

PUBLIC REVIEW DRAFT

MINING DESIGNATION AMENDMENTS

JUNE 1, 2018

DOCUMENTS AMENDED:

1. Framework for Planning – Inland
2. Framework for Planning – Coastal
3. Title 22 (Land Use Ordinance)
4. Title 23 (Coastal Zone Land Use Ordinance)
5. Official Maps
6. The Area Plans (Inland)
7. Conservation and Open Space Element

RESULTS OF THE PUBLIC REVIEW DRAFT:

1. Renaming EX1 designation to MRA (Mineral Resource Area) designation, for clarity.
2. Creating a new combining designation, MDZ (Mining Disclosure Zone). No standards are proposed for the MDZ areas.
3. Adding language to better differentiate EX and MRA designations.
4. Expressly prohibiting non-compliant uses in the EX and MRA designations.
5. Providing exceptions for the Minor Use Permit requirement for existing single-family residences in the EX designation.
6. Providing exceptions for the Minor Use Permit requirement for new residential development near the Price Canyon Oilfield.
7. Updating the official maps so that the MRA designation matches the state-designated minerals of regional significance.
8. Updating the official maps to place the permitted footprint of active mines in the EX designation.
9. Updating the official maps to remove the Guadalupe Oil Field and Estero Marine Terminal from the EX designation.
10. Updating the official maps to place areas within one-quarter mile of active mines in the new MDZ designation.
11. Adding language to the North County and South County Area Plans to address land use compatibility in Creston and the Santa Maria River valley, respectively.
12. Updating references throughout the area plans, ordinances, and the Conservation and Open Space Element.
13. Updating mineral resource and mining maps in the Conservation and Open Space Element.
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Public Review Draft

Inland Framework for Planning Modifications

Existing Setting

Framework for Planning establishes two combining designations for the protection of mineral resources. These are EX (Energy or Extractive Area) and EX₁ (Extractive Resource Area). EX applies to regional energy facilities, large scale mining operations, and mineral resources of statewide significance. EX₁ applies to minerals resources of regional significance. Ordinance requirements for non-mineral development differ between the two designations.

Purpose

The proposed amendments would clarify the distinction between the two combining designations and introduce a third designation.

Result of Amendment

EX₁ (Extractive Resource Area) will be renamed to MRA (Mineral Resource Area). Modification to the “purpose” language would clarify that the MRA designation is intended for areas with mineral resources of regional significance. A new third designation, MDZ (Mining Disclosure Zone) will be established. The purpose of the MDZ is to provide constructive notice to those considering purchasing property within one-quarter mile of an active mine.

PROPOSED AMENDMENTS

1. IN CHAPTER 6 (LAND USE CATEGORIES), AMEND GUIDELINE #12 (GUIDELINES FOR LAND USE CATEGORY AMENDMENTS) ON PAGES 6-9 AND 6-10, AS FOLLOWS:

- 12. Mineral Resources.** Whether the amendment proposed in an area included within the EX (Energy and Extractive Resource Area) or MRA (Mineral Resource Area) ~~EX₁ (Extractive Resource Area)~~ combining designations on the official maps of the Land Use Element would preclude resource extraction or would result in uses which adversely affect the existing operation or expansion of extraction uses. Proposals within the EX or MRA ~~EX₁~~ combining designations which would preclude resource extraction, would allow minimum residential parcel sizes of less than 10 acres or would otherwise be incompatible with resource extraction shall be approved only when the need for the particular use is determined by the Board of Supervisors to outweigh the value of keeping the potential mineral resource available for future extraction. The proposed amendment shall not enable development that would adversely affect the continuing operation or expansion of an extraction use [Amended 1991, Ord. 2498).

- 2. IN CHAPTER 7 (COMBINING DESIGNATIONS AND PUBLIC FACILITIES), MODIFY THE EX1 (EXTRACTIVE RESOURCE AREA) SUMMARY OF DESIGNATIONS ON PAGE 7-2, AS FOLLOWS:**

MRA – Mineral Resource Area: Applied to areas, ~~including active mines~~, 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. Any such areas which are subsequently formally designated by the State as containing mineral deposits of statewide significance should be included in the EX combining designation subject to an amendment of the Land Use Element [Amended 1991, Ord. 2498]

NOTE: The classification information developed by the State is contained in a report titled "Special Report [215 462](#), Mineral Land Classification of Portland Cement Concrete Aggregate and Active Mines of All Other Mineral Commodities in the San Luis Obispo - Santa Barbara Production-Consumption Region, [2015 4989](#)." That report, together with the accompanying classification maps, are incorporated by reference herein as though set forth in full [Amended 1991, Ord. 2498; Amended 2015, Reso. 2015-75].

- 3. IN CHAPTER 7 (COMBINING DESIGNATIONS AND PUBLIC FACILITIES), INCLUDE A NEW MDZ (MINING DISCLOSURE ZONE) SUMMARY OF DESIGNATIONS ON PAGE 7-2, AS FOLLOWS:**

MDZ – Mining Disclosure Zone: Applied to areas within one-quarter mile of active mines to serve as constructive notice of nearby mining activity.

- 4. IN CHAPTER 7 (COMBINING DESIGNATIONS AND PUBLIC FACILITIES), MODIFY THE EX (ENERGY OR EXTRACTIVE AREA) PURPOSE STATEMENTS AND GENERAL OBJECTIVES ON PAGES 7-7 AND 7-8, AS FOLLOWS:**

EX – ENERGY OR EXTRACTIVE AREA

Purpose:

1. To identify areas where mineral or petroleum extraction occurs, is proposed to occur, or where petroleum or mineral reserves of statewide significance exist, as defined by the State Geologist.
2. To protect existing extraction areas so that land uses incompatible with continuing extraction activities will not be developed on adjacent properties.
3. To protect existing energy production areas and regional production facilities so that incompatible uses will not be developed on adjacent properties such that the energy production facilities may become dangerous or detrimental to public health and safety.

4. To protect energy production areas from encroaching urban development or other incompatible land uses that may hinder their continued operation.

General Objectives: The Land Use Ordinance should provide detailed criteria for the review of projects proposed in the Energy or Extractive Area combining designation to achieve the following objectives:

1. Following approval of an energy ~~or resource extraction~~ project, the county should initiate an amendment to the Land Use Element to apply this combining designation to the property to ensure compliance with the applicable standards of the Land Use Ordinance [Amended 1991, Ord. 2498].
2. Following approval of a resource extraction project, the county should initiate an amendment to the Land Use Element to apply this combining designation to those parts of the property that are permitted for resource extraction and ancillary activities.
- ~~2.3.~~ Extraction operations and energy production facilities should be established in areas designated as Scenic and Sensitive lands in the adopted Open Space Plan only when the need for a particular resource or facility location is determined by the Board of Supervisors to outweigh the value of the scenic and sensitive land resource. Scenic and Sensitive lands should be subject to extraction operations or energy facility development only when no feasible alternative sites are available.
- ~~3.4.~~ Extraction operations and energy facilities should be provided with adequate buffering and screening from adjacent land uses.
- ~~4.5.~~ Applications for proposed extraction operations should include plans for preserving the long-term productivity of the site as well as site restoration after termination of extraction operations.
- ~~5.6.~~ Extraction site access routes should not create nuisances or hazards for adjacent properties.
- ~~6.7.~~ Wherever possible, oil and gas drilling, production and processing should be in consolidated locations, rather than spread out over numerous sites.
- ~~7.8.~~ Exploratory gas and oil wells should be subject to review procedures separate from those for development/production operations.

