressed regarding the potential health risks of the project including emissions associated with the truck traffic which would include approximately 35 peak hour truck trips through the community of Santa Margarita and along the identified haul routes as a result of the proposed project.

4. The proposed project or use will not be consistent with the character of the immediate neighborhood and the character of the community of Santa Margarita and / or its orderly development because:

a. The natural and historic character and identity of the rural areas will not be preserved because the excavated slopes of the proposed mining area and mining equipment would be visible from SR 58 and would be inconsistent with the rural visual character of the area. The project is located in a transition zone between the semi-rural upper Salinas River Valley (the Santa Margarita area) and the rural and steeply sloped oak woodland and chaparral covered hillsides adjacent to the Salinas River corridor which is highly scenic. The proposed project's excavated slopes associated with the quarry operations would be visible to the public and numerous residences in the vicinity of the proposed project site that is predominately characterized by a natural setting including the riparian corridor surrounding the Salinas River. Due to the length of time before restoration would occur, the time for vegetation to mature, and the uncertainty of successful revegetation on the excavated slopes; the project would be visible for over 25 years from locations in the vicinity of the proposed project site until planted vegetation associated with the proposed reclamation plan matures and meets the success criteria established in the reclamation plan and the SMARA guidelines.

b. Sensitive receptors will be subject to the harmful and annoying effects of exposure to excessive noise as result of truck traffic within the community of Santa Margarita and as a result of operational activities and blasting noise and vibration adjacent to the proposed project site; including exceedances of the noise standards which represent

maximum acceptable noise levels which cannot not be feasibly mitigated to acceptable levels.

c. Truck traffic generated from the proposed quarry will pass through the residential neighborhood along Estrada Avenue and through downtown Santa Margarita along SR 58 which would compromise the small town, rural character of this historic community.

5. The proposed project or use may generate traffic conditions beyond the safe capacity of certain roads that provide access to the project because:

   a. The project would result in land use compatibility conflicts between truck traffic, bicyclists, pedestrians and school children. The project will contribute approximately 35 peak hour truck trips through the community of Santa Margarita, and will contribute towards potential conflicts with pedestrian movements across El Camino Real at Encina Avenue. There is a crest vertical curve on Estrada Avenue (SR 58) south of H Street, which is the location of the Santa Margarita Elementary School crossing. This crest obscures driver views from the south of the school pedestrian crossing. SR 58 also passes directly through the "business district" of the community of Santa Margarita, and within close proximity of the Santa Margarita Elementary School. Children walking to and from school regularly cross SR 58 via a designated crossing at the intersection of SR 58 and H Street. In addition, bicyclists would be required to share SR 58 with the truck traffic generated by the proposed project. There is no dedicated bike land on SR 58, which leaves little room for bicyclists and truck traffic to share the road which could result in a lessoning of their perceived experience cycling on the roadway. This perception could result in a disincentive for bicyclist to use SR 58 during operational hours of the quarry.

   b. The proposed project would create significant and unavoidable impacts to transportation and circulation due to the lack of certainty regarding Caltrans approval of needed improvements and the uncertainty of timing of the needed improvements which may never be fully realized due to the lack of other contributors and funding. The project would reduce the LOS at various SR 58 intersections within the Community of Santa Margarita. This would result in delays for residents of the community of Santa Margarita and other users of SR 58 and result in increased traffic congestion at the identified intersections. The necessary improvements to SR 58 would require the approval of Caltrans as well as the California Public Utilities Commission (due to the proximity to the railroad crossing) at the El Camino Real / Estrada Avenue (SR 58) intersection. It is not known if or when those improvements would be approved by Caltrans and if additional funding would be available to pay for the improvements. Due to this uncertainty, it can be assumed that the improvements may not be implemented.

Environmental Determination

6. 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 Final Environmental Impact Report (FEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) for this project. The Final EIR focuses on the following issues: Aesthetics and Visual Resources, Agricultural Resources, Air Quality, Green House Gas Emissions, Biological Resources, Geology, Hazards and Hazardous Materials, Noise, Public Services and Utilities, Recreation, Transportation and Circulation, Wastewater, Water Quality and Supply, and Land Use. The EIR also considers alternatives in addition to the "No Project" alternative. While an EIR has been prepared, per the Public Resources Code 21080(b)(5) and CEQA Guidelines, CEQA does not apply to projects which a public agency rejects or disapproves. However, the FEIR has provided evidence and information

to support this denial, including an evaluation of the significant and unavoidable environmental impacts of the proposed project.

7. There are insufficient specific, overriding economic, legal, social, technological, or other benefits of the project that outweigh the significant effects on the environment, as would be required to approve the project pursuant to Public Resources Code section 21081.

PLANNING AREA STANDARDS – EXHIBIT B

The following Planning Area standards are applicable to this project.

22.98.050 A.1. – Limitation on Use. *All land uses that are identified by Section 22.06.030 as allowable, permitted, or conditional uses within the RL land use category may be authorized in compliance with the land use permit requirements of that Section, except off-road vehicle courses and correctional institutions.*

Staff Analysis: The Applicant is requesting a Conditional Use Permit and Reclamation Plan for the proposed use; as required by Section 22.36 of the Land Use Ordinance therefore the project is consistent with this standard.

The Applicant is also requesting approval for the recycling of asphalt and concrete as a part of the proposed project. Further discussion is provided below under the section titled “Ordinance Compliance”.

COMBINING DESIGNATIONS – EXHIBIT C

The following Combining Designations are applicable to this project.

22.14.050 – Extractive Resource Area (EX1):

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.*

Staff Analysis: The proposed project site is located with the EX1 combining designation. Consistent with Section 22.14.040 B.1., the Applicant is requesting a Conditional Use Permit and Reclamation Plan for the proposed new quarry as required by Section 22.14.040B.1.a. Chapter 22.36 of the Land Use Ordinance.

22.14.060 – Flood Hazard:

Staff Analysis: No standards in this section are applicable to the review of the proposed project because project related activities would not be located within the portion of the 234 acre property that contains the Flood Hazard designation.

ORDINANCE COMPLIANCE – EXHIBIT D

The following Ordinance standards are applicable to this project. Subsections that are shown in grey text are not applicable to the proposed project.

22.30.080 – Recycling and Scrap:

A. **Limitation on use.** *Recycling operations in the Agriculture, Rural Lands and Public Facilities categories are not to include vehicle wrecking, dismantling or storage; recycling facilities are allowable in the Rural Lands category only when in conjunction with an approved waste disposal site.*

B. **Permit requirement.** *Conditional Use Permit approval; or Minor Use Permit approval in cases where the subject site is within the interior of a Commercial Service or Industrial category such that no portion of the subject site is located adjacent to a land use category other than that of the subject site.*

C. **Location.** *At least 500 feet from any school, church, hospital, public building, Commercial Retail, Office and Professional, Residential Single-Family or Multi-Family category, or residential use on an adjoining lot.*

D. **Minimum site area.** *One acre.*

E. **Parking requirement.** *None, provided that sufficient usable area is available to permanently accommodate all employee and user parking needs entirely on-site.*

F. **Site design and operation.** *Recycling facilities and wrecking yards are subject to all provisions of Section 22.30.560 (Storage Yards).*

Staff Analysis: Based on the "limitation on use" for recycling facilities identified in subsection A. of Land Use Ordinance (LUO) Section 22.30.080, the Applicant has requested a waiver of the standard which would require the commission to make the following findings if the project were to be approved:

1. Set forth the necessity for modification or waiver of standards by identifying the specific conditions of the site and/or vicinity which make standard unnecessary or ineffective;

2. Identify the specific standards of this Chapter being waived or modified;

3. The project, including the proposed modifications to the standards of this Chapter, will satisfy all mandatory findings required for Conditional Use Permit approval by Section 22.62.060.C.4.

The Applicant has submitted a request for a Conditional Use Permit as required by subsection B. therefore the project complies with this subsection. The proposed recycling activities would be located over 500 feet from any school, church, hospital, public building, Commercial Retail, Office and Professional, Residential Single-Family or Multi-Family category, or residential use on an adjoining lot as required by subsection C. Both parking requirements and the minimum site area requirements noted in subsection D. and E. can be met as the project is proposed. Please refer to the discussion below regarding the "Site design and operation" standards associates with storage of recycled materials.

22.30.560 – Storage Yards:

A. **Limitation on use.** *Storage yards in the Recreation land use category are limited to the storage of recreational vehicles and boats.*

B. **Site design standards.**

1. **Access.** *There shall be only one access point to a storage yard for each 300 feet of street frontage. Such access point shall be a maximum width of 20 feet, and shall be provided with a solid gate or door.*

2. **Screening.** *A storage yard (except a temporary off-street construction yard) shall be screened from public view on all sides by solid wood, painted metal or masonry fencing, with a minimum height of six feet; provided that this requirement may be waived through adjustment (Section 22.70.030), when:*

    a. *The side of a storage yard abuts a railroad right- of-way; or*

    b. *The surrounding terrain would make fencing ineffective or unnecessary for the purpose of screening the storage yard from the view of public roads.*

3. **Parking requirement.** *None, provided that sufficient usable area is available to accommodate all employee and user parking needs entirely on-site.*

4. **Site surfacing.** *A storage yard shall be surfaced with concrete, asphalt paving, crushed rock, or oiled earth, maintained in a dust-free condition.*

5. **Office facilities.** *When no buildings exist or are proposed on a storage yard site, one commercial coach may be used for an office, provided that such vehicle is equipped with skirting, and installed in compliance with the permit requirements of Title 19 of the County Code (the Building and Construction Ordinance).*

C. **Operation.** *Materials within a storage yard shall not be stacked or stored higher than six feet, except where:*

1. *Materials stored are vehicles, freestanding equipment, or materials that are of a single piece that is higher than six feet; or*

2. *The storage yard site is an interior lot within an Industrial land use category that is not visible from a collector or arterial road and from outside the Industrial category; or*

3. *Screening requirements have been waived or modified in compliance with Subsection B.2; or*

4. *A higher wall or fence is constructed at the required setback line under an approved building permit and materials stored are not higher than the fence.*

Staff Analysis: Subsection A. of LUO Section 22.30.560 is not applicable. Consistent with subsection B.1., only one access point is proposed to the quarry site which would include the recycling facility. The Applicant has requested a waiver of subsection B.2. because the proposed recycling facility would be located in the interior of the proposed quarry area where two ridgelines that would be preserved by the proposed project would screen the storage area from the view of public roads. Sufficient area will be available for parking as required by subsection B.3., and as required by

subsection B.4., the storage portion of the proposed recycling facility would be surfaced with crushed rock and would be maintained in a dust free condition, consistent with the implementation of the dust control measures identified in the Final EIR. The office that is proposed as part of the quarry operation would also service recycling activities associated with the proposed project and would be consistent with the requirements of subsection B.5. Stockpiling of recycled materials would be taller than six feet thus the Applicant has requested a waiver pursuant to LUO Section 22.70.030.

22.36 – Surface Mining and Reclamation:

22.36.010 – Purpose

Staff Analysis: No standards in this section are applicable to the review of the proposed project.

22.36.020 – Applicability

A. **Permit and reclamation plan required.** *No person shall conduct surface mining operations unless a permit, financial assurances, and reclamation plan have first been approved by the County for such operations, except as otherwise provided by this Chapter.*

B. **Exceptions.** *The provisions this Chapter are not applicable to:*

1. *Excavations or grading conducted for farming or on-site construction, or to restore land following a flood or natural disaster when the excavation is conducted only on the land directly affected by disaster.*

2. *Prospecting and exploration for minerals of commercial value where less than 1,000 cubic yards of overburden is removed in any one site of one acre or less, provided:*

    a. *A grading permit is required for such exploration in compliance with Chapter 22.52 (Grading); and*

    b. *Each such site is restored to a natural appearing or otherwise usable condition to the approval of the Director upon completion of exploration.*

3. *Any surface mining operation that does not involve either the removal of a total of more than 1,000 cubic yards of minerals, ores, and overburden, or cover more than one acre in any one site. (This does not exempt the owner from obtaining a Grading Permit if required by 22.52 (Grading)).*

4. *The solar evaporation of sea water or bay water for the production of salt and related minerals.*

5. *Other mining operations categorically identified by the State Board in compliance with Sections 2714(d) and 2758(c), California Surface Mining and Reclamation Act of 1975.*

C. **Conflicting provisions.** *Where any conflicts arise as to materials, methods, requirements, and interpretation of different sections between this Chapter, and Chapter 22.52 (Grading), the most restrictive shall govern.*

Staff Analysis: As required by Section 22.36.020, the Applicant is requesting a Conditional Use Permit and Reclamation Plan for the proposed quarry. If approved, a Financial Assurance would be prepared and reviewed by the County and the Office of Mine Reclamation prior to operations.

22.36.030 – Surface Mining Practices

Staff Analysis: No standards in this section are applicable to the review of the proposed project.

22.36.040 – Permit Requirements for Surface Mining

A. **New surface mining operations.** *Conditional Use Permit approval shall be obtained before starting any surface mining operations as defined in this Chapter, except as provided in Subsection B. New mines shall be limited to a maximum of one operator per site, and such operator shall take full responsibility for reclamation per Section 22.36.060.*

B. **Existing surface mining operations.** *A person who has obtained a vested right to conduct a surface mining operation before January 1, 1976, need not secure a permit as required by Subsection a, as long as the vested right continues and there are no substantial changes. All operations are required to have an approved Reclamation Plan and Financial Assurances per Sections 22.36.050 and 22.36.060. Provided, however, that Conditional Use Permit approval is also required if an existing mine is changed by increasing the on-site processing capabilities of the operation or by changing the method of mining (i.e. from mechanical to hydraulic technology), or the mine is expanded beyond the external boundaries of the original surface mining site.*

C. **New operations on a reclaimed site.** *The resumption of surface mining operations on a site where reclamation was previously completed shall only occur in compliance with the approval of a new Conditional Use Permit and Reclamation Plan.*

D. **Vested right defined.** *For the purposes of surface mining operations only, a person is deemed to have a vested right if, prior to January 1, 1976, he has in good faith and in reliance upon a permit or other authorization, if a permit or other authorization was required, diligently commenced surface mining operations and incurred substantial costs for work and materials necessary therefor. Expenses incurred in obtaining an amendment to the Land Use Element, or the issuance of a permit to establish or expand a mine, are not deemed costs for work or materials.*

E. **Surface mining permit review procedure.** *The Department of Planning and Building will review the permit application and the reclamation plan for accuracy and completeness, and coordinate review of the application and plan with the State Department of Conservation and other agencies. A public hearing will be scheduled after the filing of both the permit application and the reclamation plan. The hearing will be held in compliance with Section 22.70.060. The purpose of the hearing will be to consider the applicant's request and to approve, conditionally approve or disapprove the issuance of a permit and reclamation plan for the proposed surface mining operation. Approval or conditional approval may be granted only upon making the findings that the application and reclamation plan or amendments to reclamation plan and reports submitted:*

1. *Adequately describe the proposed operation in sufficient detail and comply with applicable state mandated requirements of SMARA;*

2. *Incorporate adequate measures to mitigate the probable significant adverse environmental effects and operational visual effects of the proposed operation;*

3. *Incorporate adequate measures to restore the site to a natural appearing or otherwise usable condition compatible with adjacent areas;*

4. *Show proposed uses which are consistent with the County General Plan; and*

5. *Demonstrate that the uses proposed are not likely to cause public health or safety problems.*

In addition, when any significant environmental impact has been identified, the findings mandated by the Public Resources Code shall be made.

