Attachment E

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July 7, 2011

Mr. Murray Wilson
Environmental Resource Specialist
Department of Planning and Building
County of San Luis Obispo
976 Osos St., Rm. 300
San Luis Obispo, CA 93408

Re: Negranti Construction / Whale Rock Quarry Project

Dear Mr. Wilson:

This firm represents Negranti Construction, Inc. ("Negranti") regarding Whale Rock Quarry (CA Mine ID # 91-40-0010) (the "Quarry"). The Quarry is located approximately 1.3 miles northeast of Cayucos, approximately 2 miles east of Highway 1, and approximately a half-mile east of Whale Rock Reservoir. Operations at the Quarry commenced in 1958 to produce material for construction of the Reservoir. The County recognized vested rights at the Quarry in 1980.

The County is currently processing an application (the "Application") for a new use permit and an amended reclamation plan to address mining operations on a hillside immediately east of Negranti's current extraction area on the Quarry property. The County has completed an initial study of the Application, pursuant to the California Environmental Quality Act (Pub. Resources Code, § 21000 *et seq*. ["CEQA"]), and has determined that a focused environmental impact report ("EIR") is necessary to assess visual impacts.

Negranti has asked us to reevaluate the Application. In particular, we have been asked to evaluate whether Negranti's planned mining operations require a use permit, or whether those activities are part of the Quarry's vested rights.

This letter begins with an executive summary of the facts and law discussed herein. We then provide a detailed statement of facts, followed by an analysis of vested rights and other legal issues raised by the County.

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EXECUTIVE SUMMARY

Mining commenced at the Quarry in 1958 in connection with construction of the Whale Rock Reservoir. Quarrying began in an eastern area of the Quarry property, but operations were later concentrated in a western area of the Quarry property, which has remained the locus of activity. The Quarry property consists of approximately 235 acres originally identified as APN 46-203-013, but which is now part of APN 46-201-028.[1]

Following passage of the state Surface Mining and Reclamation Act (Pub. Resources Code, § 2710, *et seq*. ["SMARA"]), the County approved the Quarry's first and only reclamation plan (RP # 800403:2 ["Reclamation Plan"]) in 1980. The Reclamation Plan appears to address operations in only a limited area of the Quarry property. As part of the Reclamation Plan application and approval process, the County required the Quarry property owner to submit an application for "Certification of Vested Mining Right". The application for vested mining rights described the Quarry property and stated operations had remained ongoing since 1958. On the basis of this application, the County issued a "Certification of Vested Mining Right" for the Quarry property in March 1980. Operator annual reports and County inspection reports submitted to the state Department of Conservation ("DOC") have consistently noted that the Quarry is a vested operation.

Negranti applied to the County for an amendment to the Reclamation Plan to cover operations in the eastern area of the Quarry property in 2006. Between 2006 and 2010, little progress was made on that application. At some point between 2009 and 2010, the County appears to have determined on its own that Negranti required both a use permit and reclamation plan amendment, and proceeded to complete a CEQA Initial Study on that basis.

We believe, however, on the basis of our review of state and County documents, County zoning history, and documents provided by Negranti, as well as the law bearing on vested mining rights, that the Quarry property, including the area now addressed in the Application and the County's Initial Study, is a vested mining property that does not require a use permit. Operations on the Quarry parcel began in 1958, when County zoning regulations did not require a use permit for mining unless within 1,000 feet of a public street or road. The Quarry parcel was not within 1,000 feet of a public street or road in 1958. Further, under constitutional case law, vested rights extend throughout the entire Quarry parcel, which comprises 235 acres, as identified in the 1958 DWR condemnation action, the 1980 Reclamation Plan, and the County 1980 Certification of Vested Rights for the Quarry. Moreover, the County Code sets out specific review procedures for reclamation plan amendments. These procedures do not require a use permit for the mining operations contemplated in a reclamation plan amendment.

Finally, because Negranti requires only a reclamation plan amendment rather than a use permit, the only "project" subject to environmental review under CEQA is the reclamation activities, not mining activities. Environmental review must be tailored accordingly.

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[1]/ As originally created, the Quarry parcel was identified as APN 46-203-013. In 1987, the original Quarry parcel was combined into a larger parcel, and identified as APN 46-201-024. In 2000, APN 46-201-024 was split into the present parcel, identified as APN 46-201-028.

BACKGROUND

We begin by outlining key facts relevant to Negranti, the Quarry, the law on vested mining rights, and the County regulations.

1942: San Luis Obispo County (County) adopts its first zoning ordinance (Ordinance 101) (**Exhibit 1**). Mineral extraction is called out in the A-1 district regulations only. The A-1 district is defined as all unincorporated territory of the County not included in other districts. The A-1 regulations required a use permit for quarrying only if the quarry was within 1,000 feet of a public street. The A-1 regulations read, in their entirety:

SECTION 10.
A-1 DISTRICTS. All the unincorporated territory of the County which is not included, under the terms of this ordinance, in any other district is hereby designated and classified as constituting A-1 districts.

SECTION 11.
(To consist of Index Maps.)

SECTION 12.
(To consist of Section District Maps.)

SECTION 13.
REGULATIONS FOR A-1 DISTRICTS. The following regulations shall apply in all A-1 Districts and shall be subject to the provisions of Section 23 of this ordinance.
(a) USES PERMITTED:
All uses not otherwise prohibited by law; provided, however, that no use for which a use permit, as provided in Section 25 of this ordinance,[2] is required in an M-1 district[3] shall be established in

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[2]/ Section 25 of Ordinance 258 reads, in relevant part:

SECTION 25.
USE PERMITS.
Use permits may be issued for any of the following:
1. Any of the uses or purposes for which such permits are required or permitted by the provisions of this ordinance.
* * *
4. Removal of minerals and natural materials, including building and construction materials, in any district.

[3]/ The M-1 District regulations provide:

SECTION 20.
REGULATIONS FOR M-1 DISTRICTS.

any A-1 district, and no junk yard or refuse dump shall be established in any A-1 district, and no commercial excavation of building or construction materials shall be made in any A-1 district within a distance of one thousand (1000) feet from any public street, unless and until, in any such case, a use permit, as provided in Section 25 of this ordinance, shall first have been secured for such use or such excavation and no such use shall be made in any A-1 District except in conformity to the terms of such use permit.

(b) ADDITIONAL REGULATIONS.

No building shall hereafter be erected, nor shall any use of land be conducted except the use of land for agricultural purposes so that the same will be closer to the right of way line of any street than any Official Plan Line or any building line, which has been established for such street by the Street and Highway Plan, or section thereof, of the Master Plan of the County, or than any building line, which may be specified therefore by the provisions of Section 22 of this ordinance.

1953: The County adopted Ordinance 258, which amends the A-1 district regulations to exempt mineral resource extraction in eastern parts of the County from requiring a use permit even if located within 1,000 feet of a public street; no use permit is required in other parts of the County unless the operation is within 1,000 feet of a public street. (**Exhibit 2**.) Ordinance 258 reads, in pertinent part:

Section 13: REGULATIONS FOR A-1 DISTRICTS.

The following regulations shall apply in all A-1 Districts and shall be subject to the provisions of Section 23 of this Ordinance.

(a) USES PERMITTED:

1. Airports.

2. All uses not otherwise prohibited by law; provided, however, that no such use for which a use permit as provided in Section 25 of this Ordinance is required in an M-1 district, shall be established in any A-1 District, and no junk yard or refuse dump shall be established in any A-1 District, and no commercial excavation of building or construction materials, shall be made in any A-1 District within a distance of one thousand (1000) feet from any

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The following regulations shall apply in all M-1 districts and shall be subject to the provisions of Section 30 of this ordinance.

(a) USES PERMITTED:

1. All uses permitted in any C District.

2. All uses not otherwise prohibited by law and which in the opinion of the Planning Commission are not objectionable by the reason of the production or emanation of noise, dust, smoke, vibration, odor, flashing lights or the production of explosive or dangerous products, subject however, to the securing of a Use Permit in each case as provide din Section 25 of this Ordinance.