5. IN CHAPTER 7 (COMBINING DESIGNATIONS AND PUBLIC FACILITIES), MODIFY THE EX1 (EXTRACTIVE RESOURCE AREA) PURPOSE STATEMENTS AND GENERAL OBJECTIVES ON PAGES 7-8 AND 7-9, AS FOLLOWS:

MRAEX₁ – ~~MINERAL EXTRACTIVE~~ RESOURCE AREA

Purpose:

1. To identify lands which the California Department of Conservation's Division of Mines and Geology has classified as containing or being highly likely to contain regionally significant mineral deposits [Amended 1991, Ord. 2498].
2. To notify landowners and the general public of the presence or high likelihood of significant mineral deposits [Amended 1991, Ord. 2498].

3. To emphasize the conservation and development of the mineral deposits identified by the Division of Mines and Geology, provided that a high level of environmental quality is also preserved and protected through the discretionary approval process [Amended 1991, Ord. 2498].

General Objectives: The Land Use Ordinance and Framework for Planning - Inland Portion, Part I of the Land Use Element should provide detailed criteria for the review of projects proposed in the ~~Extractive Mineral~~ Resource Area (~~MRA~~ ~~EX1~~) combining designation to achieve the following objectives [Amended 1991, Ord. 2498]:

1. Following approval of a resource extraction project, the county should initiate an amendment to the Land Use Element to apply the EX (Energy and Extractive Resource Area) combining designation to the property to ensure compliance with the applicable standards of the Land Use Ordinance [Amended 1991, Ord. 2498].
2. Uses which require a discretionary land use permit shall not adversely affect the continuing operation or expansion of an extraction use [Amended 1991, Ord. 2498].
3. Extraction operations may be established in areas designated as Scenic and Sensitive lands in the adopted Open Space Plan only when the need for a particular resource or facility location is determined by the Board of Supervisors to outweigh the value of the scenic and sensitive land resource. Scenic and Sensitive lands may be subject to extraction operations or energy facility development only when no feasible alternative sites are available [Amended 1991, Ord. 2498].
4. Evaluation of proposed extraction operations in areas having open space, scenic, habitat, recreational, or agricultural value shall balance those values against the need for extracting mineral resources from such sites [Amended 1991, Ord. 2498].
5. Extraction operations shall provide and be provided with adequate buffering and screening from adjacent land uses [Amended 1991, Ord. 2498].
6. Applications for proposed extraction operations shall include plans for preserving the long-term productivity of the site and other affected lands, as well as ensuring on-site and off-site restoration of affected lands. In addition, riparian corridors and other sensitive habitats shall be identified prior to the development and shall be restored and enhanced as a condition of the required land use permit [Amended 1991, Ord. 2498].
7. Extraction site access routes shall not create nuisances, hazards or road maintenance problems for adjacent properties [Amended 1991, Ord. 2498].
8. Extraction operations shall employ the best available pollution control technologies to avoid or reduce adverse environmental impacts to affected lands [Amended 1991, Ord. 2498].
9. The Guidelines for Land Use Category Amendments in Framework for Planning - Inland Portion, Part I of the Land Use Element shall give priority to maintaining land use categories which allow resource extraction and which result in development that is compatible with resource extraction [Amended 1991, Ord. 2498].

6. IN CHAPTER 7 (COMBINING DESIGNATIONS AND PUBLIC FACILITIES), ESTABLISH NEW PURPOSE STATEMENTS AND GENERAL OBJECTIVES FOR THE MINING DISCLOSURE ZONE ON PAGE 7-10, AS FOLLOWS:

MINING DISCLOSURE ZONE

Purpose:

1. To identify lands that are within close proximity to an existing active mineral extraction operation.
2. To provide constructive notice to landowners and the general public of the presence of legally established mining activities within one-quarter mile of the site. The approved operation of a mine may potentially conflict with existing or future adjacent land uses (i.e. noise and traffic).

General Objectives: The Land Use Ordinance and Framework for Planning - Inland Portion, Part I of the Land Use Element should achieve the following objectives:

1. Following approval of a resource extraction project, the county should initiate an amendment to the Land Use Element to apply the MDZ (Mining Disclosure Zone) combining designation to properties within a one-quarter mile radius of resource extraction and ancillary activities.
2. This combining designation is intended to serve primarily as a means of notification and public disclosure. No specific restrictions are to apply to a property simply for being located within the Mining Disclosure Zone.

Public Review Draft

Coastal Framework for Planning Modifications

Existing Setting

Framework for Planning establishes two combining designations for the protection of mineral resources. These are EX (Energy or Extractive Area) and EX₁ (Extractive Resource Area). EX applies to regional energy facilities, large scale mining operations, and mineral resources of statewide significance. EX₁ applies to minerals resources of regional significance. Ordinance requirements for non-mineral development differ between the two designations.

Purpose

The proposed amendments would clarify the distinction between the two combining designations and introduce a third designation.

Result of Amendment

EX₁ (Extractive Resource Area) will be renamed to MRA (Mineral Resource Area). Modification to the “purpose” language would clarify that the MRA designation is intended for areas with mineral resources of regional significance. A new third designation, MDZ (Mining Disclosure Zone) will be established.

PROPOSED AMENDMENTS

7. IN CHAPTER 6 (LAND USE CATEGORIES), AMEND GUIDELINE #12 (GUIDELINES FOR LAND USE CATEGORY AMENDMENTS) ON PAGES 6-8, AS FOLLOWS:

12. **Mineral Resources.** Whether the amendment proposed in an area included within the EX (Energy and Extractive Resource Area) or MRA (Mineral Resource Area) ~~EX₁ (Extractive Resource Area)~~ combining designations on the official maps of the Land Use Element would preclude resource extraction or would result in uses which adversely affect the existing operation or expansion of extraction uses. Proposals within the EX or MRA ~~EX₁~~ Combining Designations which would preclude resource extraction, would allow minimum residential parcel sizes of less than 10 acres or would otherwise be incompatible with resource extraction shall be approved only when the need for the particular use is determined by the Board of Supervisors to outweigh the value of keeping the potential mineral resource available for future extraction. The proposed amendment shall not enable development that would adversely affect the continuing operation or expansion of an extraction use [Amended 1991, Ord. 2498).

8. IN CHAPTER 7 (COMBINING DESIGNATIONS AND PUBLIC FACILITIES), MODIFY THE EX1 (EXTRACTIVE RESOURCE AREA) SUMMARY OF DESIGNATIONS ON PAGE 7-3, AS FOLLOWS:

~~EX1 – Extractive Resource Area:~~ **MRA – Mineral Resource Area:** Applied to areas, ~~including active mines,~~ 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. Any such areas which are subsequently formally designated by the State as containing mineral deposits of statewide significance should be included in the EX combining designation subject to an amendment of the Land Use Element .

NOTE: The classification information developed by the State is contained in a report titled "Special Report [215 462](#), Mineral Land Classification of Portland Cement Concrete Aggregate and Active Mines of All Other Mineral Commodities in the San Luis Obispo - Santa Barbara Production-Consumption Region, [2015 4989](#)." That report, together with the accompanying classification maps, are incorporated by reference herein as though set forth in full [Amended 1991, Ord. 2498; Amended 2015, Reso. 2015-75].