Staff Analysis: As required by Section 22.36.040A., the Applicant has applied for a Conditional Use Permit and would be responsible for reclamation as required by Section 22.36.060. The proposed quarry is not and existing surface mine nor is it a new operation on a reclaimed site. Since the quarry is a new surface mine, no vested rights have been established and subsections B., C., and D. are not applicable. The Department of Planning and Building has reviewed the permit application and reclamation plan and coordinated the review the Office of Mine Reclamation and other applicable agencies. A public hearing has been scheduled and the decision makers will determine if the project should be approved, conditionally approved, or denied.

22.36.050 – Reclamation Plan

A. **When required.**

1. **Proposed surface mining operations.** *Approval of a reclamation plan shall be obtained before starting any proposed surface mining operation for which a permit is required by Section 22.36.040.*

2. **Active surface mining operations.**

a. *No later than July 5, 1980, any person who is presently conducting surface mining operations under a vested right obtained before January 1, 1976, shall file with the Department of Planning and Building a reclamation plan for all operations conducted and planned after January 1, 1976. Provided, however, that a reclamation plan need not be filed if:*

(1) *A reclamation plan was approved by the County before January 1, 1976, and the person submitting that plan has accepted responsibility for reclaiming the mined lands in compliance with that plan; or*

(2) *The owner/operator files a letter with the Department of Planning and Building stating that the mine is being temporarily deactivated, and agreeing to file a reclamation plan as set forth in Subsection A.3 before resuming operations; or*

(3) *Surface mining operations were completed before January 1, 1976.*

b. *In the case of surface mining operations physically conducted and operated by San Luis Obispo County agencies in support of county*

projects, the County agency shall file the required reclamation plan , which shall be reviewed as described below in Subsection A.3.b, A.3.c, and A.3.d, subject to the other provisions of this Chapter.

3. **Temporarily deactivated surface mining operations.**

a. *Within 90 days of a surface mining operation becoming idle, the operator shall submit an interim management plan to the department. "Idle" is defined as curtailing for a period of one year or more surface mining operations by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date. The interim management plan shall be processed as an amendment to the Reclamation Plan, but shall not be considered a project for the purposes of environmental review. The plan shall provide measures which the operator will implement to maintain the site in compliance with this ordinance, SMARA, and all conditions of the Conditional Use Permit and/or Reclamation Plan.*

b. *Within 60 days of receipt of the interim management plan, or a longer period mutually agreed upon by the Department of Planning and Building and the operator, the plan shall be reviewed by the department. During this time period, the plan will either be approved by the Review Authority or the operator shall be notified in writing of any deficiencies in the plan or additional information needed to review the submittal. The operator shall have 30 days, or a longer period if mutually agreed upon, to submit the revised plan or additional information. The Review Authority shall approve or deny the revised interim management plan within 60 days of receipt of a plan that has been determined to be complete by the department. If the plan is denied by the Review Authority, it may be appealed as described in 22.70.050.*

c. *The interim management plan may remain in effect for a period not to exceed five years, at which time the operator may apply to renew the plan for one more period not to exceed five years. The renewal shall be processed as an amendment to the Reclamation Plan and, prior to approval, the Review Authority must find that the operator has complied with the previously approved plan. The Review Authority may then either approve the renewal or require the operator to commence reclamation in compliance with its approved Reclamation Plan. In any event, the required financial assurances, sufficient to reclaim a mine in accordance with the Reclamation Plan, shall remain in effect during the period the surface mining operation is idle. If the surface mining operation is still idle after expiration of its interim management plan, reclamation shall commence in compliance with its approved Reclamation Plan.*

d. *The owner/operator of a surface mining operation for which a vested right was obtained before January 1, 1976, and which is temporarily deactivated on the effective date of this Title shall, prior to reactivation, receive approval of a Reclamation Plan for operations to be conducted after January 1, 1976. Failure to receive approval of a reclamation plan before reactivating a temporarily deactivated operation shall create a presumption of termination of the vested right and surface mining operations shall be prohibited unless a new Surface Mining Permit is approved.*

B. **Reclamation plan filing and content.** *The filing and content of all reclamation plans shall be in compliance with the provisions of this Chapter and as further provided in Section 2770 et seq. of the Public Resources Code. All applications for a reclamation plan shall be made on forms provided by the County Department, and as called for by the Public Resources Code. The plan shall be prepared by a registered civil engineer, licensed landscape architect, state-registered geologist or forester, or other qualified professional approved by the Director.*

1. *Reclamation standards. The proposed plan shall include detailed and verifiable provisions adequate to determine compliance with the minimum SMARA performance standards for reclamation as described in Section 3500 et seq. of the California Code of Regulations. The plan shall include provisions for, but shall not be limited to, the following:*

    a. *wildlife habitat;*
    b. *backfiling, regarding, slope stability, and recontouring;*
    c. *revegetation;*
    d. *drainage, diversion structures, waterways, and erosion control;*
    e. *agricultural land reclamation;*
    f. *building, structure, and equipment removal;*
    g. *stream protection, including surface and groundwater;*
    h. *topsoil salvage, maintenance, and redistribution;*
    i. *tailing and mine waste management.*

2. **Phasing of reclamation.** *Proposed plans shall include a reclamation phasing schedule where appropriate, which is consistent with the phasing of the mining operation. Reclamation shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation measures may also be required for areas that have been disturbed and will be disturbed again in future operations. The phasing schedule shall include the following minimum components:*

    a. *the beginning and expected ending dates for each phase;*
    b. *a clear description of all reclamation activities;*
    c. *criteria for measuring completion of each specific activity; and*
    d. *estimated costs for each phase of reclamation as described in Section 22.36.060.*

3. **Visual resources.** *The reclamation plan shall, to the extent feasible, provide for the protection and reclamation of the visual resources of the area affected by the mining operation. Measures may include, but not be limited to, resoiling, recontouring of the land to be compatible with the surrounding natural topography, and revegetation and the end use or uses specified by the landowner. Where the mining operation requires the leveling, cutting, removal, or other alteration of ridgelines on slopes of twenty percent or more, the reclamation plan shall ensure that such mined areas are found compatible with the surrounding natural topography and other resources of the site.*

C. **Notification of Department of Conservation (State).** *The State will be notified within 30 days of the filing of all permit applications and reclamation plans. The State shall have 45 days to prepare written comments prior to any final action taken by the Review Authority. Any comments provided will be evaluated and a written response describing the disposition of the major issues will be included in the staff report. When the Review Authority's position is different from the recommendations and/or objections raised in the state's comments, the staff report shall describe in detail why specific comments and suggestions were not accepted.*

D. **Reclamation plan review procedure.** *The Department of Planning and Building will review the reclamation plan for accuracy and completeness, and coordinate review of the plan by other agencies. It will be processed following the procedure as described in Section 22.02.050*

(Minor Use Permit), including the environmental review process and a subsequent public hearing. A reclamation plan will be accepted for review only when the Director has determined that the surface mining operation was established in compliance with legal requirements applicable at the time of its establishment. Such determination shall be based upon information submitted by the applicant, relevant county records, or a Certification of Vested Right previously issued by the County. Approval or conditional approval of a reclamation plan may be granted only upon making the finding that the reclamation plan or amendments thereto:

1. *Adequately describes the proposed operation in sufficient detail and complies with applicable requirements of SMARA;*

2. *Incorporates adequate measures to mitigate the probable significant adverse environmental effects of the proposed operation;*

3. *Incorporates adequate measures to restore the site to a natural appearing or otherwise usable condition compatible with adjacent areas, and to a use consistent with the General Plan. Where a significant environmental impact has been identified, all findings mandated by the Public Resources Code shall be made.*

E. **Amendments.** *Amendments to an approved reclamation plan can be submitted to the County at any time, detailing proposed changes from the original plan. Such amendments shall be filed with, and approved by the County using the same procedure required for approval of a reclamation plan by Subsection d.*

Staff Analysis: The Applicant has requested approval of the proposed reclamation plan in addition to the Conditional Use Permit required by Section 22.36.040A.1. The proposed quarry is not an active surface mine therefore subsection 22.36.050A.2. does not apply. If the project receives approval, and the surface mining operation become “idle” as define by the State, the Applicant would be required to obtain an Interim Management Plan as required by subsection 22.36.050A.3. As part of the application for the proposed project, the Applicant has submitted a reclamation plan that is consistent with the filing contents and standards identified in subsection 22.36.050B which includes the phased reclamation of the proposed quarry site. The Department of Planning and Building has submitted notification to the Office of Mine Reclamation in a letter dated November 4, 2014 (refer to Exhibit C) consistent with subsection 22.36.050C. If the project receives approval, the Applicant would be required to implement the suggested modification identified by the Office of Mine Reclamation in their letter dated July 16, 2010 as conditions of approval. The Department of Planning and building has reviewed the proposed reclamation plan and determined that the plan has been prepared in accordance with applicable requirements of SMARA.

22.36.060 – Financial Assurance for Guarantee of Reclamation

Appropriate security or guarantees shall be provided by the Applicant to ensure proper implementation of the reclamation plan as required by the Public Resources Code, as a condition of issuance of a permit and/or approval of a reclamation plan. The guarantee may be in the form of a surety bond, trust fund, irrevocable letter of credit, or other financial assurance mechanisms acceptable and payable to the County and the State Department of Conservation (beneficiaries must be stated as "County of San Luis Obispo or Department of Conservation") and consistent with the procedure described in Section 22.62.040. The amount of financial assurances shall be determined and processed as follows.

A. *The applicant shall provide estimated total costs of reclamation and maintenance for each year or phase as approved in the Reclamation Plan. Cost estimates shall be prepared by a licensed civil engineer, licensed landscape architect, state-registered forester, mining operator, or other qualified professionals retained by the operator and approved by the Director. In estimating the costs, it shall be assumed without prejudice or insinuation that the operation could be abandoned by the operator and, consequently, the County or state may need to contract with a third party to complete reclamation of the site. Cost estimates shall include, but not be limited to, labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a third party.*

B. *Two copies of the cost estimates, including documentation of the calculations, shall be submitted to the Director for concurrent review by the County and the state. One copy will be transmitted to the State Department of Conservation for their review. The state shall have 45 days to prepare written comments regarding consistency with statutory requirements prior to any final action taken by the County. When the Director's position is different from the recommendations and/or objections raised in the state's comments, the County will prepare a written response describing in detail why specific comments and suggestions were not accepted. Upon notification of approval of the financial assurances, the applicant will have 30 days to return a completed performance agreement and valid financial assurance mechanism to the Director.*

C. *The amount of the financial assurance will be reviewed as part of the annual review of the operation by the County to determine if any changes are necessary. Where reclamation is phased in annual increments, the amount shall be adjusted annually to cover the full estimated costs for reclamation of any land projected to be in a disturbed condition from mining operations by the end of the following year. The estimated costs shall be the amount required to complete the reclamation on all areas that will not be subject to further disturbance, and to provide interim reclamation, as necessary, for any partially excavated areas in compliance with the approved Reclamation Plan. Financial assurances for each year shall be reviewed upon successful completion of reclamation (including maintenance) of all areas that will not be subject to further disturbance and adjusted as necessary to provide adequate assurances for the following year. Prior to county approval, any amendments or changes to an existing financial assurance will be submitted to the state for its review.*

D. *If a mining operation is sold or ownership is transferred to another person, the existing financial assurances shall remain in force and shall not be released by the lead agency until new financial assurances are secured from the new owner and have been approved by the lead agency. Financial assurances shall no longer be required of a surface mining operation, and shall be released, upon written notification by the lead agency, which shall be forwarded to the operator and the state, that reclamation has been completed in compliance with the approved reclamation plan.*

Staff Analysis: If the project receives an approval from the decision makers, the Applicant would be required to submit a financial assurance cost estimate that would be reviewed in accordance with the procedures identified herein.

22.36.070 – Public Records

Staff Analysis: No standards in this section are applicable to the review of the proposed project.

22.36.080 – Annual Review

An annual inspection shall be conducted by the County for all active surface mining operations within six months of receipt of the operator's annual report filed with the State Department of Conservation and upon payment of the inspection fee to the County. The purpose of the inspection shall evaluate continuing compliance with the permit and reclamation plan. A fee for such inspections is established by the County fee resolution. All inspections will be conducted using a form provided by the State Mining and Geology Board. An inspector shall not be used who has been employed by the mining operation in any capacity during the previous 12 months. The County will notify the operator and the state within 30 days of completion of the inspection and forward copies of the inspection form and any supporting documentation. Any surface mine subject to this inspection requirement for which the inspection fee remains unpaid 30 days or more from the time it becomes due constitutes grounds for revocation of such permit or plan. Surface mining operations which are determined to be in violation by the County or the state may be subject to administrative penalties not to exceed five thousand dollars ($5,000) per day, assessed from the original date of noncompliance, in compliance with Section 2774 of the Public Resources Code and as described in Chapter 22.74.

Staff Analysis: If the project receives an approval from the decision makers, the County Department of Planning and Building would conduct and annual review of the proposed quarry consistent with this Section.