> public road or street, provided further, except in those areas designated upon a map entitled "Map of San Luis Obispo County showing areas in which use permits are not required for the exploration for or the extraction of oil, gases, minerals and other natural materials",[4] which is incorporated herein, where a notice of intent to explore and develop mineral deposits, consisting of a map and/or a definite description of the area in which such exploration or development is to take place, must be filed with the office of the County Planning Commission as a condition precedent to such exploration or development, no structures, machinery, equipment or excavation for the removal of oils, gases, minerals and other natural materials shall be erected, used, or constructed in any A-1 district, unless and until, in any case, a use permit, as provide din Section 25 of this ordinance, shall first have been secured for such use, excavation or construction and no such use shall be made in any A-1 district except in conformity to the terms of such use permits.

1958: The State Department of Water Resources (DWR) obtained an "Order of Immediate Possession" against property owner Angelo Mainini ("Mainini") for the Quarry property and adjacent properties owned by Mainini, which were required in connection with DWR's construction of the Whale Rock Reservoir. (**Exhibit 3**.)

1959: On April 29, 1959, DWR finalized eminent domain proceedings over several Mainini properties, including the Quarry property, in connection with construction of the Whale Rock Reservoir. (**Exhibit 4**.) The "Interlocutory Judgment in Condemnation as to Parcels 3A, 3B, 3C and 3D" granted DWR a five-year *profit a prendre* to remove rock from the Quarry property (Parcel 3D) for construction of the reservoir. As respects the Quarry property, the court order provides that DWR was entitled to:

> . . . the sole and exclusive and unrestricted right to enter upon, occupy and use said real property from and after the date of entry of the Final Order of Condemnation herein for a period of five years from said date, and the **right to remove from said real property during said five year period any and all such materials, to include but not limited to earth, rock, stone and gravel, as plaintiff may deem necessary for the construction, operation and maintenance of said public use** . . ..

(Interlocutory Judgment in Condemnation, p. 8 [emphasis added].) No records show that DWR attempted to obtain a use permit for the Quarry prior to commencing operations, and no use permit has been issued for the Quarry to date.

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[4]/ The County indicated that it no longer has this map in its records.

On May 6, 1959, the County adopted Ordinance 427, superseding Ordinance 101. (**Exhibit 5**.) Among other changes, Ordinance 427 redesignated all unincorporated areas of the County (formerly designated A-1) as "U" (Unclassified) districts. The U regulations provided, in relevant part:

> SECTION 10. REGULATIONS FOR "U" (UNCLASSIFIED) DISTRICTS.
> * * *
> The following regulations shall apply in all "U" Districts and shall be subject to the provisions of Section 31 of this ordinance:
>
> (a) USES PERMITTED:
> 1. Airports.
> 2. All uses not otherwise prohibited by law except those enumerated herewith requiring a conditional permit.
>
> (b) USES PERMITTED SUBJECT TO FIRST SECURIGN A CONDITIONAL PERMIT:
> 1. Auto Wrecking Yards.
> 2. Junk Yards.
> 3. Refuse Dumps.
> 4. Commercial excavation of building or construction materials (if less than 1000 feet from any public street or road).

Zoning maps adopted with Ordinance 427 show the Quarry property as designated "U". (**Exhibit 6**.) Notwithstanding the fact that quarry operations commenced prior to adoption of Ordinance 427, even under Ordinance 427, the Quarry required no use permit unless within 1000 feet of a public street or road.

Presently, Old Creek Road is the main access route to the Quarry, and is aligned adjacent to the Quarry property. At the time of the Quarry property's condemnation and commencement of Quarry operations in connection with construction of the reservoir, however, Old Creek Road followed a different alignment running north of its present alignment and through what is now Whale Rock Reservoir. (See **Exhibit 7**.) The state realigned Old Creek Road in two "units". As shown on the map at **Exhibit 7**, Unit I was completed in March, 1959 (**Exhibit 8**), and re-routed Old Creek Road roughly along its present alignment from Highway 1, and then through a portion of what is now the reservoir, where Unit I connected with the original alignment. The state completed Unit II in or around November 1959, which is Old Creek Road's current alignment adjacent to the Quarry property. (**Exhibit 9**.)

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1961: DWR authorized Mainini to "remove quarry materials" from the Quarry property, so long as such activities did not interfere with DWR's use of the property. (**Exhibit 10**.)

1975: The County adopted Ordinance 1500, for the first time requiring County approval (either "Departmental Review" or a Conditional Use Permit) for mineral excavation in all districts. (**Exhibit 11**.)

Also in 1975, the California Legislature enacted SMARA, which requires all surface mining operations to obtain a reclamation plan covering operations after January 1, 1976, and requires operations commenced after that date to obtain a use permit. SMARA also expressly recognizes vested mining operations, and provides, in relevant part:

> No person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit pursuant to this chapter as long as the vested right continues and as long as no substantial changes are made in the operation except in accordance with this chapter. A person shall be deemed to have vested rights if, prior to January 1, 1976, he or she has, in good faith and in reliance upon a permit or other authorization, if the permit or other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary therefore. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation or the issuance of a permit shall not be deemed liabilities for work or materials.

1979: In 1979, the County undertook an "inventory of mines" in the County. The County inventoried the Quarry on April 24, 1979. (See **Exhibit 12**.) The County form notes the following regarding the Quarry:

- Total Acreage Mine Parcel: **235 AC**
- Approximate Acreage of Mine Site: **10 AC**
- Type of Mining Operation (Open pit bank, Quarry, Underground, Dredging; Other): **Pit Bank**
- Mine Status (Active, Intermittently Active, Abandoned): **Active**

On April 26, 1979, as required by the County, Mainini submitted a "Certification of Vested Mining Right" to the County. (See **Exhibit 13**.) The form notes the following:

- The Quarry parcel is identified as APN 46-201-13-000;
- The mineral commodity mined is red rock;
- The acreage of the area affected by the mine site is 10 acres;
- The method of mining is open pit bank;
- The Quarry was active between 1958-1961, and activities included "excavation looking for rock facing"; and

- The Quarry was active between 1960 and present (1979), with Mainini selling red rock to "various operators".

Mainini further indicated that "[t]his Quarry has been operated in accordance with all County regulations and ordinances since it was opened in 1958."

1980: On March 31, 1980, the County issued a "Certification of Vested Rights" to Mainini stating the following, in relevant part:

> " [y]our application for Certification of Vested Mining Rights has been authorized as complete and satisfactory by our office. This Vested Right recognizes the existing right to continue surface mining on the subject property in accordance with all county ordinances governing surface mine activity. Failure to comply with applicable county laws may result in a revocation of this certification."

(**Exhibit 14**.) The Certification did not impose any geographic or production limits on the Quarry operation. Neither Mainini nor the County appealed or contested the Certification following its issuance.

On April 2, 1980, Mainini submitted the first (and only) reclamation plan for the Quarry. The reclamation plan appears to address only a western portion of the Quarry parcel (the "Reclamation Plan"). (**Exhibit 15**.) The Reclamation Plan identifies the Quarry parcel as APN 46-203-13. Importantly, under the line titled "Conditional Use Permit Number," the Reclamation Plan states "None required." The Reclamation Plan is still in effect, and has been designated M800403:2 by the County.

1988: Negranti Construction began operating the Quarry in 1988.

1990: The California Legislature amended SMARA to, among other things, require operators to file annual reports with the DOC. (See Public Resources Code, § 2207.) The reporting requirement became effective in 1991. Negranti filed its first annual report in 1991, and identifies the Quarry as vested. (**Exhibit 16**.) Negranti has since consistently filed its annual reports with the DOC, and all have indicated that the Quarry is vested.

1992: Pursuant to additional amendments to SMARA, the County conducted its first inspection of the Quarry and filed an inspection report with the DOC. (**Exhibit 17**.) The County inspection report notes that a permit to mine is "NR" or "not required" for the Quarry. The County has consistently noted on the Quarry's annual inspection reports that no permit is required.