9. IN CHAPTER 7 (COMBINING DESIGNATIONS AND PUBLIC FACILITIES), INCLUDE A NEW MDZ (MINING DISCLOSURE ZONE) SUMMARY OF DESIGNATIONS ON PAGE 7-3, AS FOLLOWS:

MDZ – Mining Disclosure Zone: Applied to areas within one-quarter mile of active mines to serve as constructive notice of nearby mining activity.

10. IN CHAPTER 7 (COMBINING DESIGNATIONS AND PUBLIC FACILITIES), MODIFY THE EX (ENERGY OR EXTRACTIVE AREA) PURPOSE STATEMENTS AND GENERAL OBJECTIVES ON PAGES 7-9 AND 7-10, AS FOLLOWS:

EX – ENERGY OR EXTRACTIVE AREA

Purpose:

1. To identify areas where mineral or petroleum extraction occurs, is proposed to occur, or where petroleum or mineral reserves of statewide significance exist, as defined by the State Geologist.
2. To protect existing extraction areas so that land uses incompatible with continuing extraction activities will not be developed on adjacent properties.
3. To protect existing energy production areas and regional production facilities so that incompatible uses will not be developed on adjacent properties such that the energy production facilities may become dangerous or detrimental to public health and safety.

4. To protect energy production areas from encroaching urban development or other incompatible land uses that may hinder their continued operation.

General Objectives: The Land Use Ordinance should provide detailed criteria for the review of projects proposed in the Energy or Extractive Area combining designation to achieve the following objectives:

1. ~~Proposed projects should be subject to approval of an amendment.~~ Following approval of an energy project, the county should initiate an amendment to the Land Use Element to apply this combining designation to the property to ensure compliance ~~Land Use Category, and comply~~ with the standards of the Coastal Zone Land Use Ordinance.
2. Following approval of a resource extraction project, the county should initiate an amendment to the Land Use Element to apply this combining designation to those parts of the property that are permitted for resource extraction and ancillary activities.
- ~~2.3.~~ Extraction operations and energy production facilities should be established in areas designated as Scenic and Sensitive lands in the adopted Open Space Plan only when the need for a particular resource or facility location is determined by the Board of Supervisors to outweigh the value of the scenic and sensitive land resource. Scenic and Sensitive lands should be subject to extraction operations or energy facility development only when no feasible alternative sites are available.
- ~~3.4.~~ Extraction operations and energy facilities should be provided with adequate buffering and screening from adjacent land uses.
- ~~4.5.~~ Applications for proposed extraction operations should include plans for preserving the long-term productivity of the site as well as site restoration after termination of extraction operations.
- ~~5.6.~~ Extraction site access routes should not create nuisances or hazards for adjacent properties.
- ~~6.7.~~ Wherever possible, oil and gas drilling, production and processing should be in consolidated locations, rather than spread out over numerous sites.
- ~~7.8.~~ Exploratory gas and oil wells should be subject to review procedures separate from those for development/production operations.
- ~~8.9.~~ Extraction operations shall employ the best available pollution control technologies to avoid and reduce adverse environmental impacts to affected lands.

11. IN CHAPTER 7 (COMBINING DESIGNATIONS AND PUBLIC FACILITIES), MODIFY THE EX1 (EXTRACTIVE RESOURCE AREA) PURPOSE STATEMENTS AND GENERAL OBJECTIVES ON PAGES 7-10 AND 7-11, AS FOLLOWS:

MRA~~EX~~₁ – MINERAL ~~EXTRACTIVE~~ RESOURCE AREA

Purpose:

1. To identify lands which the California Department of Conservation's Division of Mines and Geology has classified as containing or being highly likely to contain regionally significant mineral deposits.

2. To notify landowners and the general public of the presence or high likelihood of significant mineral deposits.
3. To emphasize the conservation and development of the mineral deposits identified by the Division of Mines and Geology, provided that a high level of environmental quality is also preserved and protected through the discretionary approval process.

General Objectives: The Land Use Ordinance and Framework for Planning - Inland Portion, Part I of the Land Use Element should provide detailed criteria for the review of projects proposed in the Extractive Mineral Resource Area (MRA EX1) combining designation to achieve the following objectives:

1. Following approval of a resource extraction project, the county should initiate an amendment to the Land Use Element to apply the EX (Energy and Extractive Resource Area) combining designation to the property to ensure compliance with the applicable standards of the Land Use Ordinance.
2. Uses which require a discretionary land use permit shall not adversely affect the continuing operation or expansion of an extraction use.
3. Extraction operations may be established in areas designated as Scenic and Sensitive lands in the adopted Open Space Plan only when the need for a particular resource or facility location is determined by the Board of Supervisors to outweigh the value of the scenic and sensitive land resource. Scenic and Sensitive lands may be subject to extraction operations or energy facility development only when no feasible alternative sites are available.
4. Evaluation of proposed extraction operations in areas having open space, scenic, habitat, recreational, or agricultural value shall balance those values against the need for extracting mineral resources from such sites.
5. Extraction operations shall provide and be provided with adequate buffering and screening from adjacent land uses.
6. Applications for proposed extraction operations shall include plans for preserving the long-term productivity of the site and other affected lands, as well as ensuring on-site and off-site restoration of affected lands. In addition, riparian corridors and other sensitive habitats shall be identified prior to the development and shall be restored and enhanced as a condition of the required land use permit.
7. Extraction site access routes shall not create nuisances, hazards or road maintenance problems for adjacent properties.
8. Extraction operations shall employ the best available pollution control technologies to avoid or reduce adverse environmental impacts to affected lands.
9. The Guidelines for Land Use Category Amendments in Framework for Planning - Inland Portion, Part I of the Land Use Element shall give priority to maintaining land use categories which allow resource extraction and which result in development that is compatible with resource extraction.

12. IN CHAPTER 7 (COMBINING DESIGNATIONS AND PUBLIC FACILITIES) ESTABLISH NEW PURPOSE STATEMENTS AND GENERAL OBJECTIVES ON PAGES 7-10 AND 7-11, AS FOLLOWS:

MINING DISCLOSURE ZONE

Purpose:

1. To identify lands that are within close proximity to an existing active mineral extraction operation.
2. To provide constructive notice to landowners and the general public of the presence of legally established mining activities within one-quarter mile of the site. The approved operation of a mine may potentially conflict with existing or future adjacent land uses (i.e. noise and traffic).

General Objectives: The Land Use Ordinance and Framework for Planning - Inland Portion, Part I of the Land Use Element should achieve the following objectives:

1. Following approval of a resource extraction project, the county should initiate an amendment to the Land Use Element to apply the MDZ (Mining Disclosure Zone) combining designation to properties within a one-quarter mile radius.
2. This combining designation is intended to serve primarily as a means of notification and public disclosure. No specific restrictions are to apply to a property simply for being located within the Mining Disclosure Zone.

Public Review Draft

Title 22 Amendments

Existing Setting

The EX and EX1 designations each have development requirements established in Chapter 22.14 of the Land Use Ordinance. Within the EX designation, no specific uses are prohibited; however, all non-extractive or non-energy uses automatically require Minor Use Permit approval. Within the EX1 designation, evaluation of mineral resources is only considered for projects that already trigger a discretionary land use permit.