22.36.090 – Nuisance Abatement

Any surface mining operation existing after January 1, 1976, which is not conducted in compliance with the provisions of the chapter, constitutes a nuisance and shall be abated in compliance with Chapter 22.74 (Enforcement). Any surface mining operation for which a vested right exists, but which is deactivated as of the effective date of this Ordinance constitutes a nuisance to be abated if surface mining operations are again started without compliance with the applicable provisions of this Chapter.

Staff Analysis: If the project receives an approval from the decision makers, the quarry and quarry operations would be subject to the requirements of this Section.

22.36.100 – Underground Mining

Staff Analysis: No standards in this section are applicable to the review of the proposed project.

22.36.110 – Use of County Roads by Extraction Operations

In any case where a proposed resource extraction operation (including extraction wells, surface and subsurface mining) will use county roads for the conveyance of extraction equipment or extracted products, and when in the opinion of the County Public Works Department, the resource extraction operation would impact the County road to a degree that would likely cause the expenditure of additional maintenance funds, the applicant shall enter into an agreement with the County as provided by this Section prior to the commencement of any resource extraction operations. When an agreement is required, the applicant shall execute such an agreement with the County Public Works Department to deposit into the County road fund a sum to be determined by the County Public Works Department based upon the volume of resource being hauled over county roads as compensation for the increase in road use and road maintenance requirements generated by the project.

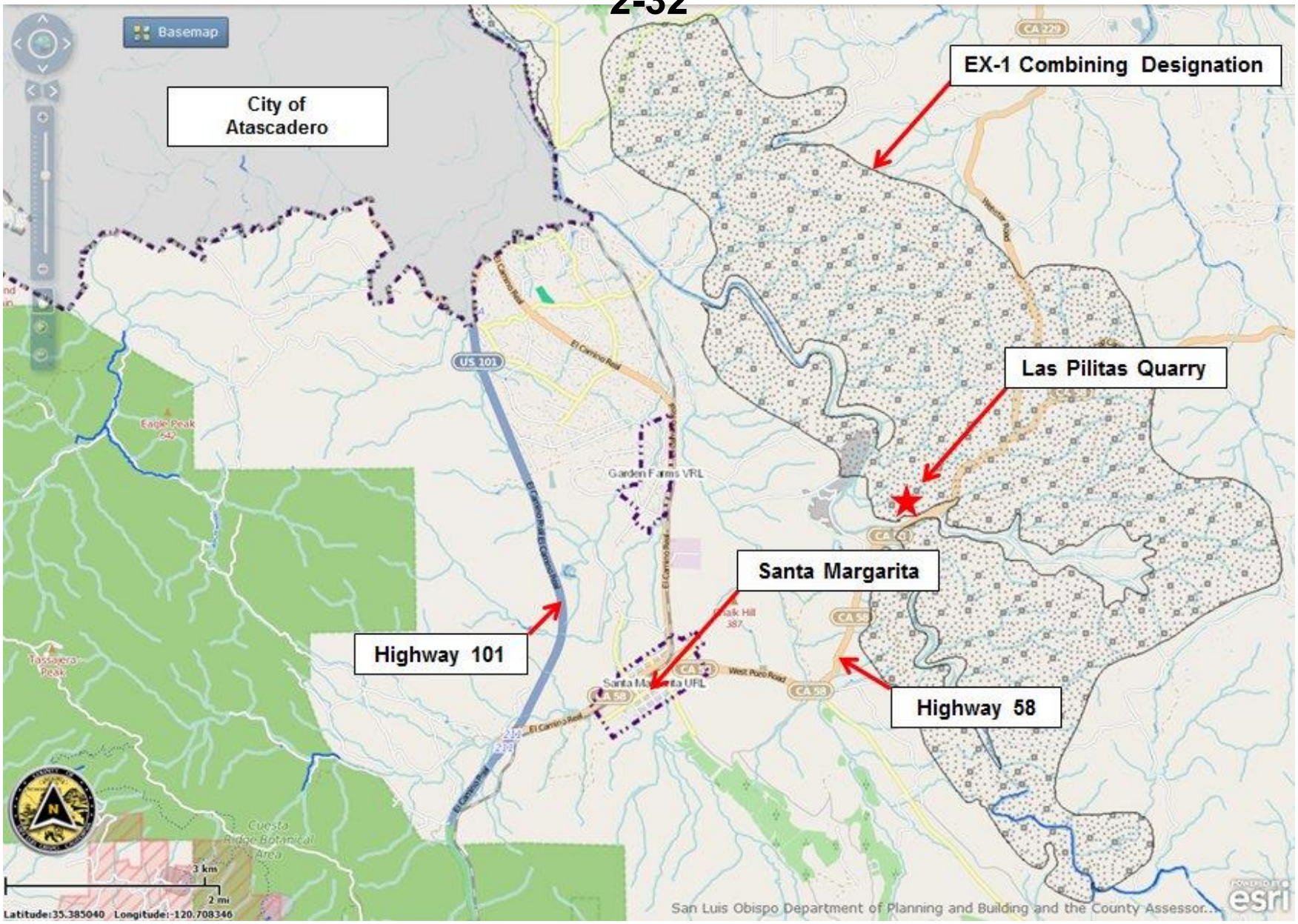
Staff Analysis: If the project receives an approval from the decision makers, the quarry operations would be subject to the provisions of this section. The Department of Public Works has determined that the project would be subject to an agreement as follows:

El Camino Real (cost per truck):	$0.31
Pozo Road (cost per truck):	$0.13
Total per Truck:	**$0.44**