1995: The California Legislature enacted legislation (AB 3098) amending SMARA and the California Public Contracts Code to require the DOC to compile a list of all operators with an approved reclamation plan and financial assurances. (SMARA, § 2717; see also Pub. Contracts Code, §§ 10295.5, 20676.) The legislation prohibits public agencies from

purchasing material from mine operators that are not what is now called the "AB 3098 list." The Quarry has consistently appeared on the AB 3098 list for more than 15 years, and is on the list currently. (See **Exhibit 18**.)

1996: The California Supreme Court decided *Hansen Bros. Enterprises v. County of Nevada* (1996) 12 Cal.4th 533 (*Hansen*). *Hansen* was the first case in California to clearly define vested mining rights in terms of geographic scope, volumetric scope, and operational scope, and remains the leading case on vested mining rights today. At its essence, *Hansen* established that vested mining rights are constitutionally protected property that run with the land and include the right to expand production to serve market demand.

2006: Negranti submitted an application to the County to amend the Reclamation Plan to address mining within an area of the Quarry parcel not covered under the current Reclamation Plan. (**Exhibit 19**.)

2010: The County completed an Initial Study of Negranti's application to amend the Reclamation Plan. (**Exhibit 20**.) The Initial Study states that the Project entails the following, in relevant part:

> Request by Jon Negranti (on property owned by the Mainini Family) for a conditional use permit to allow for the expansion of mining area and update reclamation plan. The project is located at 1424 Old Creek Rd. Cayucos approximately 2 miles east of Highway 1. It is approximately 1.3 miles north east of the community of Cayucos, in the Adelaida planning area.
>
> The application for the proposed 37.2 acre expansion excavation area identifies the removal of up to 150,000 cubic yards per year for 100 years. The existing 7.2 acre processing area would remain to process the proposed expansion area.

(**Exhibit 20**, p. 2.) Notably, the Initial Study states that Negranti applied for both a use permit and reclamation plan amendment. We have located no documents showing that Negranti applied for a use permit as part of his application for a reclamation plan amendment.

Negranti submitted a response to the Initial Study to John MacKenzie, disputing the need for a use permit, and clarifying that mining would occur wholly within the vested Quarry parcel. (**Exhibit 21**.)

In sum, operations commenced at the Quarry in 1958, when County zoning regulations required a use permit only for commercial operations located within 1,000 feet of a public street or road. The Quarry was not located within 1,000 feet of a public road at that time. In 1980, the County certified that the Quarry parcel was a vested mining parcel. No use permit has ever been obtained for the Quarry. Also in 1980, the County approved the Quarry's first and only Reclamation Plan, which addressed only a portion of the vested Quarry parcel.

With these facts in mind, we turn now to the following issues: (1) whether the Quarry is a vested mining operation; (2) the scope of the Quarry's vested rights; (3) the County's recognition of the Quarry's vested rights; (4) whether County regulations require a use permit to amend a reclamation plan; and (5) the appropriate process to amend the Quarry Reclamation Plan. We address each in turn below.

DISCUSSION

1. The Quarry Is A Vested Mining Operation.

The Quarry is a vested mining operation because it commenced operations prior to the date the County first required a use permit. A vested mining right is a constitutionally protected property right to continue operating in a certain location and in a certain way without being required to conform to all current land use restrictions. Under most local zoning ordinances, a vested mining right falls into the category of a "legal nonconforming" land use. The leading case in this area describes a "nonconforming use" as follows:

> A legal nonconforming use is one that existed lawfully before a zoning restriction became effective and that is not in conformity with the ordinance when it continues thereafter. . .. The use of the land, not its ownership, at the time the use becomes nonconforming determines the right to continue the use. Transfer of title does not affect the right to continue a lawful nonconforming use which runs with the land . . ..

(*Hansen*, *supra*, 12 Cal. 4th 533, 540 fn. 1.)[5] Because vested rights are property rights, "[z]oning ordinances and other land-use regulations customarily exempt existing uses to avoid questions as to the constitutionality of their application to those uses. 'The rights of users of property as those rights existed at the time of the adoption of a zoning ordinance are well recognized and have always been protected.'" (*Hansen*, at p. 552, citing *Edmonds v. County of Los Angeles* (1953) 40 Cal.2d 642, 651.)

SMARA recognizes this principle by exempting vested operations from permit and reclamation requirements for mining operations conducted prior to SMARA's effective date of January 1, 1976. SMARA provides, in pertinent part:

> (a) No person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit pursuant to this chapter as long as the vested right continues and so long as no substantial changes are made in the operation except in accordance with this chapter.

(SMARA, § 2776(a).)

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[5]/ The County has recognized this principle as respects another quarry owned by Mainini. (See **Exhibit 22**.)

The County's own surface mining regulations mirror SMARA in this respect,[6] and it was in recognition of these principles that the County issued the Certification of Vested Rights for the Quarry property in 1980. (**Exhibit 14**.)

The Quarry, as shown in the factual background above, began operation in 1958 in connection with DWR's construction of the Whale Rock Reservoir. DWR, through a condemnation action (Superior Court case No. 23138), acquired "Parcel 3D" for a five-year period during which DWR could "remove from said real property during said five year period any and all such materials, to include but not limited to earth, rock, stone and gravel, as plaintiff may deem necessary for the construction, operation and maintenance of said public use . . .." (**Exhibit 4**, p. 8.) Parcel 3D, as described in the condemnation action, consists of approximately 235 acres, and is generally depicted in a map attached to the Reclamation Plan approved by the County in 1980. (**Exhibit 15**.) Mainini identified Parcel 3D as APN 46-201-13-000 in the application for certification of vested mining rights for the Quarry. (See **Exhibit 13**, p. 2.)

At the time Quarry operations commenced, County zoning regulations required a use permit for commercial mining operations only if an operation were within 1,000 feet of a public street or road. (See Ordinance 258, **Exhibit 2**.) The Quarry was not within 1,000 feet of a public street or road in 1958. At that time, the closest public street or road was Old Creek Road. (See **Exhibit 7**.) Old Creek Road ran north of the Quarry parcel, through what is now Whale Rock Reservoir. (*Ibid*.) As DWR neared completion of the reservoir, it also realigned Old Creek Road southward, and around the reservoir. (**Exhibit 8**, **Exhibit 9**.) This realignment placed Old Creek Road adjacent to the Quarry property in November 1959, by which time the Quarry was already operating.

The above facts were before the County when it considered and certified vested rights for the Quarry in 1980. As noted, neither Mainini nor the County contested or appealed the Certification. Thus, no question exists that the Quarry predated County use permit requirements, and the County has never required a use permit for the Quarry.

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[6]/ The County Code provides, in part:

> 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.

(County Code, § 22.36.040(B).)

2. Vested Rights Extend Throughout The Quarry Parcel.

The Quarry parcel, identified as Parcel 3D in the condemnation action (Superior Court case No. 23138), consists of approximately 235 acres, and is generally depicted in a map attached to the Reclamation Plan approved by the County in 1980. (**Exhibit 15**.) Mainini identified Parcel 3D as APN 46-201-13-000 in the application for certification of vested mining rights for the Quarry. (See **Exhibit 13**, p. 2.) As respects vested mining rights in particular, the Courts have held that vested rights extend throughout a legal parcel, even if the entire parcel was not actively part of the mining operation on the vesting date. "An entire tract is generally regarded as within the exception of an existing nonconforming use, although the entire tract is not so used at the time of the passage or effective date of the zoning law. (*McCaslin v. City of Monterey Park* (1958) 163 Cal.App2d 339, 349; *Hansen*, at p. 556.) The 1980 Certification of Vested Rights did not impose a geographic limitation on the Quarry operation within the Quarry parcel. No question exists, therefore, that at a very minimum vested rights exist over the area now addressed in the Application and County Initial Study, where DWR originally commenced quarrying operations in 1958.