Purpose

The purpose of the proposed amendments is to better distinguish between the two combining designations and to ensure that uses incompatible with mining will be prohibited. Additionally, these amendments will loosen the Minor Use Permit requirement for certain residential development in the EX designation.

Result of Amendment

The proposed amendments would rename EX1 (Extractive Resource Area) to MRA (Mineral Resource Area). Language is updated to clarify the distinction between the two designations as proposed in *Framework for Planning*. Procedural requirements will remain the same, although specific non-compliant uses will now be prohibited. The Minor Use Permit requirement for non-extractive development in the EX designation will be altered to exempt certain limited residential development.

PROPOSED AMENDMENTS

13. AMEND SECTION 22.14.040, AS FOLLOWS:

22.14.040 - Energy and Extractive Resource Area (EX)

- A. Purpose and applicability.** The Energy and Extractive Resource Area (EX) combining designation is used to identify areas of the county where:
1. Mineral or petroleum extraction occurs or is proposed to occur;
 2. The state geologist has designated a mineral resource area of statewide ~~or regional~~ significance pursuant to Sections 2710 et seq. of the Public Resources Code (The Surface Mining and Reclamation Act);

3. Major public utility electric generation facilities exist or are proposed.
4. The purpose of this combining designation is to protect significant resource extraction and energy production areas identified by the Land Use Element from encroachment by incompatible land uses that could hinder resource extraction or energy production operations, or land uses that would be adversely affected by extraction or energy production.

B. Use restrictions. The following uses are prohibited within the EX combining designation:

Recycling – Scrap and dismantling yards
Small Scale Manufacturing
Clubs, Lodges, and Private Meeting Halls
Libraries and Museums
Religious Facilities
Rural Recreation and Camping (except Incidental Camping)
Schools
Restaurants
Lodging (except Bed & Breakfast Inns, 3 or fewer units)
Waste Disposal Sites
Airfields and Heliports

C. New subdivisions - Minimum parcel size. The minimum parcel size for a new parcel is 10 acres unless a larger minimum parcel size is required by applicable sections in Chapter 22.22.

D.B. Processing requirements. When located in an EX area, all proposed land uses ~~required to have land use permit approval by Section 22.06.030 (Allowable Land Uses and Permit Requirements), Article 4 (Standards for Specific Land Uses), or by planning area standards in Article 9;~~ are subject to the requirements of this Section.

1. Permit required.

- a. **Resource extraction.** The land use permit requirements for oil wells or mining operations shall be as determined by Chapters 22.34 and 22.36.
- b. **Electric generating facilities.** The land use permit requirements for new electric generation facilities and modifications to existing facilities are determined by Chapter 22.32.
- c. **All other land uses.** Proposed land uses not directly related to energy or extraction operations are subject to Minor Use Permit approval, unless the project would otherwise be required by this Title to have Conditional Use Permit approval. The following are exceptions to the Minor Use Permit requirement:

(1) Uses related to an existing single-family residence. Development accessory to an existing legally-established single-family residence, including but not limited to, the following:

- (a) Minor exterior alterations.
- (b) Residential expansions not exceeding 50 percent.
- (c) Residential accessory structures.
- (d) Home occupations.

~~(e) Demolition and replacement of a single-family residence in the same location.~~

~~(2) Planning area standard. Where planning standards in Articles 9 or 10 for the EX designation authorize Zoning Clearance approval.~~

2. Application content.

- a. **Resource extraction:** As required by Chapters 22.34 and 22.36.
- b. **Electric generating facilities:** As required by Chapter 22.32.
- c. **All other land uses.** Where a land use other than resource extraction or power generation is proposed in an EX area, the permit application shall include a mineral resource report prepared by a geologist or mining engineer that evaluates:
 - (1) The estimated extent and commercial value of any mineral resources located on the site or known to be within the vicinity of the proposed uses;
 - (2) The feasibility of extracting the identified mineral resources within a reasonable time before development of the proposed use;
 - (3) The feasibility of conducting resource extraction operations at the same time as the proposed use.

3. Required findings. Approval of any use other than energy production or resource extraction may be granted when the finding is made that the proposed use will not adversely affect the continuing operation or expansion of the energy or extraction use.

~~E.G.~~ **Development standards.** Resource extraction operations shall be established and operated in compliance with the standards of Chapters 22.36 and 22.36. Electric generating facilities shall comply with Chapter 22.32. Development standards for other land uses shall be established through the land use permit review and approval process.

14. AMEND SECTION 22.14.050 AS FOLLOWS:

22.14.050 – ~~Mineral Extractive~~ Resource Area (MRA EX1)

A. Purpose and applicability. The ~~Mineral Extractive~~ Resource Area (MRA 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 regionally significant mineral deposits.

The purpose of this combining designation is to protect existing resource extraction operations and areas with significant mineral resources 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. Use restrictions. The following uses are prohibited within the MRA combining designation:

- Recycling – Scrap and dismantling yards
- Small Scale Manufacturing
- Clubs, Lodges, and Private Meeting Halls
- Libraries and Museums
- Religious Facilities
- Rural Recreation and Camping (except Incidental Camping)
- Schools
- Restaurants
- Lodging (except Bed & Breakfast Inns, 3 or fewer units)
- Waste Disposal Sites
- Airfields and Heliports

C. New subdivisions - Minimum parcel size. The minimum parcel size for a new residential parcel is 10 acres unless a larger minimum parcel size is required by applicable sections in Chapter 22.22.

~~D.B.~~ Processing requirements. The following standards apply to proposed land uses within the ~~MRA~~ ~~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~~ Chapter 22.30~~04~~ (Standards for Specific Land Uses), or by planning area standards in Articles 9 and 10.

1. All proposed mineral or petroleum extraction uses are subject to the requirements of Sections 22.14.040 through 22.14.044 and Chapters 22.34 and 22.36 ~~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.

15. AMEND SUBSECTIONS B AND C OF SECTION 22.98.020 AS FOLLOWS:

B. Energy and Extractive Resource Areas (EX) - Permit requirement for Price Canyon Oilfield.

1. **Oilfield Expansion.** Conditional Use Permit approval is required for any expansion of existing oilfield operations in Price Canyon, Tiber Canyon and in the hills off Ormonde Road into adjacent land use categories.
2. **Residential Development.** Notwithstanding the Minor Use Permit requirement of Section 22.14.040, residential development not otherwise requiring Minor Use Permit or Conditional Use Permit approval pursuant to Chapters 22.06 and 22.08 may be authorized through Zoning Clearance approval, subject to the following requirements:
 - a. A licensed land surveyor shall identify the locations and status of all wells on record with the California Department of Conservation - Division of Oil, Gas, and Geothermal Resources (DOGGR) on the site plan.
 - b. No structures shall be placed within 10 feet of any abandoned oil well.

C. **Extractive Mineral Resource Area (~~EX-1~~MRA) - Santa Maria and Sisquoc Rivers Specific Plan.**
The following standards apply within the Extractive Resource Area (~~EX-1~~MRA) combining designation in and along the Santa Maria River.