Project Graphics – Exhibit E

Las Pilitas Quarry

Las Pilitas Resources LLC

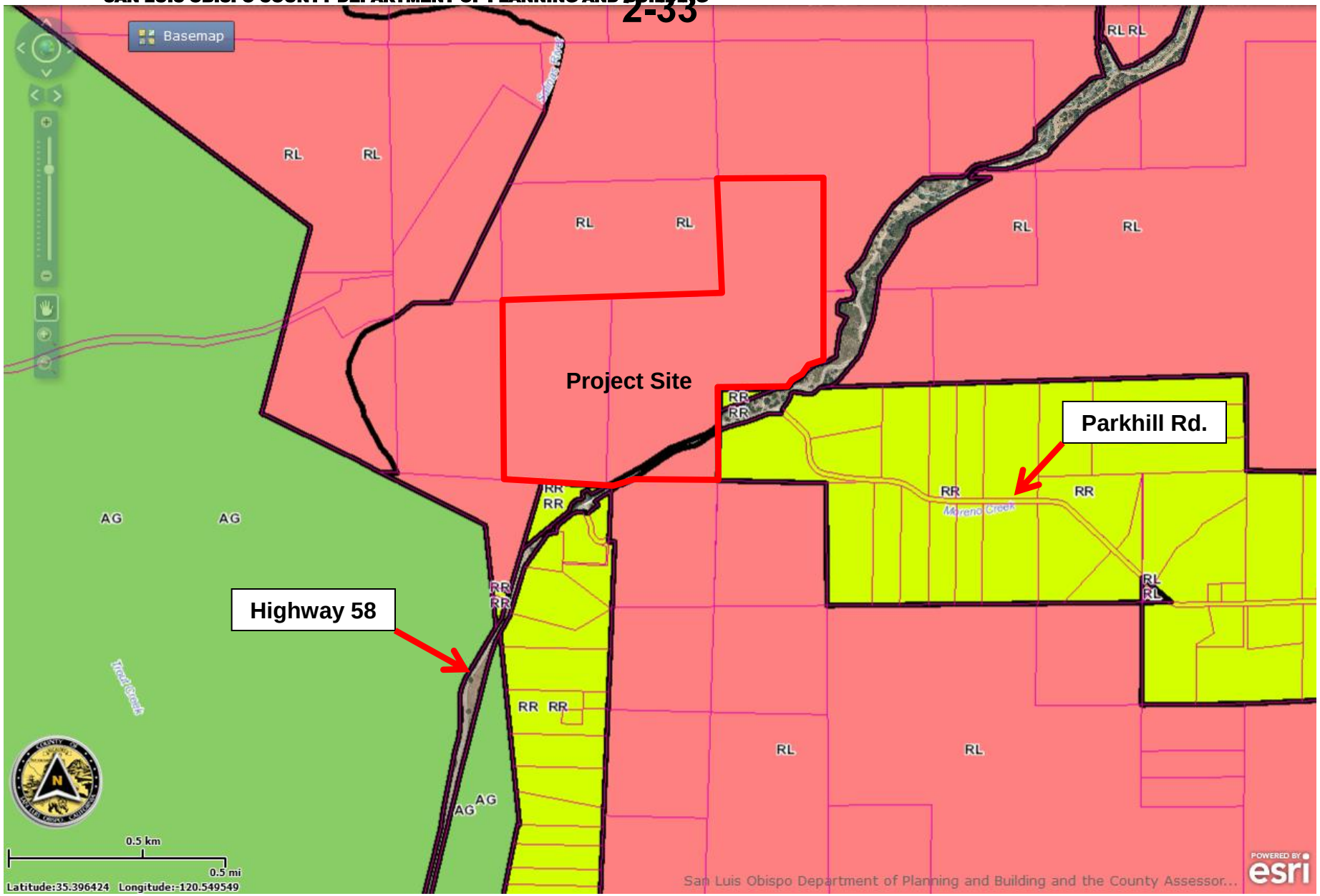


PROJECT

Las Pilitas Quarry – Conditional Use Permit
DRC2009-00025

EXHIBIT

Vicinity Map

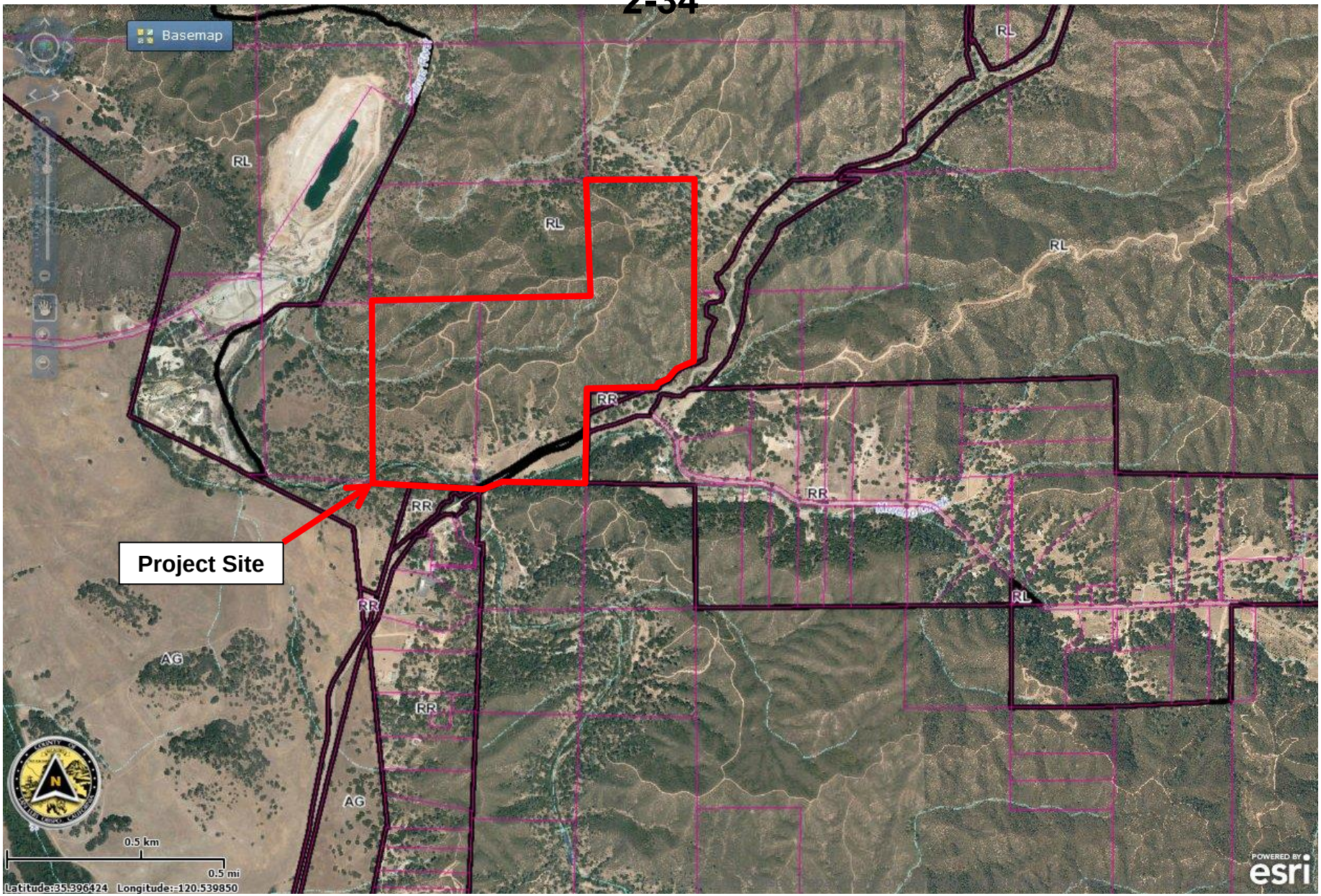


PROJECT

Las Pilitas Quarry – Conditional Use Permit
DRC2009-00025

EXHIBIT

Land Use Category Map

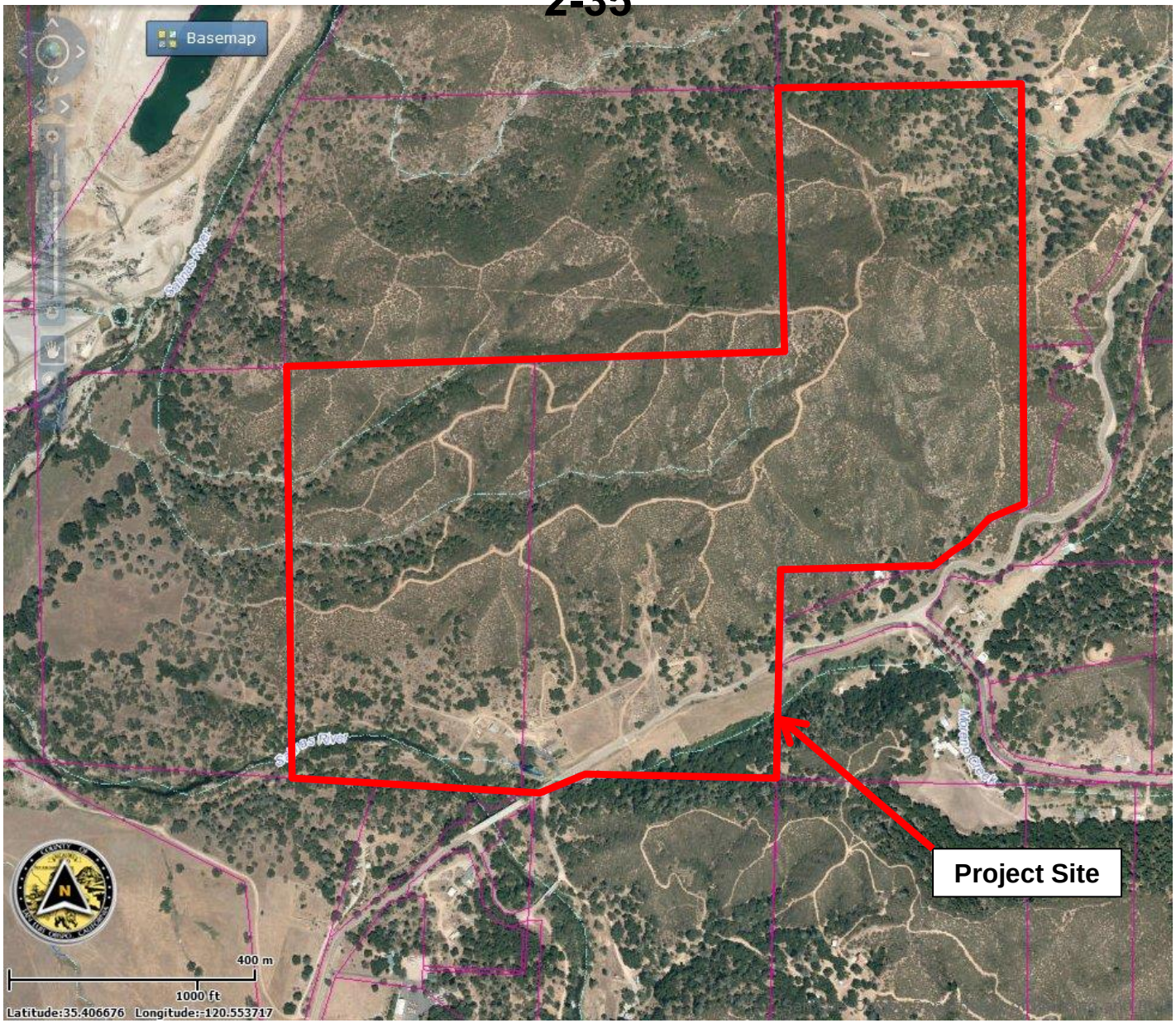


PROJECT

Las Pilitas Quarry – Conditional Use Permit
DRC2009-00025

EXHIBIT

Aerial Photograph

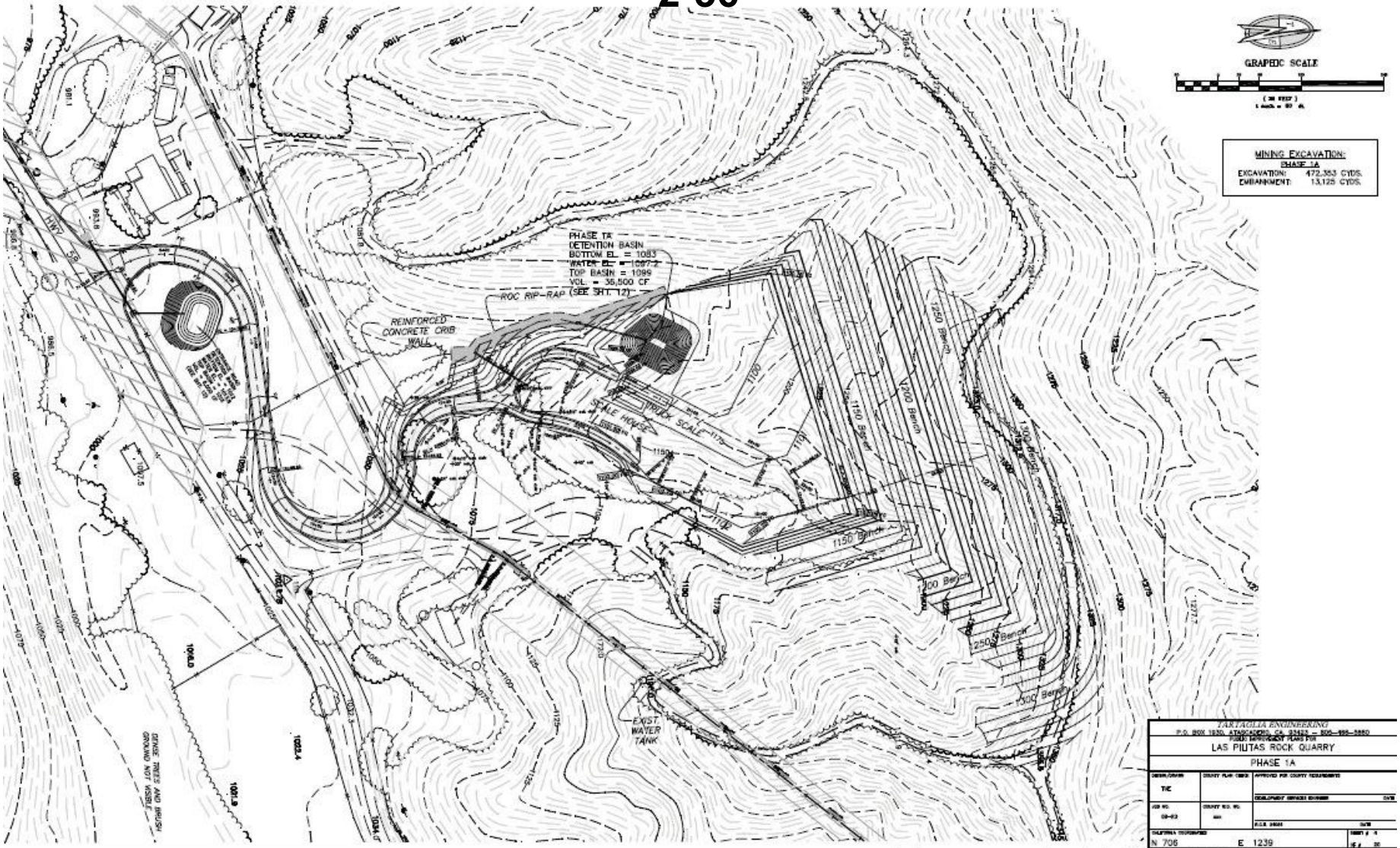


PROJECT

Las Pilitas Quarry – Conditional Use Permit DRC2009-00025

EXHIBIT

Aerial Photograph



LAS PILITAS ROCK QUARRY – PHASE 1A

HIGHWAY 58– APN 070–141–070 & 071

REV.	DESCRIPTION	DATE	APP.