3. The County Must Abide By The 1980 Vested Rights Certification.

The County confirmed the Quarry's vested rights in 1980. (See **Exhibit 14**.) The 1980 Certification applied to the entirety of Parcel 3D (identified as APN 46-201-13-000), without limitation. No challenge, administrative or legal, was made to the County's 1980 Certification, and the County has consistently treated the Quarry as vested in its annual inspection reports submitted to the DOC. The County cannot now curtail those vested rights as a matter of law. (*Pardee Construction Company v. California Coastal Commission* (1979) 95 Cal.App.3d 471, 480-482 [*Pardee*]; *Monterey Sand Co. v. California Coastal Com.* (1987) 191 Cal.App.3d 169, 178, citing *Halaco Engineering Co. v. South Central Coast Regional Com.* (1986) 42 Cal.3d 52 ["[t]he foundation of the vested rights doctrine is estoppel which protects a party that detrimentally relies on the promises of government"; government may be estopped from requiring permits after it has determined that no further permits are needed or has otherwise acquiesced in the land owner's activities, and the land owner has relied on this determination or acquiescence in good faith].)[7] In short, the County is legally barred and equitably estopped from administratively reversing, undermining or redefining its past public, formal administrative decisions.

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[7]/ In *Pardee*, the Court of Appeal addressed the scope of an administrative agency's authority to deprive a party of a vested right, stating:

> Although the State Commission, by law, was the administrative tribunal charged with making the initial determination of the vested rights claim under the coastal act, such procedural authority in no way changes the constitutional character of the vested right. (*South Coast Regional Com. V. Gordon*, 18 Cal.3d 832, 836 [135 Cal.Rptr. 781, 558 P.2d 867].) Neither statutory nor constitutional authority exists authorizing the State Commission to limit or deny a once recognized vested right.

(*Pardee* at pp. 480-482.)

Under the doctrine of administrative res judicata, administrative decisions are presumed final unless resort is made to administrative and legal remedies in the time prescribed by law. (*Hensler v. City of Glendale* (1994) 8 Cal.4th 1, 28 ["challenges to the actions of an administrative agency [must] be brought promptly"; failure to do so renders the agency decisions final and immune from attack under the doctrine of administrative res judicata]; *State of California v. Superior Court* (1974) 12 Cal.3d 237, 249-252 [same]; *Patrick Media Group, Inc. v. California Coastal Commission* (1992) 9 Cal.App.4th 592, 614-615 [same]; *California Coastal Commission v. Superior Court* (1989) 210 Cal.App.3d 1488, 1493-1494 [failure to timely seek judicial review of an administrative agency determination precludes any later challenge to the merits of that determination]; *City and County of San Francisco v. Padilla* (1972) 23 Cal.App.3d 388, 396-397 [discussing doctrine of administrative res judicata]; see also *Briggs v. City of Rolling Hills Estates* (1995) 40 Cal.App.4th 637, 645-646 [failure to challenge an administrative agency's findings gives binding "effect to the administrative agency's decision, because that decision has achieved finality due to the aggrieved party's failure to pursue the exclusive judicial remedy for reviewing administrative action"]; *Johnson v. City of Loma Linda* (2000) 24 Cal.4th 61, 70 [same]; *Knickerbocker v. City of Stockton* (1988) 199 Cal.App.3d 235, 240-244 [failure to exhaust administrative and judicial remedies bars subsequent challenge of agency determination].)

The rationale underlying this limitations doctrine is based on interests of fairness and finality, and has been described as follows:

> "[S]tatutes of limitation are to be viewed favorably as affording to parties who may[,] by the lapse of time, have lost the ability to procure evidence, repose and security from stale demands." [Citations.] (*People v. Universal Film Exchanges* (1950) 34 Cal.2d 649, 659.)

(see also *Herman v. Los Angeles County Metropolitan Transportation Authority* (1999) 71 Cal.App.4th 819, 826; *Donellan v. City of Novato* (2001) 86 Cal.App.4th 1097, 1104 [the law disfavors consideration of stale claims by persons who have failed to file their action until evidence is no longer fresh and witnesses are no longer available, thus rendering the claims difficult or impossible to defend]; *Laurel Heights Improvement Ass'n. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1130 [agency action is conclusively presumed valid unless a lawsuit has been timely brought to contest it; this presumption acts to preclude reopening the administrative process in "the interests of finality"]; *Western States Petroleum Ass'n. v. Superior Court* (1995) 9 Cal.4th 559, 578 [interests of finality of agency decisions preclude repeatedly reopening those proceedings for consideration of "new" information]; *Fort Mojave Indian Tribe v. California Department of Health Services* (1995) 38 Cal.App.4th 1574 [discussing policy considerations militating against allowing "repeated rounds" of review of an agency decision leading to "attenuated finality"]; *Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal.App.4th 74, 120 [same].)

The County must, in sum, abide by its 1980 Certification of Vested Rights for the Quarry property, and cannot now require a use permit for mining operations in the area addressed in the Application and County Initial Study.

4. County Regulations Do Not Require A Use Permit For Reclamation Plan Amendments.

Negranti applied for an amendment to the approved Quarry Reclamation Plan to address operations in eastern areas of the Quarry property. The County Code does not require a use permit in connection with this reclamation plan amendment.

The County Code specifically addresses reclamation plan amendments, and provides:

> 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 suing the same procedure required for approval of a reclamation plan by subsection D.

(County Code, § 22.36.050(E).) County Code section 22.36.050(D) sets out the applicable review procedure, and provides:

> 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.

(County Code § 22.36.050(D) [emphasis added].)

The County Code does not state or suggest that a use permit is required in connection with a reclamation plan amendment. In fact, the County Code expressly recognizes a "Certification of Vested Rights," such as that issued for the Quarry, as proof that the Quarry was "established in compliance with legal requirements applicable at the time." Notwithstanding the

constitutional principles guiding the validity and scope of vested rights, Negranti may under the County Code seek an amendment to the Reclamation Plan without obtaining a use permit for the covered mining operations.

5. Processing and Review Of The Reclamation Plan Amendment Is Limited To The Environmental Effects Of Reclamation Only.

The County's Initial Study, at present, addresses both the impacts of expanded mining as well as reclamation contemplated in connection with a new use permit and reclamation plan amendment. As we have outlined above, however, the Quarry is a vested mining operation that does not require a use permit to renew mining operations on the East Hill. Further, the County Code does not otherwise require a use permit in connection with a reclamation plan amendment. Consequently, the "project" under review for purposes of CEQA is only the reclamation plan amendment, and not renewed mining. (See Pub. Resources Code, § 21065; Cal. Code Regs., tit. 14, § 15378.)

Negranti will, accordingly, amend the Application to make clear that it seeks only a reclamation plan amendment, and not a use permit. A new Initial Study will be required that reflects this change.

CONCLUSION

The Quarry is, in sum, a vested mining operation, which the County has recognized formally. The County has consistently treated the Quarry as vested, as reflected in the County's annual inspection reports to the DOC. These vested rights extend across the entire Quarry parcel, and include the planned renewal of mining operations on the East Hill. The "project" before the County, consequently, is merely Negranti's application for a reclamation plan amendment, and not a use permit for mining operations. We believe that the current Initial Study and planned focused EIR require revision to reflect the limited scope of the project under review.

We look forward to working further with you on this matter. Please feel free to contact me at (916) 492-5086 with any questions or comments.