1. **Compliance with Specific Plan required.** All development within the Santa Maria and Sisquoc Rivers Specific Plan Area (see Figure 98-4) shall comply with the adopted Specific Plan. In the event of any conflict between the provisions of this Title and the Specific Plan, the Specific Plan shall control. Any deviation of existing or proposed development from the provisions of the Specific Plan shall occur only after appropriate amendment of the Specific Plan.
2. **New mining operations.** Proposals for new mining operations located in the ~~MRA~~~~EX-1~~ Combining Designation shall apply for and fund appropriate amendments to update the existing Santa Maria and Sisquoc Rivers Specific Plan. Where a substantial change to the operation of a mine with a vested right is proposed (as described in Chapter 22.36, and as provided by Public Resources Code (PRC) Section 2776), the operation will be considered a new mining operation and a new land use permit and reclamation plan shall be required.

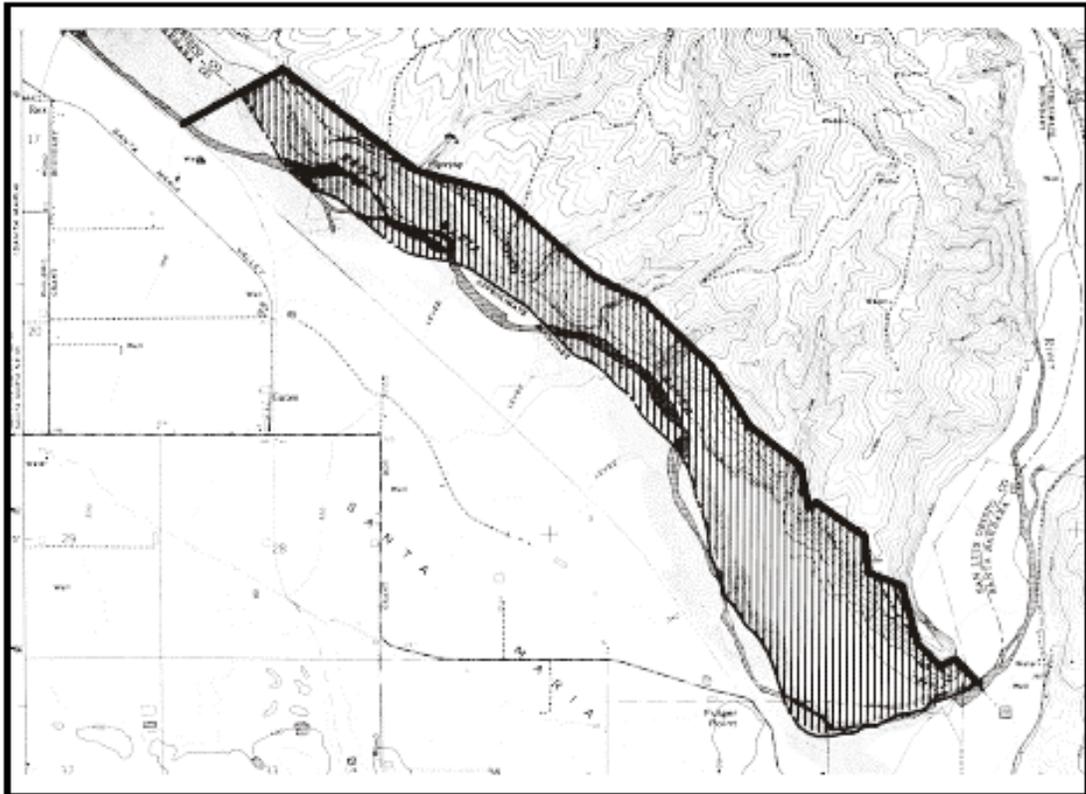


Figure 98-4 - Santa Maria and Sisquoc Rivers Specific Plan

3. **Review of proposed operations on prime agricultural land.** Land use permits for mining on prime agricultural land (as defined in Government Code Section 51201) are subject to review and recommendations by the Agricultural Preserve Review Committee or its equivalent prior to review and approval by the Commission.

16. AMEND INTERNAL REFERENCES, AS FOLLOWS:

<i>Location</i>	<i>Existing Language</i>	<i>Revised Language</i>
22.04.030 Table 2-1	EX1 Extractive Resource Area	MRA Mineral Resource Area
22.30.270 A.2	Extractive Resource Area	Mineral Resource Area
22.98.072 A.1.a	EX1	MRA

Public Review Draft Title 23 Amendments

Existing Setting

The EX has development requirements established in Chapter 23.07 of the Coastal Zone Land Use Ordinance. Within the EX designation, no specific uses are prohibited; however, all non-extractive or non-energy uses automatically require Minor Use Permit approval. No standards for the EX1 designation presently exist in the Coastal Zone Land Use Ordinance.

Purpose

The purpose of the proposed amendments is to better distinguish between the two combining designations and to ensure that uses incompatible with mining will be prohibited.

Result of Amendment

The proposed amendments would introduce standards for the EX1 (Extractive Resource Area) designation, now renamed as the MRA (Mineral Resource Area) designation. Language is updated to clarify the distinction between the EX and MRA designations as proposed in *Framework for Planning*. Procedural requirements will remain the same, although specific non-compliant uses will now be prohibited.

PROPOSED AMENDMENTS

17. AMEND SECTIONS 23.07.040 AND 23.07.042, AS FOLLOWS:

23.07.040 – Energy and Extractive Resource Area (EX):

As applied to specific parcels by the Official Maps (Part III) of the Land Use Element, an Energy or extractive Resource Area combining designation is to identify areas of the county where:

- a. Mineral or petroleum extraction occurs or is proposed to occur;
- b. The state geologist has designated a mineral resource area of statewide ~~or regional~~ significance pursuant to Sections 2710 et seq. of the Public Resources Code (The Surface Mining and Reclamation Act);
- c. Major public utility electric generation facilities exist or are proposed.

The purpose of this combining designation is to protect significant resource extraction and energy production areas identified by the Land Use Element from encroachment by incompatible land uses that could hinder

resource extraction or energy production operations, or land uses that would be adversely affected by extraction or energy production.

23.07.042 – Processing Requirements:

When located in an EX area, all proposed land uses required to have land use permit approval by Chapter 23.03 (Permit Requirements), Chapter 23.08 (Special Uses), or by planning area standards of the Land Use Element (Part II), are subject to the requirements of Sections 23.07.040 through 23.07.044.

a. Use restrictions. The following uses are prohibited within the EX combining designation:

Recycling & Scrap
Clubs, Lodges, and Private Meeting Halls
Libraries & Museums
Churches
Rural Recreation and Camping (except Incidental Camping)
Schools
Restaurants
Lodging (except Bed & Breakfast Inns, 3 or fewer units)
Waste Disposal Sites
Airfields & Landing Strips

b. New subdivisions - Minimum parcel size. The minimum parcel size for a new parcel is 10 acres unless a larger minimum parcel size is required by applicable sections in Chapter 22.22.

~~c.~~ Permit required.

- (1) Resource extraction.** The land use permit requirements for oil wells or mining operations shall be as determined by Chapters 22.34 and 22.36.
- (2) Electric generating facilities.** The land use permit requirements for new electric generation facilities and modifications to existing facilities are determined by Chapter 22.32.
- (3) All other land uses.** Proposed land uses not directly related to energy or extraction operations are subject to Minor Use Permit approval, unless the project would otherwise be required by this Title to have Conditional Use Permit approval.
- (4) Uses related to an existing single-family residence. The following development accessory to an existing legally-established single-family residence shall be exempt from the Minor Use Permit requirement of Subsection c(3):**
 - (i) Minor exterior alterations.
 - (ii) Residence expansions not exceeding 50 percent.
 - (iii) Residential accessory structures.
 - (iv) Home occupations.
 - (v) Demolition and replacement of a single-family residence in the same location.

d.b. Application content.