TARTAGLIA ENGINEERING
CIVIL ENGINEERS

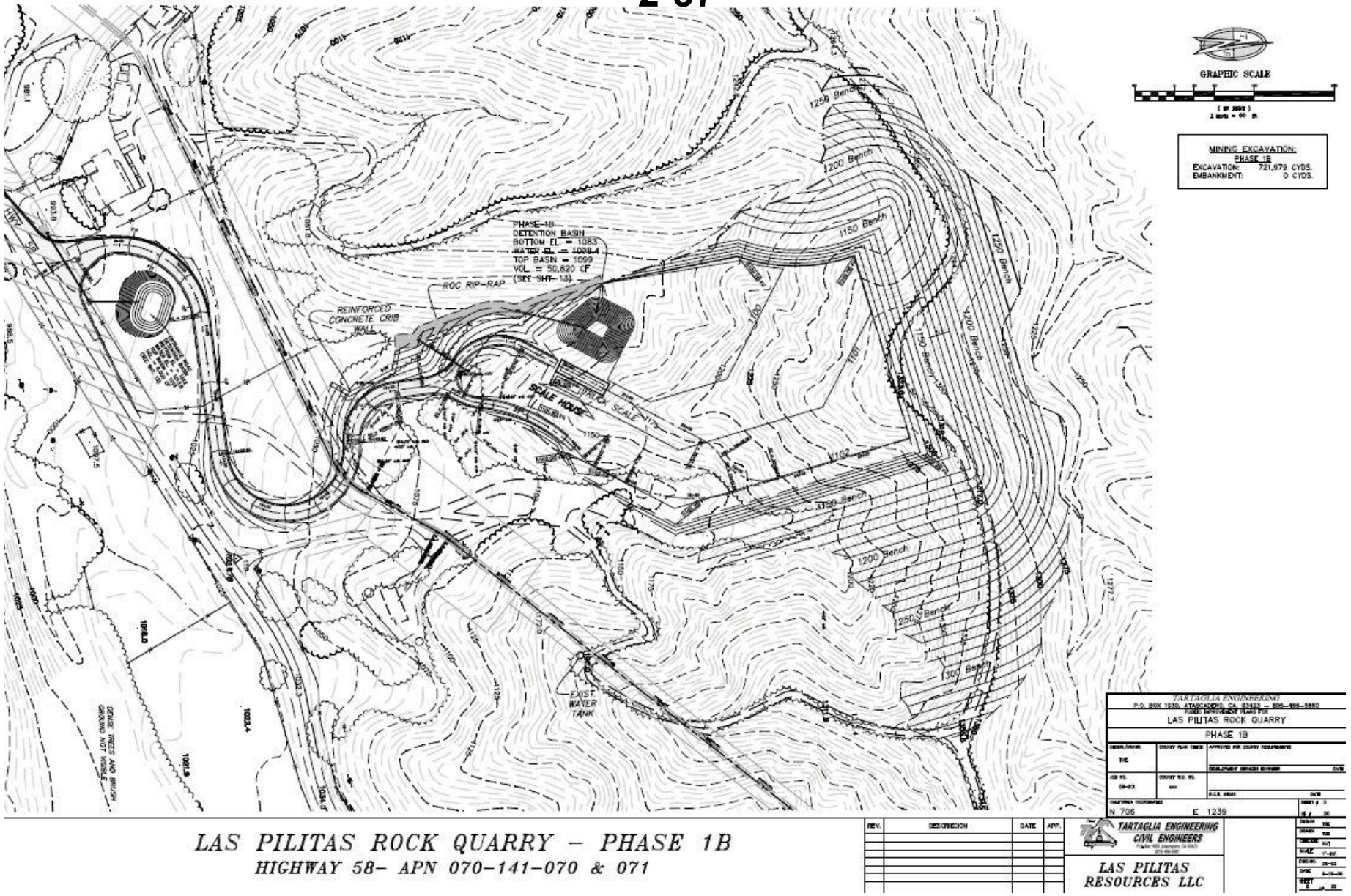
LAS PILITAS RESOURCES LLC

PROJECT

Las Pilitas Quarry – Conditional Use Permit DRC2009-00025

EXHIBIT

Site Plan – Phase 1A

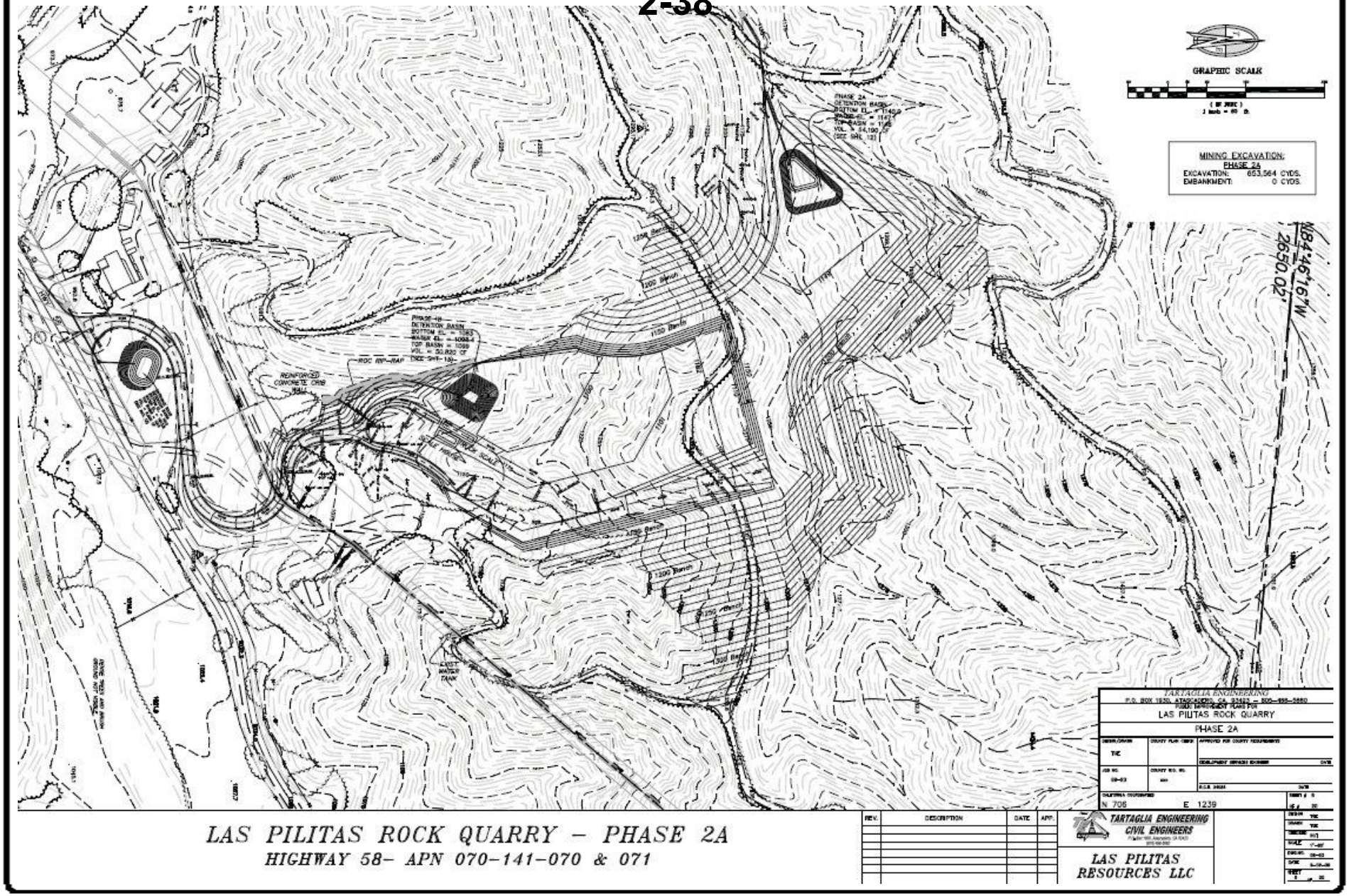


PROJECT

Las Pilitas Quarry – Conditional Use Permit
DRC2009-00025

EXHIBIT

Site Plan – Phase 1B

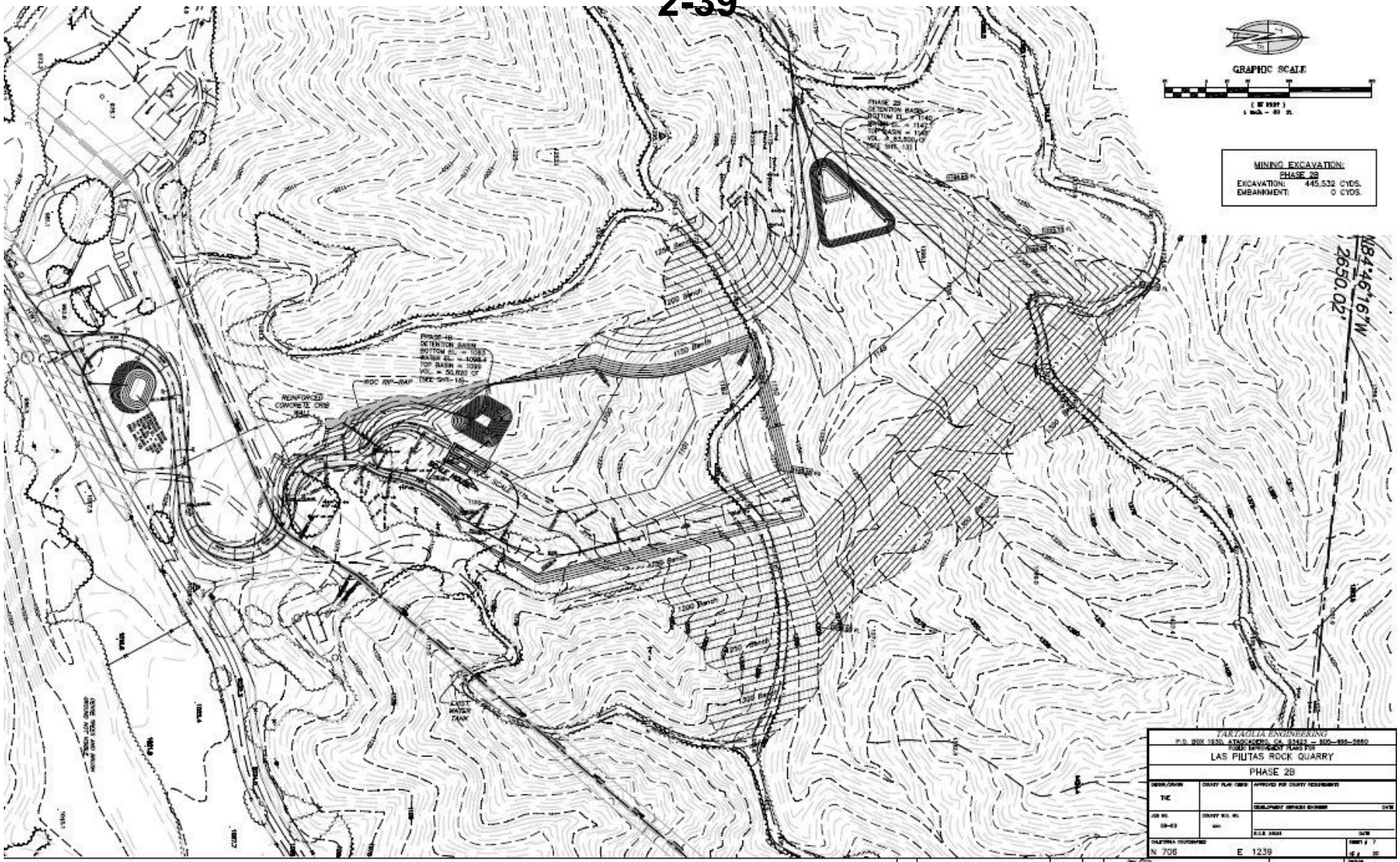


PROJECT

Las Pilitas Quarry – Conditional Use Permit DRC2009-00025

EXHIBIT

Site Plan – Phase 2A

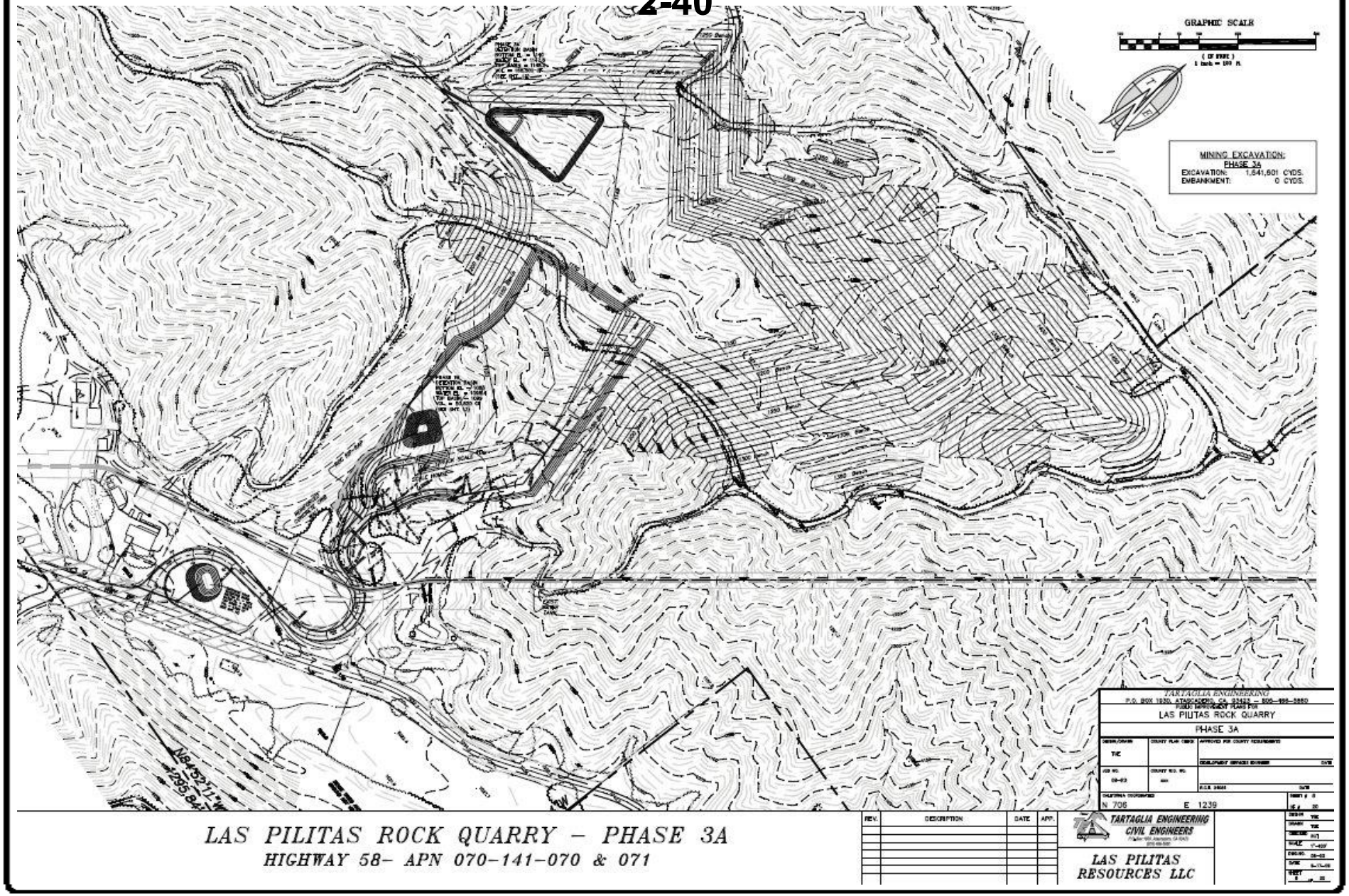


PROJECT

Las Pilitas Quarry – Conditional Use Permit
DRC2009-00025

EXHIBIT

Site Plan – Phase 2B

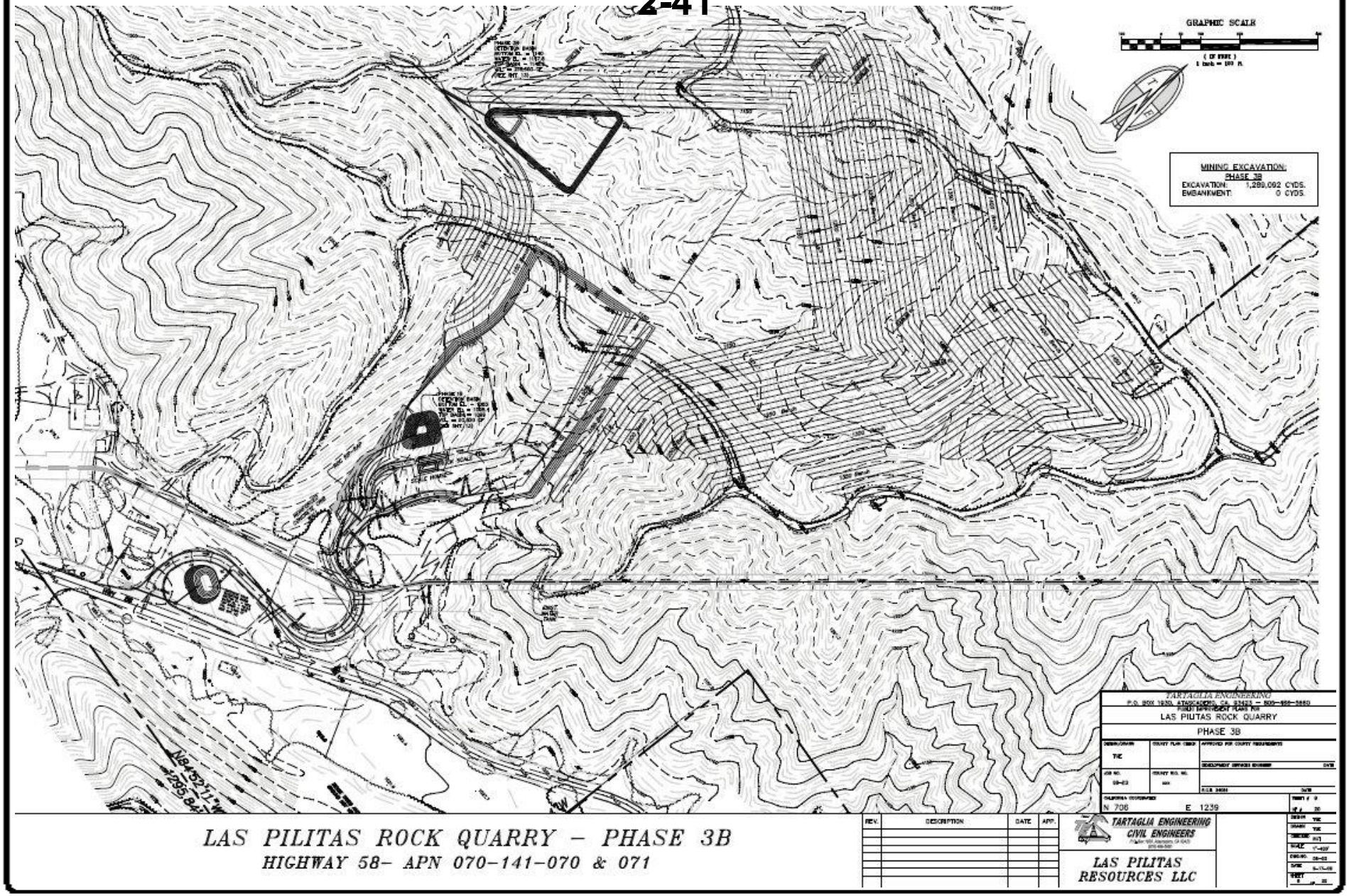


PROJECT

Las Pilitas Quarry – Conditional Use Permit
DRC2009-00025

EXHIBIT

Site Plan – Phase 3A

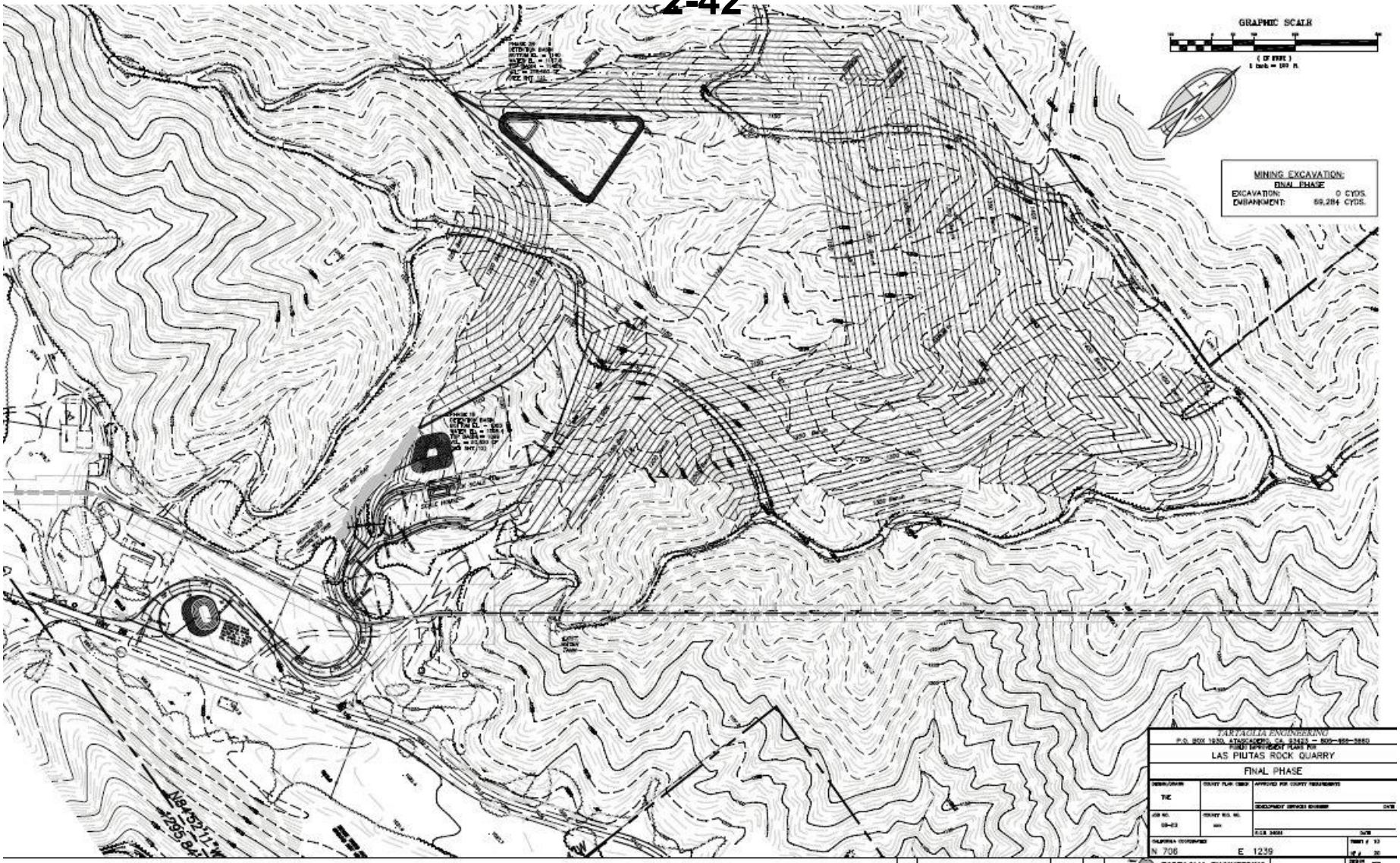


PROJECT

Las Pilitas Quarry – Conditional Use Permit
DRC2009-00025

EXHIBIT

Site Plan – Phase 3B



PROJECT

Las Pilitas Quarry – Conditional Use Permit
DRC2009-00025

EXHIBIT

Site Plan – Final Phase

Project Referral Responses – Exhibit F

1. **Department of Conservation – July 16, 2010 (with County response letter)**
2. **Public Works letters – October 30, 2009 and July 9, 2010**
3. **Public Health Department – October 22, 2009**
4. **Department of Agriculture / Weights and Measures – August 2, 2010**
5. **County Parks – February 9, 2012**
6. **CAL Fire – November 17, 2009 and February 8, 2014**
7. **Air Pollution Control District – October 30, 2009**
8. **Department of Transportation / Caltrans – September 5, 2014**

NATURAL RESOURCES AGENCY ARNOLD SCHWARZENEGGER, GOVERNOR

DEPARTMENT OF CONSERVATION

Managing California's Working Lands

OFFICE OF MINE RECLAMATION

801 K STREET • MS 09-06 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 323-9198 • FAX 916 / 445-6066 • TDD 916 / 324-2555 • WEB SITE conservation.ca.gov

July 16, 2010

VIA EMAIL: joliveira@co.slo.ca.us
ORIGINAL SENT BY MAIL

Jeff Oliveira
San Luis Obispo County
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408

Dear Mr. Oliveira:

LAS PILITAS QUARRY RECLAMATION PLAN
SAN LUIS OBISPO PERMIT #DRC2009-00025

The Department of Conservation's Office of Mine Reclamation (OMR) has reviewed the *Las Pilitas Quarry Draft Reclamation Plan* dated May 2010. The applicant, Las Pilitas Resources, is proposing to extract granitic rock for aggregate. The operation will yield up to 300,000 tons of material per year for the estimated 30-year life of the operation. The project consists of disturbing 45 acres within the 114 acre site located north of Highway 58, approximately 2.25 miles southeast of the town of Santa Margarita, and less than one half mile east of the Salinas River. The proposed end use for the mine will be a ranch for livestock and wildlife which is consistent with the site's current use.

The Surface Mining and Reclamation Act of 1975 (SMARA) (Public Resources Code section 2710 et seq.) and the State Mining and Geology Board Regulations (California Code of Regulations (CCR) Title 14, Division 2, Chapter 8, Subchapter 1) require that specific items be addressed or included in reclamation plans. OMR made a site visit to discuss reclamation issues on July 6, 2010. The following comments prepared by Beth Hendrickson, Restoration Ecologist, and Fred Gius, Engineering Geologist, are offered to assist in your review of this project. OMR recommends that the reclamation plan be supplemented and/or revised to fully address these items.

Mining Operation and Closure

(Refer to SMARA sections 2770, 2772, 2773, CCR sections 3502, 3709, 3713)

1. SMARA section 2772(c)(3) requires that the reclamation plan include a specific termination date. There was no termination date proposed by the operator, only that

the mine will operate for a period of 25 to 55 years (30 years in the Reclamation Plan Application). OMR recommends that a termination date such as December 31, 2040 be clearly specified in the reclamation plan.

2. Pursuant to the Professional Engineers Act, Geologist and Geophysicist Act, and Professional Land Surveyors' Act (Business and Professions Code sections 6700 – 6799, 7800 – 7887, and 8700 – 8805, respectively), all applicable documents shall be prepared by a California-licensed professional, shall include his or her license number and name, and shall bear the signature and seal of the licensee. When reviewing documents submitted pursuant to SMARA section 2774, OMR must have confidence that the documents are complete and genuine, and have been prepared by or under the supervision of licensed professionals if and as required by law and regulation. Therefore, at least one copy of all documents which must, under applicable law, regulation, or code, be prepared by or under the supervision of licensed professionals bearing an original signature, stamp impression or seal, and date affixed by the author should be submitted to OMR prior to approval. For example, the site drawings prepared by Tartaglia Engineering should be signed and stamped by the responsible California-licensed professional. As a quasi-judicial body operating in the public trust, the County of San Luis Obispo should consider adopting a policy similar to that of the State Mining and Geology Board's *Internal Policy on Validating and Accepting Professionally Prepared Reports and Other Documents Submitted for Consideration*. The State Mining and Geology Board's policy can be found at:
http://www.conservation.ca.gov/smgb/staffreports2004/May/Documents/0513-3a.pdf.

End Land Use

(Refer to SMARA section 2772, CCR sections 3707, 3708)

3. The end land use is specified as ranching and wildlife habitat. OMR suggests that since ranching implies an agricultural end use that could trigger the need for a productivity rate success criterion under CCR section 3707(c), the operator may want to simply specify the end use will be open space. This would not change the way reclamation is carried out.

Geotechnical Requirements

(Refer to CCR sections 3502, 3704)

4. The slope stability analysis summarized in Section 7.0 of the July 14, 2009 Engineering Geology Investigation prepared by GeoSolutions, Inc. does not provide the detail necessary to ensure that the requirements of CCR sections 3502 and 3704 are met. For example, the limit-equilibrium analysis lacks the rationale on why a friction angle of 62.3 degrees, determined from laboratory analysis of the decomposed granite, was used for the "blue" granite. GeoSolutions, Inc. should ensure that the engineering properties of the material utilized in the slope stability analysis are representative of all material to be encountered on site and that the analysis considers the variety of discontinuities in these materials. As presented, the data appears to have been obtained from only one sample and does not represent

material observed during OMR's site visit or described in the Department of Water Resources September 2002 Final Construction Geology Report.

5. The slope stability evaluation does not describe whether a kinematic analysis was completed to evaluate the structural fabric of the rock mass to determine if the orientation of the discontinuities could result in instability of the final slopes. For example, the kinematic analysis can be accomplished by means of stereographic analysis of the structural discontinuities such as joints, foliations, and fractures. Discontinuities observed in the field and presented in the Department of Water Resources report justify the need for a kinematic analysis. The slope stability evaluation should be revised to address the structural fabric of the rock mass and its influence on stability and design of final slopes.