Sincerely,
HARRISON, TEMBLADOR,
HUNGERFORD & JOHNSON LLP

By
Bradley B. Johnson

BBJ:mva

Enclosures

EXHIBIT 1

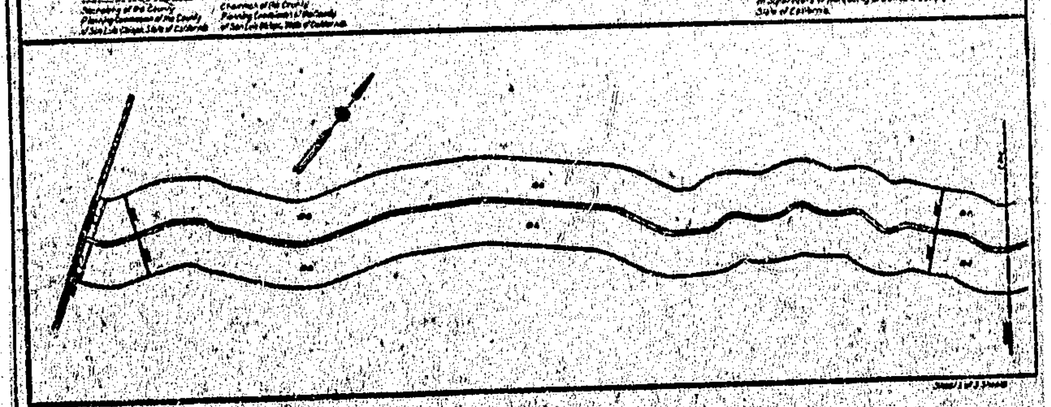
(THESE MAPS CONSTITUTE SECTIONS 12B TO 12D INCLUSIVE OF THE LAND USE PLAN ORDINANCE)
(SECTION 12B)

SECTIONAL DISTRICTS MAPS

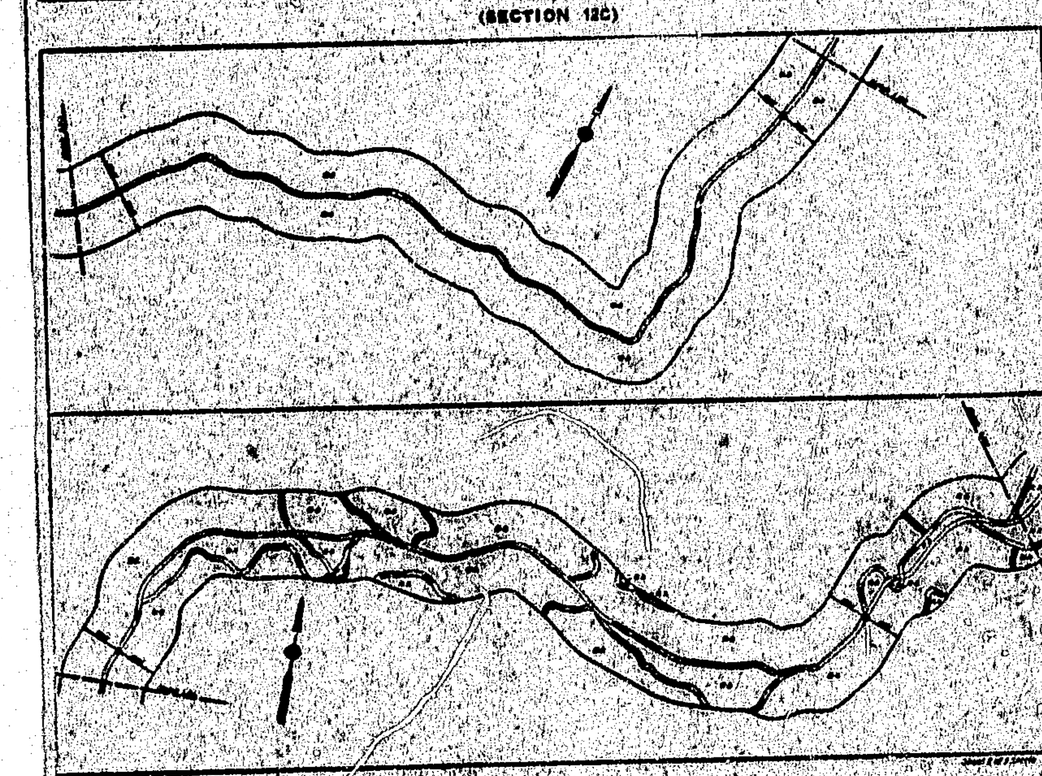
UNIT 2 LAND USE PLAN

SAN LUIS OBISPO COUNTY, CALIFORNIA

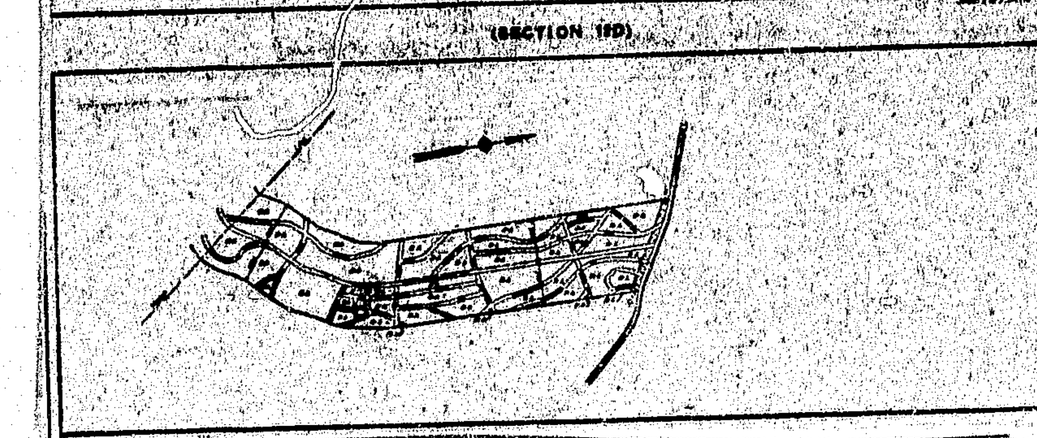
BEING SECTIONS 12B TO 12D INCLUSIVE
OF THE LAND USE PLAN ORDINANCE
(ORDINANCE NO. OF SAID COUNTY)



(SECTION 12C)



(SECTION 12D)



ORDINANCE NO 101

AN ORDINANCE OF THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ADOPTING A LAND USE PLAN, BEING A PRECISED SECTION OF THE MASTER PLAN OF SAID COUNTY; SPECIFYING THE PURPOSES AND EFFECTS OF THE ADOPTION OF SAID PLAN WHEREBY VARIOUS DISTRICTS ARE ESTABLISHED IN SAID COUNTY; SPECIFYING THE USES OF LAND AND OF BUILDINGS PERMITTED IN SAID DISTRICTS; ESTABLISHING CERTAIN HEIGHT LIMITS WITHIN SAID DISTRICT; REQUIRING CERTAIN YARDS AND OTHER OPEN SPACES WITHIN SAID DISTRICTS; PROVIDING REGULATIONS FOR THE LOCATION, ERECTION, CONSTRUCTION, ALTERATION AND MAINTENANCE OF BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS IN SAID DISTRICTS, INCLUDING THE REQUIREMENT THAT CERTAIN PERMITS SHALL BE SECURED FOR CERTAIN OF SUCH BUILDINGS, STRUCTURES AND IMPROVEMENTS AND FOR THE USE THEREOF AND OF LAND; REQUIRING CERTAIN FEES; DEFINING THE TERMS USED HEREIN; SPECIFYING THE PROCEDURE FOR THE AMENDMENT THEREOF; AND PROVIDING PENALTIES FOR THE VIOLATION OF ANY OF THE PROVISIONS HEREOF.

The Board of Supervisors of the County of San Luis Obispo, State of California, do ordain as follows:

SECTION 1

ADOPTION OF LAND USE PLAN.

There is hereby adopted a Land Use Plan as a precised section of the Master Plan of the County of San Luis Obispo, State of California, said land use plan being an official plan as provided by law.

SECTION 2

PURPOSE OF ADOPTION OF LAND USE PLAN.

Said Land Use Plan is adopted to promote and protect the public health, safety, peace, morals, comfort, convenience and general welfare and for the accomplishment thereof is adopted for the following more particularly specified purposes, to-wit:

(1) To assist in providing a definite plan of development for the County of San Luis Obispo, and to guide, control and regulate the future growth of said County in accordance with said plan.

(2) To protect the character and the social and economic stability of agricultural, residential, commercial, industrial and other areas within the County and to assure the orderly and beneficial development of such areas.

(3) To obviate the menace to the public safety resulting from the location of buildings, and the use thereof and of land, adjacent to highways which are a part of the Street and Highway Plan of the Master Plan of said County, or which are important thoroughfares, in such manner as to cause interference with existing or prospective traffic movements on said highways.

SECTION 3

NATURE OF LAND USE PLAN.