- (1) **Resource extraction:** As required by Chapters 22.34 and 22.36.
- (2) **Electric generating facilities:** As required by Chapter 22.32.
- (3) **All other land uses.** Where a land use other than resource extraction or power generation is proposed in an EX area, the permit application shall include a mineral resource report prepared by a geologist or mining engineer that evaluates:
 - (i) The estimated extent and commercial value of any mineral resources located on the site or known to be within the vicinity of the proposed uses;
 - (ii) The feasibility of extracting the identified mineral resources within a reasonable time before development of the proposed use;
 - (iii) The feasibility of conducting resource extraction operations at the same time as the proposed use.

e.e. **Required findings.** Approval of any use other than energy production or resource extraction may be granted when the finding is made that the proposed use will not adversely affect the continuing operation or expansion of the energy or extraction use.

NOTE: MRA STANDARDS WILL NOT BE INTRODUCED INTO TITLE 23, AS THERE ARE NO MRA-DESIGNATED LANDS IN THE COASTAL ZONE.

Public Review Draft

Mapping Amendments

Existing Setting

The EX designation is presently used for (1) energy facilities; (2) large scale mining operations; and (3) minerals designated as being of statewide significance. The EX1 designation is presently used for other classified significant mineral resources.

Purpose

Mapping amendments will enable the County’s Mineral Resource Management Policies to align with the areas designated by the state as containing significant mineral resources. Additionally, this is an opportunity to comply with the General Plan objective that existing mining facilities be placed in the EX designation.

Result of Amendment

The amendment will rename the EX1 (Extractive Resource Area) to the MRA (Mineral Resource Area) designation. The boundaries of the MRA designation will be adjusted to match the most recent state mineral resource mapping. The EX designation will be expanded to include 28 active mines in the County. A new designation, Mineral Disclosure Zone (MDZ) is proposed to incorporate all properties within one-quarter mile of an active mine.

PROPOSED AMENDMENTS

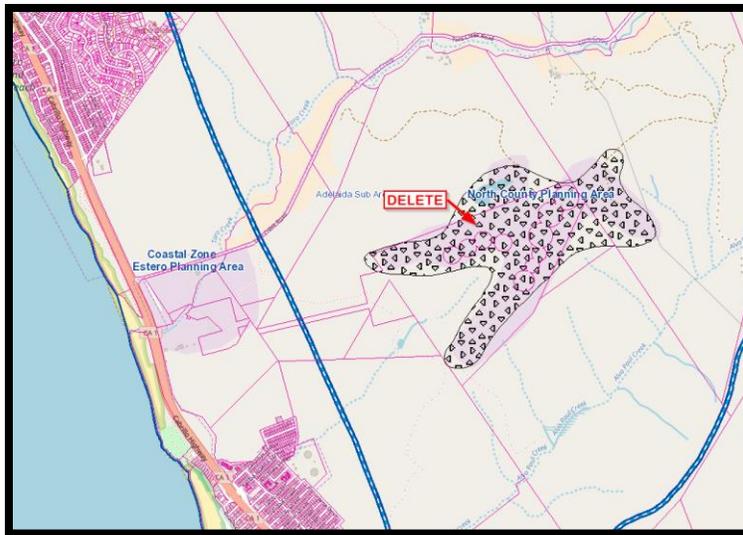
- 18. RENAME THE EX1 (EXTRACTIVE RESOURCE AREA) COMBINING DESIGNATION AS MINERAL RESOURCE AREA (MRA) AND REVISE THE BOUNDARIES TO MATCH THE BOUNDARIES OF MINERALS OF REGIONAL SIGNIFICANCE AS CLASSIFIED BY THE STATE MINING AND GEOLOGY BOARD.**

Refer to Section 25 for a map of the MRA designation.

19. EXPAND THE EX (ENERGY AND EXTRACTIVE RESOURCE AREA) COMBINING DESIGNATION TO INCLUDE THE FOOTPRINT OF EXISTING ACTIVE AND IDLE MINE OPERATIONS.

Refer to Section 25 for a map of the EX designation and Section 27 for a listing of EX designated facilities.

20. REMOVE THE GUADALUPE OILFIELD AND ESTERO MARINE TERMINAL TANK FARM PROPERTIES FROM THE EX (ENERGY AND EXTRACTIVE RESOURCE AREA) COMBINING DESIGNATION.



21. MAP ALL PROPERTIES WITHIN A ONE-QUARTER MILE BUFFER OF ACTIVE AND IDLE MINES INTO THE MINING DISCLOSURE ZONE (MDZ) COMBINING DESIGNATION.

Refer to Section 25 for a map of the MDZ designation and Section 27 for a listing of mining facilities where the Mining Disclosure Zone designation is applied.

Public Review Draft

Inland Area Plan Amendments

Existing Setting

Individual area plans often reference the Extractive Resource Area (EX-1) combining designation. In certain areas where competing interests must be balanced, the area plan may specify the vision or purpose of the EX-1 designation.

Purpose

The purpose of the proposed amendments is to reflect renaming of the Extractive Resource Area (EX-1) to the Mineral Resource Area (MRA) designation. Additionally, language will be added to balance land use issues in certain areas.

Result of Amendment

The proposed amendments rename the EX1 (Extractive Resource Area) designation as the MRA (Mineral Resource Area) designation. Language has been added regarding land use compatibility issues in the Santa Maria River valley and near the village of Creston.

PROPOSED AMENDMENTS

22. AMEND INTERNAL REFERENCES WITHIN THE AREA PLANS, AS FOLLOWS:

<i>Section</i>	<i>Page</i>	<i>Existing Language</i>	<i>Revised Language</i>
III.6.2	III.6-9	EX1 Extractive Resource Area	MRA Mineral Resource Area
III.6.2 (52)	III.6-9	Navaho Creek (EX1)	Navaho Creek (MRA)
III.6.2 (53)	III.6-9	Salinas River and La Panza Granitics (EX-1)	Salinas River and La Panza Granitics (MRA)
III.6.2 (53)	III.6-9	“The Salinas River EX-1 combining...”	“The Salinas River MRA combining...”
III.6.2 (53)	III.6-9	“... is included in the EX-1 combining...”	“... is included in the MRA combining...”
V.6.2	V.6-1	EX1 Extractive Resource Area:	MRA Mineral Resource Area:
V.6.2	V.6-6	Extractive Resource Area (EX1)	Mineral Resource Area (MRA)
V.6.2 EX1 (1)	V.6-6	Alamo Creek (EX1)	Alamo Creek (MRA)

<i>Section</i>	<i>Page</i>	<i>Existing Language</i>	<i>Revised Language</i>
V.6.2 EX1 (1)	V.6-6	“... area is included in the EX1 combining...”	“... area is included in the MRA combining...”