6. CCR section 3704(b) states that where backfilling is required for resource conservation purposes (e.g., agriculture, open space, and wildland conservation), fill material shall be backfilled to the standards required for the resource conservation use involved. The reclamation plan indicates that onsite, native material will be used to backfill a small portion of the site near the 0.5H:1V slopes. The slope stability evaluation did not analyze the stability of the 0.5H:1V slope and it is unclear whether the backfill will be used as a buttress for this slope. Since improperly placed backfill may result in erosion and instability, the reclamation plan should be revised to describe the methods of placement and compaction effort, if any, of the backfill materials that may be necessary for the proposed end use or stability of the 0.5H:1V slope. In addition, the grading plans should be revised, including the preparation of cross-sections, to clearly show the details of the backfill.

Hydrology and Water Quality

(Refer to SMARA sections 2772, 2773, CCR sections 3502, 3503, 3706, 3710, 3712)

7. CCR section 3706(d) requires erosion control methods such as detention basins to be designed to handle runoff from not less than the 20 year/1 hour intensity storm event. However, the Drainage Calculations prepared by Tartaglia Engineering indicates that the hydraulic analysis for the detention basins and associated drainages was based on a 50 year/24 hour storm event. Although the 50 year/24 hour storm event may be more conservative for designing basin storage capacities, the 20 year/1 hour event is more protective for designing drainages because the 20 year/1 hour event results in a greater volume of water flowing through the drainages over a short duration. The hydraulic analysis presented in the reclamation plan should be evaluated to ensure that the drainages are designed to convey the higher flows and that they meet the requirements of CCR section 3706(d).

8. According to SMARA section 2772(d): "An item of information or a document required pursuant to subdivision (c) that has already been prepared as part of a permit application for the surface mining operation, or as part of an environmental document prepared for the project pursuant to Division 13 (commencing with Section 21000), may be included in the reclamation plan by reference, if that item of information or that document is attached to the reclamation plan when the lead agency submits the reclamation plan to the director for review. To the extent that the information or

document referenced in the reclamation plan is used to meet the requirements of subdivision (c), the information or document shall become part of the reclamation plan and shall be subject to all other requirements of this article". Since the reclamation plan relies on the Storm Water Pollution Prevention Plan (SWPPP) to meet the water quality, and erosion and sediment control requirements of SMARA, the applicable elements of the SWPPP should be incorporated into the reclamation plan or a copy of the SWPPP should be included as an appendix to the reclamation plan.

Environmental Setting and
Protection of Fish and Wildlife Habitat

(Refer to CCR sections 3502, 3503, 3703, 3704, 3705, 3710, 3713)

9. OMR understands that an Environmental Impact Report for the project is under preparation. Mitigation measures developed through that process may substantially affect the manner in which mining and reclamation of the site is carried out, and OMR recommends that the reclamation plan not be finalized until those measures can be taken into account.

Resoiling and Revegetation

(Refer to SMARA section 2773, CCR sections 3503, 3704, 3705, 3707, 3711)

10. Test plots are required under CCR section 3705(b); OMR suggests that the reclamation proposed in Phase 1B can serve as a test plot area to determine the success of the proposed revegetation measures. See attached information regarding test plots.

11. The plan should provide for decompaction of areas where the substrate has been compacted by equipment, vehicles, or other activities [CCR3705(c)]. This can be done by ripping to a depth of at least 12 inches.

12. The "separate, more detailed restoration plan" referred to on page 8 should be prepared prior to approval of the reclamation plan and included with it, since revegetation is an integral part of reclamation. The plan should include the details that are lacking in the current submittal, such as where and how much of each of the four habitat types is proposed to be recreated, maps showing the different habitat areas, the amount of each species to be included in the seed mixes (at least a basic seed mix for each, perhaps with optional additions according to the amount of seed collected), the amount and type of container stock (if any) that is proposed, and the baseline data used to come up with the performance standards (see attached information).

13. The text suggests that baseline data has not yet been collected, however the table on page 9 gives baseline numbers for species richness, cover and density, raising the question of how these numbers were obtained. OMR suggests that unless those numbers are supported by actual data, there is a danger that the standards may be unreachable. For example, it seems unlikely that there is actually an average of 20

different species per 100 square feet; moreover these figures do not refer to any specific habitat type and are likely to vary between the different types of habitats. The plan should include baseline data for each habitat type, and specific performance standards for each type.

14. SMARA does not require performance standards for height of vegetation (measured as "productivity" on page 10). If these standards are a requirement for some other reason, OMR recommends that the performance standards be revisited and adjusted according to advice from qualified local professionals. The performance standards shown on page 10 may be unrealistically high unless the plants are going to be irrigated on a regular basis.

15. The "Final Site Configuration" map legend shows most of the area as being revegetated with native species (no method given), but then a separate shaded area along the access road is shown as "Hydro-seed areas". The text refers to hydroseeding as the method used for revegetation throughout – this discrepancy should be corrected.

Administrative Requirements

(Refer to SMARA sections 2772, 2773, 2774, 2776, 2777, PRC section 21151.7)

Senate Bill 668, Chapter 869, Statutes of 2006 amended Public Resources Code section 2774 with respect to lead agency approvals of reclamation plans, plan amendments, and financial assurances. These requirements are applicable to this reclamation plan. Once OMR has provided comments on the reclamation plan, a proposed response to the comments must be submitted to the Department at least 30 days prior to lead agency approval. The proposed response must describe whether you propose to adopt the comments. If you do not propose to adopt the comments, the reason(s) for not doing so must be specified in detail. At least 30 days prior notice must be provided to the Department of the time, place, and date of the hearing at which the reclamation plan is scheduled to be approved. If no hearing is required, then at least 30 days notice must be given to the Department prior to its approval. Finally, within 30 days following approval of the reclamation plan, a final response to these comments must be sent to the Department. Please ensure that the County allows adequate time in the approval process to meet these SMARA requirements.

If you have any questions on the content of this letter or require any assistance with other mine reclamation issues, please contact me at (916) 323-5435.