Said Land Use Plan consists of the establishment of various districts within the unincorporated territory of said County within various of which it shall be lawful, and within various of which it shall be unlawful to erect, construct, alter or maintain certain buildings or to carry on certain trades or occupations or to conduct certain uses of land and/or of buildings and/or within which the height and bulk of future buildings shall be limited and/or within which certain open spaces shall be required about future buildings and consisting, further, of appropriate regulations to be enforced in such districts, all as set forth in this ordinance.

SECTION 4

DISTRICTS.

The aforesaid districts are as follows, to-wit:

Non-Urban Group

A-1 Districts: All the unincorporated territory of the County not in-

cluded in any other District.

R-A Districts: Suburban Agricultural Districts.

Community Group

R-1 Districts: One-Family Residential Districts.

R-2 Districts: Two-Family Residential Districts.

R-3 Districts: Multiple Residential Districts.

C-1 Districts: Retail Business Districts.

C-2 Districts: General Commercial Districts.

M-1 Districts: Industrial Districts.

SECTION 5

COMBINING REGULATIONS.

In addition to the foregoing districts certain combining regulations are established as set forth in this Ordinance, said combining regulations being as follows, to-wit:

B-1: First Building Site Area Regulations.

B-2: Second Building Site Area Regulations.

B-3: Third Building Site Area Regulations.

B-4: Fourth Building Site Area Regulations.

B-D: Special Building Site Area Regulations.

SECTION 6

ESTABLISHMENT OF DISTRICTS

The aforesaid districts and certain combinations thereof are hereby established in so far as the designations, locations and boundaries thereof are set forth and indicated in Sections 10, 11, and 12, Sections 10, 10a, 10b, and other sections of this ordinance, each of which other sections is designated by the number 10 followed by a letter or letters of the alphabet, describe certain of said districts; Sections 11, 11a, 11b and other sections of this ordinance, each of which other sections is designated by the number 11 followed by a letter or letters of the alphabet, consist of index maps to various sectional district maps; and Sections 12, 12a, 12b and other sections of this ordinance, each of which other sections is designated by the number 12 followed by a letter or letters of the alphabet, consist of various sectional districts maps, which show the designations, locations and boundaries of certain of said districts. Said maps and all notations, references, data and other information shown thereon are hereby made a part of this ordinance.

The sections of this ordinance setting forth and indicating the designations, locations and boundaries of any of said districts which sections are made a part of this ordinance at the time of the original adoption hereof constitute the portions thereof constituted of a comprehensive land use plan for the said County of San Luis Obispo, which plan is, in the manner of preparation by the County Planning Commission of said County pursuant to the provisions of law and in accordance with the instructions of the Board of Supervisors of said County. Owing to the territorial extent of said County and the diversity of conditions and interests therein and to the careful studies and analyses being made by said County Planning Commission of all facts bearing upon the determination of the comprehensive Land Use Plan for said County, considerable time will be required for the completion of said Land Use Plan. Said Board of Supervisors hereby finds that the public interest, necessity, convenience and welfare require that as rapidly as portions of said Land Use Plan shall be completed the same should be adopted and put into full force and effect and hereby declares its intention so to proceed with the consideration and adoption, in the manner provided by law, of such portions of said Land Use Plan.

SECTION 7

DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of any of the aforesaid districts as described as aforesaid or as shown on said sectional districts maps, the following rules shall apply:

(a) Where such boundaries are indicated as approximately following street and alley lines, such street and alley lines shall be construed to be such boundaries.

(b) Where such boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.

(c) In unsubdivided property and where a district boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown upon said sectional districts maps, shall be determined by the use of the scale appearing on such sectional districts maps.

(d) In case further uncertainty exists, the Planning Commission, upon written application or upon its own motion, shall determine the location of such boundaries.

SECTION 8

EFFECT OF ESTABLISHMENT OF DISTRICTS

Except as hereinafter otherwise provided:

(a) No building shall be erected and no existing building shall be moved, altered, added to or enlarged nor shall any land, building, or premises be used, designed or intended to be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the district in which such building, land or premises is located.

(b) No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.

(c) No building shall be erected, nor shall any existing building be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, area and building location regulations hereinafter designated for the district in which such building or open space is located.

(d) No yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

SECTION 9

DEFINITIONS

For the purpose of this ordinance certain terms used herein are defined as follows:

All words used in the present tense shall include the future; all words in the plural number shall include the singular number and all words in the singular number shall include the plural number; unless the natural construction of the wording indicates otherwise. The word "lot" includes the word "plot,"; the word "building" includes the word "structure" and the word "shall" is mandatory and not directory. The words "Board of Supervisors" as used herein shall mean the Board of Supervisors of the County of San Luis Obispo, State of California; the words "Planning Commission" shall mean the County Planning Commission of the County of San Luis Obispo, State of California; the word "County" shall mean the County of San Luis Obispo, State of California; and the words "County boundary" shall mean the boundary of the County of San Luis Obispo, State of California, and/or the boundary of any incorporated municipality within said County.

AGRICULTURE: The tilling of the soil, the raising of crops, horticulture, small livestock farming, dairying and/or animal husbandry, including all uses customarily incidental thereto but not including slaughter houses, fertilizer yards, bone yards or plants for the reduction of animal matter.

ALLEY: Any public thoroughfare for the use of pedestrians and/or of vehicles which affords only a secondary means of access to abutting property.

APARTMENT: A room or suite of two or more rooms which is designed for, intended for and/or occupied by one family doing its cooking therein.

APARTMENT COURT: See Dwelling Group.

APARTMENT HOUSE: See Dwelling, Multiple.

AUTOMOBILE COURT:

1. A group of two or more detached or semi-detached buildings, containing guest rooms and/or apartments with automobile storage space serving such rooms and/or apartments provided, in connection therewith, which group is designed, intended and/or used primarily for the accommodation of automobile travelers; including groups designated as auto camps, auto cabins, motor lodges, and by similar designations.

2. Land which is used or intended to be used, let or rented for occupancy by campers traveling by automobile or otherwise.

AUTOMOBILE WRECKING: See Junk Yard.

BASEMENT: A story partly underground and having at least one-half (½) of its height above grade. A basement shall be counted as a story if the vertical distance from grade to the ceiling is over five feet or if used for business purposes or if used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.

BLOCK: That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting streets and railroad right of way or unsubdivided acreage.

BUILDING: Any structure having a roof supported by columns and/or by walls and intended for the shelter, housing and/or enclosure of any person, animal or chattel. When any portion thereof is completely separated from every other portion thereof by a masonry division or fire wall without any window, door or other opening therein, which wall extends from the ground to the upper surface of the roof at every point, then each such portion shall be deemed to be a separate building.

BUILDING, ACCESSORY: A subordinate building constructed after the main building; the use of which is incidental to that of a main building on the same lot. On any lot upon which is located a dwelling any building which is incidental to the conducting of any agricultural use shall be deemed to be an accessory building.

BUILDING, MAIN: A building in which is conducted the principal use of the lot upon which it is situated. In any "R" or A District any dwelling shall be deemed to be a main building upon the lot upon which the same is situated.

BUNGALOW COURT: See House Court. Also Dwelling Group.

BUSINESS OR COMMERCE: The purchase, sale or other transaction involving the handling or disposition (other than manufacture, reduction or destruction) of any article, substance or commodity for profit or livelihood, including, in addition, offices, buildings, offices, garages, launderies, lumber yards, outdoor advertising signs and outdoor advertising structures, recreational and amusement enterprises conducted for profit and commercial excavating of building or construction materials, but not including junk yards as defined in this ordinance.

COURT: An open, unoccupied space, other than a yard, on the same lot with a building or buildings and which is bounded on two (2) or more sides by such building or buildings, including the open space in a house court or court apartment providing access to the units thereof.

DISTRICT:

1. A portion of the unincorporated territory of the County, exclusive of streets, alleys and other public ways, within which certain uses of land, premises and buildings are permitted and certain other uses of land, premises and buildings are not permitted and within which certain yards and other open spaces are required and certain building site areas are established and certain height limits are established for buildings, all as set forth and specified in this ordinance.