23. ADD A NEW ITEM 54 TO THE MINERAL RESOURCE AREA (MRA) LIST IN SECTION III.6.2 OF THE NORTH COUNTY AREA PLAN, AS FOLLOWS:

54. Huerhuero Creek (MRA). The Huerhuero Creek MRA combining designation consists of approximately 227 acres in and adjacent to Huerhuero Creek that have been classified as containing regionally significant mineral deposits. Any extraction facilities to be located within or adjacent to the Creston Village Reserve Line should be designed in consideration of the ultimate buildout of that community.

24. IN SECTION III.6.2 OF THE NORTH COUNTY AREA PLAN, RENUMBER EXISTING ITEMS 54 THROUGH 58 AS ITEMS 55 THROUGH 59, RESPECTIVELY, AS FOLLOWS:

Old	New	Caption
54	55	Bonnheim Ranch (TDCS)
55	56	Denney Property Transfer of Development Credits Sending Site (TDCS)
56	57	Smith Property Transfer of Development Credits Receiving Site (TDCR)
57	58	Spanish Lakes Transfer of Development Credits Receiving Site (TDCR)
58	59	Renewable Energy (RE)

25. IN SECTION V.6.2 OF THE SOUTH COUNTY AREA PLAN ADD A NEW ITEM 2 UNDER MINERAL RESOURCE AREA (MRA), TO READ AS FOLLOWS:

2. Santa Maria Valley (MRA). The Santa Maria Valley MRA combining designation consists of approximately 4,000 acres. Though the sandy soil is considered a significant mineral resource, this area is among the County’s most productive agricultural crop land. Any mineral extraction activities in the Santa Maria valley should be done in a manner that ensures minimal impact on agricultural resources and the continuity of agricultural production in the vicinity.

Public Review Draft

Conservation and Open Space Element Amendments

Existing Setting

The Conservation and Open Space Element contains a number of policies and implementation measures to ensure the conservation of mineral resources. It also contains mineral resource maps.

Purpose

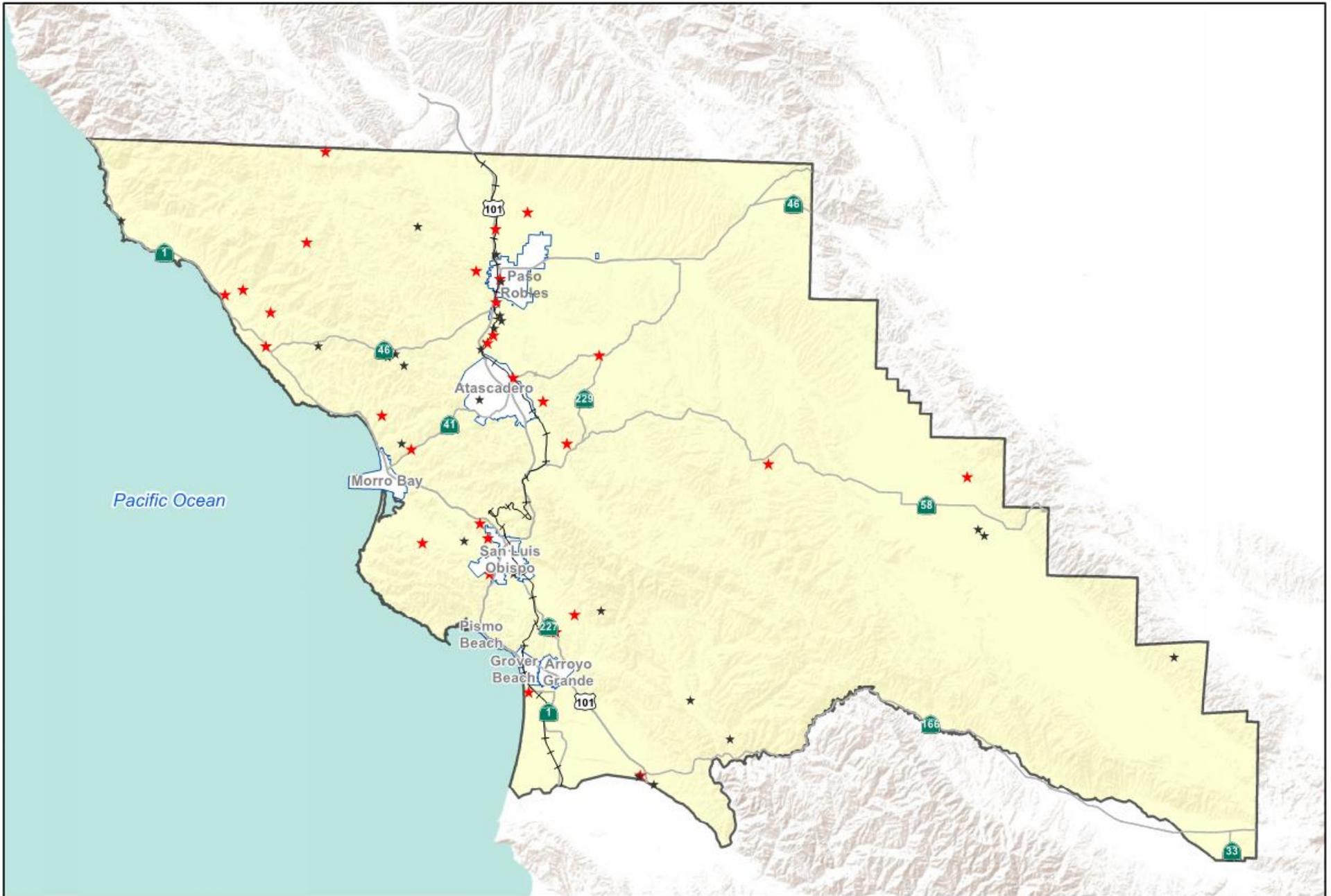
These amendments are intended to harmonize the Conservation and Open Space Element with other components of the General Plan by updating maps and terminology.

Result of Amendment

The amendment will replace mineral resource maps – Figures MN-1 and MN-2. It will also replace the EX1 designation with the MRA designation, as proposed in *Framework for Planning*, Title 22, and Title 23. A new table indicating all EX-designated facilities will also be added.