Sincerely,

James S. Pompy, Manager
Reclamation Unit

Attachments

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

Promoting the Wise Use of Land – Helping to Build Great Communities

November 4, 2014

Beth Hendrickson
Department of Conservation
Office of Mine Reclamation
801 K. Street – MS 09-06
Sacramento, CA 95814

SUBJECT: Notification pursuant to Section 2774(d)2 of the Surface Mining and Reclamation Act / Public Resources Code, Division 2, Chapter 9 Sections 2710-2796.5 for the Las Pilitas Quarry Reclamation Plan (DRC2009-00025)

The County of San Luis Obispo has received the letter dated July 16, 2010 and reviewed the comments regarding the Reclamation Plan for the proposed Las Pilitas Quarry, located east of the community of Santa Margarita, in the County of San Luis Obispo. The County of San Luis Obispo intends to address the comments contained in the above referenced letter as follows:

- The project proponent will be required to incorporate / adopt comments # 1 - 15 as Conditions of Approval associated with the proposed Conditional Use Permit and Reclamation Plan. All relevant information will be forwarded to your department after completion of the local permitting process. Items related to slope stability have been included as mitigation measures in the Final EIR.

- Pursuant to comment #2, plans that have been prepared pursuant to the Professional Engineers Act, Geologist and Geophysicist Act, and Professional Land Surveyors' Act will be submitted to your office if the project receives approval by the local decision makers. Since the plans are subject to modification during the discretionary review process, the County will defer the requirement (if the project receives approval) until a later time, prior to the initiation of mining.

This letter is submitted to inform your office of the intent to adopt all comments submitted by your office and inform your office of the tentative hearing date for the proposed Las Pilitas Quarry.

The hearing is tentatively scheduled for:

Thursday, December 11, 2014; 9:00 am
County of San Luis Obispo Board of Supervisor Chambers
1055 Monterey Street, Room D170
San Luis Obispo, CA 93408

The Staff Report of the Las Pilitas Quarry project will be available at the Department's website on or around November 26, 2014. Please go to http://www.slocounty.ca.gov/planning/meetings.htm and select the agenda for December 11, 2014. Click on the "Agenda" tab and find the item on the agenda. Click on the "Staff Report" link for the Las Pilitas Quarry.

If you have any questions regarding this submittal, please contact Murry Wilson at (805) 788-2352.

Thank You,

Murry Wilson
Environmental Resource Specialist

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

RECEIVED
OCT - 8 2009
COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PUBLIC WORKS

THIS IS A NEW PROJECT REFERRAL

DATE: 10/7/09

TO: PW

FROM: Jeff Oliveira, Environmental Resource Specialist/ Mine Mitigation

PROJECT DESCRIPTION: DRC2009-00025 OSTER LIVING TRUST- Mining/ reclamation plan to operate aggregate quarry, asphalt and concrete recycling/ manufacturing. 60 acre site, of 260 acres total located off California Canyon Hwy. in Santa Margarita. APNs: 070-141-070 and 071.

Return this letter with your comments attached no later than: 14 days from receipt of this referral. By 10/22/09 please.

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☐ YES (Please go on to PART II.)
- ☒ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☒ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
- ☐ NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Additions to Traffic Impact Study.
See attached comments.

10-30-2009	Sam Taylor	788-2177
Date	Name	Phone

To: **San Luis Obispo County Department of Planning and Building**
attention: Jeff Oliveira

From: **San Luis Obispo County Department of Public Works**
by: Sam Taylor Jr., Staff Engineer/Surveyor, Development Services Division, (805) 788-2177 - email: SLTaylor@co.slo.ca.us

Date: October 30, 2009

Subject: **INFORMATION HOLD** Comments on Referral for: **DRC2009-00025, Oster Living Trust,** Conditional Use Permit – Mining/Reclamation Plan

Discussion

PROJECT DESCRIPTION

The site's Land Use Category: RL, EX1

The proposed project is an aggregate quarry, asphalt and concrete recycling/ manufacturing operation with a maximum yield of 500,000 tons per year with a 30 operational lifespan.

DATE OF ACCEPTANCE FOR PROCESSING

na

FLOOD HAZARD & DRAINAGE

Flood hazard and drainage will be addressed with the building permits.

ROAD MAINTENANCE FEE

For resource extraction operations which impact county maintained roads the Land Use Ordinance, Section 22.36.100, requires that the applicant enter into an agreement with the county and pay for the additional maintenance costs caused by that operation, as determined by the Public Works Department. Attached please find a DRAFT analysis which determines that cost which is based on the quantities to be extracted from the site for the life of the project as noted in the Project Description. There is a possibility that additional county roads will be impacted by the project (Pozo Road, Parkhill Road, etc.)

ACCESS & HAUL ROUTE

The site is accessed from State Highway 58 approximately 3¼ miles from the intersection of Highway 58 and El Camino Real in the town of Santa Margarita. The California Department of Transportation should provide recommended/required conditions for access to the state highway. The County's concern is the portion of truck traffic which will travel on County maintained roads. The Traffic Impact Study, dated May 2009, supplied by the applicant is not clear as to whether the trip distribution applies to the trucks hauling product or to employee commutes or both.

Public Works Information Hold Request for subject project:

1. Provide additional traffic analysis showing the projected percentage of truck trips along the routes shown on Figure 3, page 9, of the May 2009 Traffic Impact Study plus the project percentage split at the Highway 58 – Parkhill Road intersection (approximately 0.4 mile easterly of the project driveway.)

DRAFT Recommended conditions for subject project:

1. ***Prior to commencement of resource extraction operations,*** *the applicant shall execute an agreement with the County Public Works Department to deposit into the County road fund* ***$__???__*** *per truck load as compensation for the increase in road use and road maintenance requirements generated by the project.*

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS
Paavo Ogren, Director
County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252
Fax (805) 781-1229 email address: pwd@co.slo.ca.us

MEMORANDUM

Date: July 9, 2010

To: Jeff Oliveira, Project Manager

From: Glenn Marshall, Development Services Engineer

Subject: Notice of Preparation – Las Pilitas Quarry CUP and Reclamation Plan, DRC2009-00025, Calf Canyon Road (SR 58), Santa Margarita

Thank you for the opportunity to provide information on the Notice of Preparation of an Environmental Impact Report for the subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

1. Contact person: Glenn Marshall, County Government Center Room 207, San Luis Obispo CA 93408, (805) 781-1596, gdmarshall@co.slo.ca.us.

2. County Public Works is responsible for reviewing public improvements including streets and utilities, as well as drainage and flood hazard, under the provisions of the Real Property Division Ordinance and the Land Use Ordinance, and Encroachment within the public right-of-way under County Municipal Codes (Title 13) and the Streets and Highway Code.

3. For our use, the report must address project anticipated impacts to traffic and circulation, drainage and flood hazard. Although the Initial Study Checklist, and its Comments section, appears to cover these topics, the following topics should be expanded upon:

    a. The EIR should address the project's responsibility to establish a Road Improvement Fee program so as to adequately mitigate their "fair share" contributions. We are available to assist with defining the processes necessary to create the program, please contact us for additional information.

    b. The traffic report must address safety concerns associated with the increase in the number of trucks at each study intersection and specifically how the length of these trucks may impact the study intersections. The analysis is especially relevant with respect to the school operations, at the intersection of Estrada Ave at El Camino Real where operational constraints include the close proximity of the railroad crossing and super elevation of El Camino Real, and at the Estrada Ave at J Street curve.

    c. The traffic report should compare the estimate trip generation provided by the applicant against those rates identified in accepted references, such as the ITE Trip Generation book.

d. Since most study roads and intersections lay within the state right-of-way the EIR must discuss the feasibility of improvements based on Caltrans Encroachment requirements.

4. A list of "Standard Conditions" is available from our office and is available upon request. Minimum conditions normally include road improvements, circulation improvements, drainage improvements, utility improvements, and maintenance requirements of the new improvements.

5. We do not have any alternative projects to suggest for evaluation.

6. Reasonably foreseeable Department projects, programs or plans in the area of this proposed development may include:
   a. Ongoing maintenance operations within the public right of way.

7. The following information may be relevant for consideration in the EIR:
   a. Land Use Ordinance Title 22, specifically Chapter 22.36.110-Use of County Roads by Extraction Operations.
   b. San Luis Obispo County Public Improvement Standards.
   c. County of San Luis Obispo July 2008 Pavement Report.
   d. County of San Luis Obispo National Pollutant Discharge Elimination System Phase II, Stormwater Management Program (County Code Section 8.68)
   e. County Code (Title 22) Sections 22.52-Grading & Drainage, and 22.14.060-Flood Hazard Area
   f. Flood Insurance Rate Maps (FIRM), August 2008.
   g. Guidelines for preparing a traffic model and circulation studies.

8. Public Works has no further comments on the Notice of Preparation.

Please provide us notification that the Draft EIR is available for review via the web and the related web address where the document may be viewed. If you have any questions or comments I can be contacted by phone at 805/781-1596, by email at (gdmarshall@co.slo.ca.us), or at the above address.

Cc: Frank Honeycutt, Transportation and Roads Division Manager
Ryan Chapman, Transportation and Roads
James Kilmer, Caltrans Circulation Planner

V:_DEVSERV Referrals_Referral Responses\Land Use Permits\Conditional Use Permits\DRC09-00025 Las Pilitas Quarry, SR 58\NOP Response.doc

RECEIVED
OCT 27 2009
SLO CO PLANNING DEPT

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

RECEIVED
OCT - 9 2009
ENVIRONMENTAL HEALTH

DATE: 10/7/09

TO: Env. Health

FROM: Jeff Oliveira, Environmental Resource Specialist/ Mine Mitigation

PROJECT DESCRIPTION: DRC2009-00025 OSTER LIVING TRUST- Mining/ reclamation plan to operate aggregate quarry, asphalt and concrete recycling/ manufacturing. 60 acre site, of 260 acres total located off California Canyon Hwy. in Santa Margarita. APNs: 070-141-070 and 071.

Return this letter with your comments attached no later than: 14 days from receipt of this referral. By 10/22/09 please.

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ❑ YES (Please go on to PART II.)
- ❑ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ❑ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
- ❑ NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Please see attached

10/22/09 — Date

[signature] — Name

781-5551 — Phone

SAN LUIS OBISPO COUNTY HEALTH AGENCY

Public Health Department
2191 Johnson Avenue ▪ P.O. Box 1489
San Luis Obispo, California 93406
805-781-5500 ▪ FAX 805-781-5543

Jeff Hamm
Health Agency Director

Penny Borenstein, M.D., M.P.H.
Health Officer

October 22, 2009

To: Department of Planning and Building
Jeff Oliveira

From: Environmental Health
Leslie Terry

Project Description: DRC2009-00025 OSTER LIVING TRUST

Verify water supply adequacy and potability as needed for proposed use.

Applicant to contact Brad Prior at 788-2049 to determine if an annual permit will be required for the water supply at this facility based on the number of employees / users per day.

Verify septic system adequacy for proposed use.

Applicant shall submit, to this office, the hazardous materials business plan for the proposed site. The plans shall be reviewed and approved prior to final sign-off. Please contact Scott Milner at 473-7056 if you have any questions.

If plan review for cross connection determines a device is necessary, then an annual device test requirement shall be added as a condition of this MUP or CUP.

COUNTY OF SAN LUIS OBISPO
Department of Agriculture/Weights and Measures
2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISIONER/SEALER FAX (805) 781-1035
www.slocounty.ca.gov/agcomm AgCommSLO@co.slo.ca.us

DATE: **August 2, 2010**

TO: **Jeff Oliveira, Project Manager**

FROM: **Lynda L. Auchinachie, Agriculture Department**

SUBJECT: **Oster Living Trust/Las Pilitas Resources Quarry Conditional Use Permit and Reclamation Plan Notice of Preparation of a Draft Environmental Impact Report (DEIR)**

Name of Contact Person: Lynda Auchinachie
2156 Sierra Way, Suite A
San Luis Obispo, CA 93401
781.5914 lauchinachie@co.slo.ca.us

Approval Authority: San Luis County Agriculture Element (AE)

Environmental Information: The initial study (IS) indicates that the proposed quarry project will convert existing grazing land to a non-agricultural use. The IS accurately identifies potential impacts to agricultural resources such as the spread of invasive weeds and impacts associated with dust. However, the DEIR also should include an analysis of the conversion of agricultural land based on the comments provided by the California Department of Conservation that suggests removing grazing as an end use once reclamation has occurred. Other agricultural resource issues that should be addressed within the DEIR include, but are not limited to: 1) proper identification of Metz loamy sand as Farmland of Statewide Importance, 2) discussion of agricultural setting along the proposed access route and potential impacts to agricultural resources due to required offsite roadway improvements, 3) consistency with AE goals and policies, particularly AGP11, and 4) a reasonable worst case scenario for water use that includes projections for water demand based on washing material to meet the high quality material standards, similar to existing quarries in the area and identified in the original project description.

Permit Conditions:	The proposed project should avoid adverse impacts to agricultural resources including water resources. Project conditions should include, but not be limited to, continued access to agricultural operations during construction and operation of quarry; dust and invasive weed management; agricultural buffers; and mitigation for the conversion of agricultural resources.
Alternatives:	Consider alternatives that are located away from agricultural resources.
Foreseeable Projects:	The IS does not appear to include information associated with approved projects such as the Santa Margarita Ranch Agricultural Cluster.
Relevant Information:	Agriculture Element.

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

CAMPA - PARKS

2012 FEB -2 PM 12: 25

THIS IS A NEW PROJECT REFERRAL

DATE: 2/1/2012

TO: Parks

FROM: Planning

PROJECT DESCRIPTION: DRC 2009-00025 - Proposal to operate aggregate quarry, asphalt and concrete recycling and asphalt concrete manufacturing

Return this letter with your comments attached no later than: 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☐ YES (Please go on to PART II.)
- ☐ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

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- ☐ NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Please condition a 25-foot wide trail easement along the Salinas River. Thank You

2/9/12	Elizabeth Kavanaugh	781-4089
Date	Name	Phone

CAL FIRE
San Luis Obispo
County Fire Department

635 N. Santa Rosa • San Luis Obispo, CA 93405
Phone: 805.543.4244 • Fax: 805.543.4248
www.cdfslo.org

Matt Jenkins, Fire Chief

COMMERCIAL FIRE PLAN REVIEW

RECEIVED
NOV 18 2009
S.L.O. CO. PLANNING DEPT.

November 17, 2009

Subject: DRC2009-00025 for surface mining/reclamation operation.

To: Jeff Oliveira
Planning and Building Department

I have reviewed the Fire Safety Plan Application you submitted for the surface mine and reclamation plan to operate aggregate quarry, asphalt and concrete recycling/manufacturing. This operation is located on APN # 070-141-070 and 071, which is a 60 acre site, of 260 acres total located at 6660 Calf Canyon Highway in Santa Margarita.