2. A portion of the unincorporated territory of the County exclusive of streets, alleys and other public ways, within which are applied certain regulations designated as combining regulations as set forth in this ordinance.

The term "R District" shall mean any R-A, R-1, R-2, or R-3 District. The term "C District" shall mean any C-1 or C-2 District. The term "M District" shall mean any M-1 District. The term "B District" shall mean any B-1, B-2, B-3, B-4 or B-D District.

DISTRICT, MORE RESTRICTED OR LESS RESTRICTED: In each of the following lists each district shall be deemed to be more restricted than the districts succeeding it and each district shall be deemed to be less restricted than the districts preceding it:

List 1: R-1, R-2, R-3, C-1, C-2, M-1.

List 2: R-A, A-1.

DWELLING, ONE FAMILY: A detached building designed for and/or occupied exclusively by one family.

DWELLING, TWO-FAMILY: a detached building designed for and/or occupied exclusively by two families living independently of each other.

DWELLING, MULTIPLE: A building or portion thereof used and/or designed as a residence for three or more families living independently of each other, and doing their own cooking in said building, including apartment houses, apartment hotels and flats, but not including automobile courts or summer cottage groups.

DWELLING GROUP: A group of two or more detached or semi-detached, one-family, two-family or multiple dwellings occupying a parcel of land in one ownership and having any yard or court in common, including house courts and apartment courts, but not including automobile courts or summer cottage groups.

FAMILY: One or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include necessary servants.

FRONT WALL: The wall of the building or other structure nearest the street upon which the building faces, but excluding certain architectural features as specified in Section 23 of this ordinance.

GARAGE, PRIVATE: An accessory building for only the storage of self-propelled private passenger vehicles when the storage space does not exceed that necessary for:

(a) In any R-A or R-1 district, three (3) automobiles for each dwelling.

(b) In any R-2 district, including any combination therewith: Two (2) automobiles for each family housed on the lot.

(c) In any R-3 district, including any combination therewith: Three (3) automobiles for each lot, and in addition one (1) automobile for each family housed on such lot.

(d) Provided: That on any lot or parcel of land of one (1) acre or more in area, in lieu of the foregoing specified storage space, the storage space shall not exceed that necessary for the automobiles used by the families housed on such lot or parcel, including visitors and servants.

GARAGE, PUBLIC: Any premises, except those herein defined as a private or storage garage, used for the storage and/or care of self-propelled vehicles or where any such vehicles are equipped for operation or repair, or kept for remuneration, hire or sale.

GARAGE, STORAGE: Any premises, except those herein defined as a private garage, used exclusively for the storage of self-propelled vehicles.

GRADE:

1. For buildings adjoining one street only, the elevation of the sidewalk at the center of that wall adjoining the street.

2. For buildings adjoining more than one street, the average of the elevations of the sidewalks at the centers of all walls adjoining streets.

3. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

4. All walls approximately parallel to and not more than five (5) feet from the street line shall be considered as adjoining the street.

GUEST ROOM: A room which is intended, arranged or designed to be occupied or which is occupied by one or more guests, but not including in dormitories for sleeping purposes.

HEIGHT OF BUILDING: The vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the ceiling of the topmost story.

HOME OCCUPATION: Any use in the opinion of the Planning Commission customarily conducted entirely within a dwelling and carried on by the inhabitants thereof.

HOUSE COURT: A group of two (2) or more dwellings on the same lot, whether detached or in connected rows, having a separate outside entrance on the ground floor level for each family unit of such group.

HOTEL: Any building or portion thereof containing six (6) or more guest rooms used, designed, or intended to be used, let or hired out to be occupied, or which are occupied, by six (6) or more guests, whether the compensation for hire be paid directly or indirectly in money, goods, wares, merchandise, labor or otherwise; including lodging and rooming houses, dormitories, bachelor hotels, studio hotels, public and private clubs, and any such building of any nature whatsoever so occupied, designed or intended to be occupied, except jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes, and other similar buildings.

JUNK YARD: The use of more than two hundred (200) square feet of the area of any lot or of any portion of that half of any lot, but not exceeding a depth or width, as the case may be, of one hundred (100) feet, which half adjoins any street, for the storage of junk, including scrap metals or other scrap material, and/or for the dismantling or "wrecking" of automobiles or other vehicles or machines.

LOT: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance, and having its principal frontage upon a street.

LOT, CORNER: A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines, provided that the angle of intersection does not exceed one hundred thirty-five (135) degrees, and having a width not greater than seventy-five (75) feet.

LOT, INSIDE: A lot other than a corner lot.

LOT, KEY: The first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot, exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street upon which the corner lot fronts.

LOT AREA: The total horizontal area included within lot lines.

LOT DEPTH: The average distance from the street line of the lot to its road line measured in the general direction of the side lines of the lot.

LOT FRONTAGE: That dimension of a lot or portion of a lot abutting on a street, except the side of a corner lot.

LOT LINES: The lines bounding a lot as defined herein.

LOT LINE, REAR: Ordinarily, that line of a lot which is generally opposite the lot line along the frontage of said lot. In cases in which this definition is not applicable, the Planning Commission shall designate the rear lot line.

NON-CONFORMING USE: A building or land occupied by a use that does not conform to the regulations as to use for the district in which it is situated.

ONE OWNERSHIP: Ownership of property (or possession thereof under a contract to purchase or under a lease the term of which is not less than ten years) by a person or persons, firm, corporation or partnership, individually, jointly, in common or in any other manner whereby such property is under single or unified control. The term "Owner" shall be deemed to mean the person, firm, corporation or partnership exercising one ownership as herein defined.

OUTDOOR ADVERTISING SIGN: Any card, cloth, paper, metal, painted, wooden or other sign of any kind or character whatsoever placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever. The term "placed" as used in the definitions of "outdoor advertising sign" and "outdoor advertising structure" shall include erecting, constructing, posting, painting, printing, tacking, nailing, glueing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.

OUTDOOR ADVERTISING STRUCTURE: Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed.

REFUSE DUMP: Any location used for the deposit of refuse, garbage, or the disposal of any materials of any description which in the opinion of the Board of Supervisors constitutes a menace to the public health and safety.

SMALL LIVESTOCK FARMING: The raising and or keeping of more than twelve chicken hens or twelve pigeons or twelve similar fowl and/or twelve rabbits or twelve similar animals or any roosters, quacking ducks, geese, guinea fowl, peafowl, goats, sheep or similar livestock; or the raising and/or keeping for commercial purposes of any cats or dogs; provided that term "small livestock farming" as used in this ordinance shall not include hog farming, dairying or the raising and/or keeping of horses, mules, or similar livestock as determined by the Planning Commission.

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF: A story with at least two (2) opposite exterior sides meeting a sloping roof not more than three (3) feet above the floor of such story.

STREET: A public or private thoroughfare, the design and layout of which has been approved by the Planning Commission, which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley as defined herein.

STREET LINE: The boundary between a street and abutting property.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

USE: The purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is or may be occupied or maintained.

USE, ACCESSORY: A use incidental and accessory to the principal use of a lot or a building located upon the same lot as the accessory use.

YARD: An open space other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward, except as otherwise provided in Section 23 of this ordinance. In measuring a yard, as hereinafter provided, the line of a building shall be deemed to mean a line parallel to the nearest lot line drawn through the point of a building or the point of a dwelling group nearest to such lot line, exclusive of the respective architectural features enumerated in Section 23 of this ordinance as not to be considered in measuring yard dimensions or as being permitted to extend into any front or rear yard.

YARD, FRONT: A yard extending across the front of the lot between the inner side yard lines and measured from the front line of the lot to the nearest line of the building; provided, however, that if any Official Plan Line has been established for the street upon which the lot faces or if any building line is specified therefor in Section 22 of this ordinance, then such measurement shall be taken from such Official Plan Line or such building line to the nearest line of the building.

YARD, REAR: A yard extending across the full width of the lot and measured between the rear line of the lot and the nearest line of the building.

YARD, SIDE: A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

SECTION 10.

A-1 DISTRICTS.