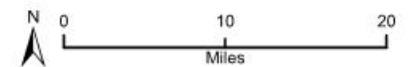
PROPOSED AMENDMENTS

26. REPLACE FIGURE MN-1 (MINING [SMARA] LOCATIONS) IN CHAPTER 6 WITH A NEW FIGURE MN-1 AS FOLLOWS:

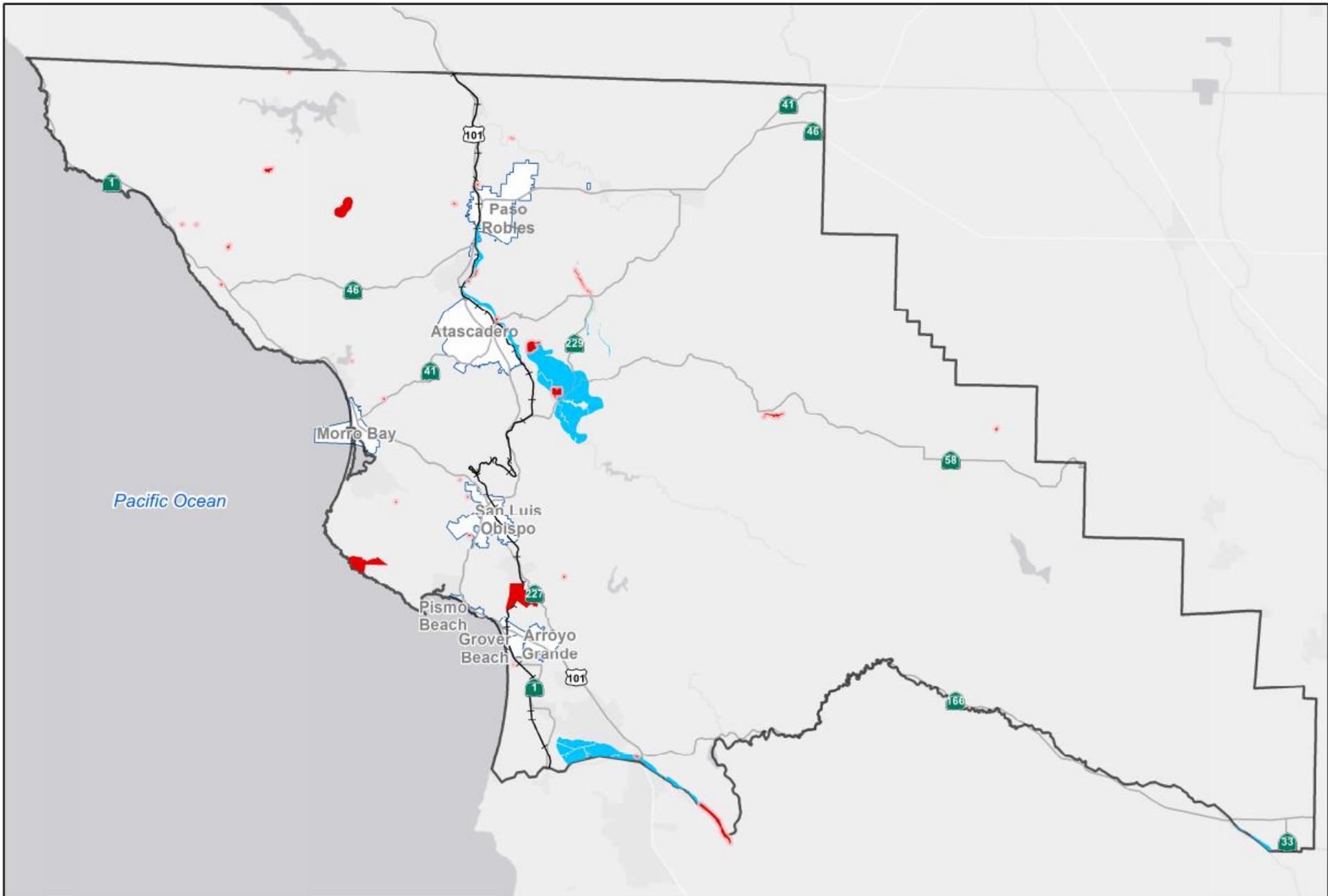


SMARA Designated Mining Locations
San Luis Obispo County

- ★ Active Mine Locations
- ★ Inactive Mine Locations

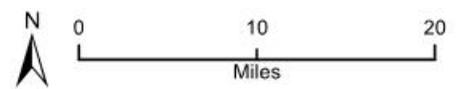


27. REPLACE FIGURE MN-2 (ENERGY AND EXTRACTIVE RESOURCE AREA LOCATIONS (EX AND EX₁)) IN CHAPTER 6 WITH A NEW FIGURE MN-2 AS FOLLOWS:



Energy and Extractive Resource Areas (EX), Mineral Resource Areas (MRA) and Mining Disclosure Zones (MDZ) in San Luis Obispo County

- Energy and Extractive Resource Areas (EX)
- Mining Disclosure Zone (MDZ)
- Mineral Resource Areas (MRA)



28. AMEND INTERNAL REFERENCES WITHIN THE CONSERVATION AND OPEN SPACE ELEMENT, AS FOLLOWS:

<i>Page</i>	<i>Heading</i>	<i>Existing Language</i>	<i>Revised Language</i>
6.1 – 6.2	Relationship to Other Elements, Plans, and Programs	“The EX (Energy or Extractive Resource Area) and EX1 (Extractive Resource Area) combining...”	“The EX (Energy or Extractive Resources Area) and MRA (Mineral Resource Area) combining...”
6.2	Relationship to Other Elements, Plans, and Programs	“... identifies the areas subject to EX and EX1 designations.”	“... identifies the areas subject to EX and MRA designations.”
6.4	Implementation Strategy MN 2.1.1	“3) Identify areas, outside of EX or EX1 combining...”	“3) Identify areas, outside of EX or MRA combining...”
6.4	Implementation Strategy MN 2.1.2	“The Salinas River EX-1 combining...”	“The Salinas River MRA combining...”
6.5	Implementation Strategy MN 2.4.1	“... projects in the EX and EX1 combining designation...”	“... projects in the EX and MRA combining designation...”
6.8	Figure MN-2	Energy and Extractive Resource Area Location (EX and EX1)	Energy and Extractive Resource Area Locations (EX and MRA)

29. ADD A NEW TABLE TO THE CONSERVATION AND OPEN SPACE ELEMENT LISTING ALL LOCATIONS THAT ARE IN THE EX (ENERGY AND EXTRACTIVE AREA) COMBINING DESIGNATION, AS FOLLOWS:

Location		EX-Designated Facility	MDZ ¹
Carrizo Planning Area		Twisselman Gravel Mine (#54)	✓
Coastal Zone	Estero Planning Area	Beecham Red Rock Pit (#35)	✓
		Guerra Quarry (#7)	✓
	North Coast Planning Area	Bianchi Quarry (#26)	✓
		Cambria Quarry (#9)	✓
		Cambria Rock (#31)	✓
		Oceano Sand Company (#36)	✓
	San Luis Bay Planning Area	Rancho San Simeon (#41)	✓
San Luis Bay Planning Area	Diablo Canyon Nuclear Power Plant		
North County Planning Area	Adelaida Subarea	Klau / Buena Vista Mines	
		Mountain Springs Shale Pit (#22)	✓
		Whale Rock Pit (#10)	✓
	El Pomar-Estrella Subarea	Creston/Huer Huero Mine (#52)	✓
		Huerhuero Creek Area	
	Nacimiento Subarea	Barrett Pit (#45)	✓
		Lime Mountain Mine (#19)	✓
	Salinas River Subarea	Estrella Sand Pit (#57)	✓
		North River Road Recycling Pit (#21)	✓
		Rocky Canyon Quarry (#13)	✓
		Santa Margarita Quarry (#3)	✓
		Smith Sand Pit (#53)	✓
		Sycamore Road (#42)	✓
	Templeton / Ormonde (#34)	✓	
Shandon Subarea	Navajo Rock & Block (#27)	✓	
San Luis Obispo Planning Area	San Luis Obispo Subarea	Alberti Ranch Red Rock Quarry (#25)	✓
		From Ranch Pit (#24)	✓
		Mainini Home Pit (#8)	✓
South County Planning Area	San Luis Bay Subarea	Price Canyon Oilfield	
	San Luis Obispo Subarea	Patchett Pit (#38)	✓
		Spreafico Pit (#39)	✓
	South County Subarea	Sisquoc Mining Operation (#14)	✓
Troesh Mine (#4)		✓	

¹ Mining Disclosure Zone