The project is within a **high fire hazard severity zone** with a 5 minute response time from the nearest County Fire Station, Parkhill station # 40.

The project and applicant shall comply with the 2007 California Fire Code (CFC), the 2007 California Building Code (CBC), the Public Resources Code (PRC) and any other applicable fire laws.

Commercial Access Road:

- A commercial access road must be 20 feet wide.
- Parking is only allowed where an additional 8 feet of width is added for each side of the road that has parking.
- Must be an all weather non-skid paved surface.
- All roads must be able to support a fire engine weighing 40,000 pounds..
- Vertical clearance of 13'6" is required.

Gates:

- Must be setback from the road 30 feet from the intersection.
- Must automatically open with no special knowledge.
- Must have a KNOX key box or switch for fire department access. Call the Prevention Bureau for an order form at (805) 543-4244.
- Gate shall have an approved means of emergency operation at all times. CFC 503.6
- Gate must be 2 feet wider than the road on each side.
- Gates must have a turnaround located at each gate.

Water Supply

A water storage tank with a capacity determined by a factor of the cubic footage of the structure will be required to serve each existing and proposed structure. A residential fire connection must be located within 50 to 150 feet of the buildings.

Site Identification Addressing:

A site access road identification sign must be legible at the entrance on Highway 58. This sign/marker shall be on a contrasting background and a minimum of 10 inch lettering with ½" stroke. This sign/marker must be displayed in a prominent location. CFC 505.1 Streets and roads shall be identified with approved signs. CFC 505.2

Portable Fire Extinguishers:

California Fire Code section 906 requires a minimum 2A fire extinguisher shall be kept readily accessible on each piece of earth moving heavy equipment used at the surface mining site.

Fire Safety during Construction:

Prior and during construction all applicable Public Resources Codes must be complied with to prevent a wildfire. These will include the use of spark arresters, adequate clearance around welding operations, smoking restrictions and having extinguishers on site. The Industrial Operations Fire Prevention Field Guide will assist the applicant and is available online at http://cdfdata.fire.ca.gov/fire_er/fpp_engineering_view?guide_id=12

California Health and Safety Code Section 13001 - Causing Fire, Misdemeanor.

Every person is guilty of a misdemeanor who, through careless or negligent action, throws or places any lighted cigarette, cigar, ashes, or other flaming or glowing substance, or any substance or thing which may cause a fire, in any place where it may directly or indirectly start a fire, or who uses or operates a welding torch, tar pot or any other device which may cause a fire who does not clear the inflammable material surrounding the operation or take such other reasonable precautions necessary to insure against the starting and spreading of fire.

California Public Resource Code Section 4427 - Clearing and Tools Required.

During any time of the year when burning permits are required in an area pursuant to this article, no person shall use or operate any motor, engine, boiler, stationary equipment, welding equipment, cutting torches, tarpots, or grinding devices from which a spark, fire, or flame may originate, which is located on or near any forest-covered land, brush-covered land, or grass-covered land, without doing both of the following:

(a) First clearing away all flammable material, including snags, from the area around such operation for a distance of 10 feet.

(b) Maintain one serviceable round point shovel with an overall length of not less than forty-six (46) inches and one backpack pump water-type fire extinguisher fully equipped and ready for use at the immediate area during the operation.

California Public Resource Code Section 4442 - Using Equipment Without Spark Arrester.

(a) Except as otherwise provided in this section, no person shall use, operate, or allow to be used or operated, any internal combustion engine which uses hydrocarbon fuels on any forest-covered land, brush-covered land, or grass-covered land unless the engine is equipped with a spark arrester, as defined in subdivision (c), maintained in effective working order or the engine is constructed, equipped, and maintained for the prevention of fire pursuant to Section 4443.

(b) Spark arresters affixed to the exhaust system of engines or vehicles subject to this section shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

(c) A spark arrester is a device constructed of nonflammable materials specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch in size from the exhaust flow of an internal combustion engine that uses hydrocarbon fuels or which is qualified and rated by the United States Forest Service.

If I can provide additional information or assistance on this mater, please don't hesitate to contact me at (805) 543-4244. Thank you!

Sincerely,

Tina Rose
Fire Inspector

cc: Las Pilitas Resources LLC
Ken Johnston

CAL FIRE
San Luis Obispo
County Fire Department

635 N. Santa Rosa • San Luis Obispo, CA 93405
Phone: 805-543-4244 • Fax: 805-543-4248
www.calfireslo.org

Robert Lewin, Fire Chief

February 8, 2014

County of San Luis Obispo
Department of Planning & Building
County Government Center
San Luis Obispo, CA. 93408

Subject: Response to public comment(s) / Draft Environmental Impact Report
DRC2009-00025 / Oster Living Trust (Las Pilitas Quarry)

Mr. Wilson,

CAL FIRE/San Luis Obispo County appreciates the opportunity to address questions and concerns regarding traffic, emergency access/response and proposed blasting operations relative to the quarry project named above.

I have reviewed the Draft Environmental Impact Report, public comments, the Fire Safety Plan (11/17/2009) and the original information provided by the applicant upon project submittal. The following comments are provided:

- As stated by then Deputy Fire Chief Robert Lewin within his letter dated November 9 2009, *"CAL FIRE/County Fire has many areas of expertise; however traffic and elements that relate to traffic are not one of those areas of expertise"*. This department does not have the required technical expertise to comment upon matters directly connected to traffic; however, from a strictly operational point of view, the proposed project does not present a significant concern relative to emergency vehicle response(s) upon Hwy. 58 either east or west of the project site.

- After reviewing the General Blast Plan (Gasch & Associates), CAL FIRE/County Fire finds that the proposed procedures and requirements adequately address fire/life safety concerns associated with such operations. Changes to the project scope will warrant further review and additional safety measures.

If I may be of additional assistance, please do not hesitate to contact me at (805)543-4244, ext. 3422.

Sincerely,

Laurie Donnelly
Battalion Chief/Fire Marshal

APCD COMMENTS

Date: 10/30/2009 11:15 AM
Subject: Re: OIS 3577; DRC2009-00025 OSTER LIVING TRUST, North Co. E-Ref, (Mining/ Reclamation Plan, Santa Margarita)

Jeff,

Time is pretty tight here so as opposed to sending you a letter, I am sending you a brief email response to your questions for the Oster project.

We have previously provided comments/worked emission calcs for mining projects such as Phel, Pankey and Viborg. I can send you our letters if you do not have them. The constraints that we identified in the agreement that all three parties signed were specific to those operations which proposed similar processing methods, though as I recall Viborg proposed using some older pieces of equipment than the other two, so that project was more constrained. Pankey has submitted some new emission calculations that the APCD is in the process of reviewing.

As for what the APCD will need in the way of an impact analysis:

- As the math teachers taught us - show your work so it can easily be followed.
- Risk assessment - due to the project's diesel equipment use, the project proponent shall need to identify if there are any sensitive receptors within 1,000 feet of the project or truck routes for the project. If there are sensitive receptors a screening human health risk evaluation is needed to determine if the project may exceed the 10 in a million risk threshold for Type A projects - new toxic emitting projects moving into an area). If this screening evaluation indicates a threshold exceedance, then a refined assessment is necessary. The APCD's 2009 CEQA handbook has specific information on risk

- Assumptions used in the modeling of the emissions - assumptions must be defensible and those defenses need to be disclosed. Some of the typical assumptions that APCD uses include:
  - On-road trucks emissions can either be from the average SLO County fleet as defined in EMFAC or a cleaner, specific fleet that the applicant can ensure
  - Off-road equipment emissions needs to be based on the actual fleet that will be used
  - Fugitive particulate matter emissions from unmitigated unpaved roads should use an emission factor of 2 lbs/mile traveled as identified by the State Air Resources Board. Mitigation goal is no off-site dust transport and no emissions exceeding 20% opacity. We have a list of APCD approved dust control methods for unpaved roads and another list to control emissions from construction type equipment.
- Emission Determinations for ozone precursors and diesel
The total emissions associated with this project shall be calculated for this project which include : all on-site emissions and emissions from vehicles attracted to the site need to be combined and compared to the APCD thresholds identified in our handbook - Our 2009 handbook has been issued for review and we will be taking it to our Board for adoption on 2 Dec. Mitigation in the form of changes to operating hours, overlapping operations, newer equipment should be included in the evaluation.
- Emissions in excess of our thresholds over the project life that can not be reduced on-site with mitigation measures will need off-site mitigation
- Only if emissions reductions (e.g. fleet will clean up over time) can be guaranteed will the APCD allow those reductions to be included in determining total offsite mitigation

Specific emissions should be calculated with the following:
- On-road engine Model year and the associated emission factors - we use the Carl Moyer Guidelines for these emission factors
- Off-road engine Model year and certified emission level (i.e. Tier level and if an ARB verified diesel emission control device is installed)
- Horsepower, load factors, and daily hours for off-road equipment
- Miles driven on paved and unpaved surfaces for on-road trucks
- Ensure that round trip emissions are used for the on-road equipment

Calcs should demonstrate worst case emissions.

As for greenhouse gases, the applicant needs to quantify emissions and propose feasible mitigation. Electrifying some of the equipment is a possibility. Here is a our standard language with mitigation references:

Greenhouse Gas Background

The California's Attorney General has required numerous projects reviewed through CEQA, to quantify and implement feasible project level mitigation of greenhouse gas (GHG) emissions. Further, the Attorney General has stated that any project that produces large GHG emission increases clearly could be an obstacle to the State's effort to reach the goals defined in AB 32 and SB 375 to reduce greenhouse gas emissions and promote sustainable community strategies.

On June 19, 2008, the State of California's Governor's Office of Planning and Research (OPR) released a Technical Advisory entitled CEQA AND CLIMATE CHANGE: Addressing Climate Change Through California Environmental Quality Act Review. The Advisory is available at:

www.opr.ca.gov/ceqa/pdfs/june08-ceqa.pdf

This document states:

> Lead agencies should make a good-faith effort, based on available information, to calculate, model, or estimate the amount of CO2 and other GHG emissions from a project, including the emissions associated with vehicular traffic, energy consumption, water usage and construction activities.

Regarding the determination of GHG impact significance, the Technical Advisory states:

> The potential effects of a project may be individually limited but cumulatively considerable. Lead agencies should not dismiss a proposed project's direct and/or indirect climate change impacts without careful available information and analysis should be provided for any project that may significantly contribute new GHG emissions, either individually or cumulatively, directly or indirectly (e.g., transportation impacts).

Regarding GHG impact mitigation, the Technical Advisory states:

> The lead agency must impose all mitigation measures that are necessary to reduce GHG emissions to a less than significant level. CEQA does not require mitigation measures that are infeasible for specific legal, economic, technological or other reasons. A lead agency is not responsible for wholly eliminating all GHG emissions from a project; the CEQA standard is to mitigate to a level that is "less than significant."

The California Air Pollution Control Officer Association (CAPCOA) published a document in January 2008 entitled "CEQA and Climate Change." The document is

available at:

www.capcoa.org/CEQA/CAPCOA%20White%20Paper.pdf

This document provides methods for analyzing GHG both quantitatively and qualitatively and also provides a list of mitigations. This document is supported by both the Office of Planning and Research and the Attorney General's office.

Project Specific GHG Comments

The Attorney General requires GHG impact evaluation and the implementation of feasible mitigation at the project level. As such, the project's Mitigated Negative Declaration should evaluate the project's carbon dioxide (CO2) emissions as well as other GHG sources converted to carbon dioxide equivalents and should identify feasible mitigation that the project shall implement. The GHG impact evaluation should include:

a. The short term GHG impacts from the construction phase amortized over the life of the project (50 years for residential or residential support facilities and 25 years for commercial or industrial facilities) to provide a mechanism for the project to mitigate these impacts by adding these amortized impacts to the operational phase impacts; and

b. The project's operational phase GHG impacts.

The feasible GHG mitigation measures to implement should be identified from the above identified CAPCOA document or from other proven energy efficiency measures. In some cases where the available measures are marginally effective, off-site GHG mitigation fees are appropriate.

Sincerely,

Andy Mutziger
Air Quality Specialist
San Luis Obispo County Air Pollution Control District
(805) 781-5956
fax: (805) 781-1002
www.slocleanair.org

Jeffrey Oliveira---10/26/2009 09:30:56 AM---Hey Andy- Since we know we're likely to be going through the EIR process, I think it would be helpfu

From: Jeffrey Oliveira/Planning/COSLO

To: Andrew Mutziger/APCD/COSLO@Wings

Cc: Aeron Arlin Genet/APCD/COSLO@Wings, Alyssa Roslan/APCD/COSLO@Wings

Date: 10/26/2009 09:30 AM

Subject: Re: Fw: OIS 3577; Due 10/23 ?? DRC2009-00025 OSTER LIVING TRUST, North Co. E-Ref, (Mining/ Reclamation Plan, Santa Margarita)

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3101
FAX (805) 549-3329
TTY 711
http://www.dot.ca.gov/dist05/

Serious drought
Help save water!

September 5, 2014

Murry Wilson, Environmental Resource Specialist
Department of Planning and Building
San Luis Obispo County
976 Osos Street, Room 300
San Luis Obispo CA 93408-2040

05-SLO-58-4.92/0.00

Subject: MEMORANDUM ON LEFT TURN LANE FOR THE LAS PILITAS QUARRY

Dear Mr. Wilson:

This letter is in response to your request for clarification on the email correspondence dated January 19, 2010 by James Kilmer of Caltrans to Ken Johnston of Las Pilitas Resources LLC. This email is in regards to a site visit involving James Kilmer and Frank Boyle of Caltrans staff. James Kilmer has since retired from Caltrans but Frank Boyle has clarified to me that the meeting was in regards to the location of the driveway to a more westerly alignment due to sight distance concerns.

The issue of the realignment of the driveway does not have bearing on the need for a left turn lane on State Route 58. This facility is necessary for safety purposes and should be required as a condition of approval for the project. For reference, Caltrans also included the need for a left turn lane in its comment letter to the Draft EIR on May 24, 2013.

If you have any questions or concerns, feel free to contact me at adam.fukushima@dot.ca.gov or (805) 549-3131.

Sincerely,

Adam Fukushima
Caltrans District 5 Development Review