All the unincorporated territory of the County which is not included, under the terms of this ordinance, in any other district is hereby designated and classified as constituting A-1 districts.

SECTION 11

To consist of Index Maps.)

SECTION 12

To consist of Sectional District Maps.)

SECTION 13

REGULATIONS FOR A-1 DISTRICTS.

The following regulations shall apply in all A-1 Districts and shall be subject to the provisions of Section 23 of this ordinance.

(a) USES PERMITED:

All uses not otherwise prohibited by law; provided, however, that no use for which a use permit, as provided in Section 25 of this ordinance, is required in an M-1 district shall be established in any A-1 district, and no junk yard or refuse dump shall be established in any A-1 district, and no commercial excavation of building or construction materials shall be made in any A-1 district within a distance of one thousand (1000) feet from any public street, unless and until, in any such case, a use permit, as provided in Section 25 of this ordinance, shall first have been secured for such use or such excavation and no such use shall be made in any A-1 District except in conformity to the terms of such use permit.

(D) ADDITIONAL REGULATIONS.
No building shall hereafter be erected, nor shall any use of land be conducted except the use of land for agricultural purposes so that the same will be closer to the right of way line of any street than any Official Plan Line or any building line which has been established for such street by the Street and Highway Plan, or section thereof, of the Master Plan of the County, or than any building line, which may be specified therefor by the provisions of Section 22 of this ordinance.

SECTION 14

REGULATIONS FOR R-A DISTRICTS.

The following regulations shall apply in all R-A Districts, and shall be subject to the provisions of Section 23 of this ordinance:

(a) USES PERMITTED:

1. All uses permitted in R-3 districts, subject to the securing of a use permit as provided in Section 25 of this ordinance for any use for which a use permit is required in an R-3 district.
2. Golf courses, country clubs, riding clubs and polo fields.
3. Public parks and playgrounds.
4. Crop and tree farming and truck gardening.
5. Nurseries and greenhouses.
6. Any agricultural use which is appurtenant to the domestic establishment of any use permitted in the district.
7. Home occupations, provided that no name plate or sign exceeding two (2) square feet in area shall be displayed in connection therewith.
8. Schools, libraries, museums, churches, riding academies and non-commercial clubs other than those hereinbefore in this subsection specified, subject to the securing of a use permit in each case, as provided in Section 25 of this ordinance.
9. Accessory buildings and accessory uses, including servants' quarters and non-commercial guest houses.
10. Small livestock farming; provided, that not to exceed one (1) horse or mule, one (1) cow or three (3) goats or other similar livestock may be kept for each twenty thousand (20,000) square feet of area of the parcel of land upon which the same are kept.
11. In any R-A district a dairy may be conducted on any parcel of land not less than five (5) acres in area.
12. Sale of any of the products of any of the aforementioned permitted uses upon the premises upon which such products are produced; provided, that no building shall be constructed primarily for such sale.

(b) LOCATION OF ACCESSORY BUILDINGS:

No livestock or any building used in connection with the same shall be located or maintained on any lot closer than forty (40) feet to the street upon which the lot faces, or closer than twenty (20) feet to any dwelling on the same lot or on the front half of any contiguous lot. Otherwise any accessory building used in connection with small livestock farming may occupy any portion of any rear yard or of any side yard along the rear half of the lot upon which located, except of any side yard adjacent to any street.

SECTION 15

REGULATIONS FOR R-1 DISTRICTS.

The following regulations shall apply in all R-1 districts and shall be subject to the provisions of Section 23 of this ordinance:

(a) USES PERMITTED.

1. One-family dwellings.
2. Golf courses and country clubs.
3. Public parks and public playgrounds.
4. Crop and tree farming and truck gardening.
5. Nurseries and greenhouses used only for the propagating and cultivating of plants.
6. Home occupations, provided that no name plate or sign exceeding two (2) square feet in area shall be displayed in connection therewith.
7. Accessory buildings and accessory uses.
8. Schools, libraries and churches subject to the securing of a use permit in each case, as provided in Section 25 of this ordinance.
9. Pending residential development, saddle horses, cows, goats and fowl may be kept in any R-1 district, subject to the securing of a use permit as provided in Section 25 of this ordinance, and subject to the following limitations:

I. There may be kept not more than one (1) saddle horse, one (1) cow or two (2) goats for each one-half (½) acre in area of the parcel of land upon which the same are kept nor more than one hundred (100) fowl for each one-quarter (¼) acre in area of the parcel of land upon which the same are kept.

II. No saddle horses, cows or goats shall be kept within a distance of two hundred (200) feet from any dwelling other than a dwelling upon the parcel of land upon which the same are kept nor within a distance of fifty (50) feet from any dwelling.

III. More than twelve (12) fowl shall not be kept within a distance of fifty (50) feet from any street line nor within a distance of fifty (50) feet from any dwelling.

IV. The conditions under which saddle horses, cows, goats or fowl are kept shall be such as may be specified by the County Health Officer.

(b) BUILDING HEIGHT LIMIT.

Two and one-half (2½) stories but not exceeding thirty-five (35) feet in height.

(c) BUILDING SITE AREA REQUIRED:

Each one-family dwelling, together with its accessory buildings, hereafter erected shall be located on a building site in one ownership having an area of not less than five thousand (5000) square feet; provided, however, that any parcel of land with an area of less than five thousand (5000) square feet, which parcel was under one ownership at the time of the adoption of this ordinance, when the owner thereof owns no adjoining land, or which parcel is shown as a lot on any subdivision map which was recorded in the office of the County Recorder of the said County of San Luis Obispo prior to the adoption of this ordinance, or which parcel is shown as a lot on any subdivision map which is recorded in the office of said County Recorder after approval of said map by the Board of Supervisors in the manner provided by law, may be used as a building site for one (1) one-family dwelling by the owner of such parcel of land or by his successor in interest, provided that all other regulations for the district, as prescribed in this ordinance shall be complied with; provided, further, that in lieu of the foregoing building-site area regulations in any R-1 district in which there are also applied the regulations of any "B" district under the provisions of this ordinance, each one-family dwelling with its accessory buildings hereafter erected shall be located on a building site in one ownership having an area not less than that specified for such "B" district. In no case, however, shall there be more than one (1) dwelling on any one (1) lot, except as otherwise provided under the terms of any use permit.

(d) FRONT YARD REQUIRED:

Each lot shall have a front yard not less than twenty-five (25) feet in depth, except as otherwise specified for any "B" district in which such lot may be located; provided, however, that in case a building line for the street upon which any lot faces is established by the Street and Highway Plan of the Master Plan of the County or is specified in Section 22 of this ordinance, then the front yard on such lot shall have a depth of not less than the distance from the street line specified for such building line.

(e) SIDE YARD REQUIRED:

Each lot, except as otherwise specified for any "B" district in which such lot is located, shall have side yards each having a width of not less than five (5) feet; provided, however, as follows:

1. On any parcel of land of an average width of less than fifty (50) feet, which parcel was under one ownership at the time of the adoption of this ordinance, when the owner thereof owns no adjoining land, or which parcel is shown as a lot on any subdivision map which was recorded in the office of the County Recorder of the said County of San Luis Obispo prior to the adoption of this ordinance, or which parcel is shown as a lot on any subdivision map which is recorded in the office of said County Recorder after approval of said map by the Board of Supervisors in the manner provided by law, the width of each side yard may be reduced to ten (10) per cent of the width of such parcel, but in no case shall the width of any such side yard be less than three (3) feet.
2. The width of any one side yard on any lot may be reduced by one (1) foot for each one (1) foot by which the other side yard on the same lot is increased beyond the width required therefor by the preceding provisions of this section, but in no case shall such resulting reduced width of any side yard be less than three (3) feet.
3. One-family dwellings on adjoining lots may be built to the common lot line between such lots upon approval by the Planning Commission of plans therefor and in case a width equivalent to the width hereinbefore required for the side yard thus occupied on each such lot be added to the width of the other side yard on the same lot.
4. On a corner lot adjacent to a key lot the side yard on the street side of such corner lot shall have a width in addition to that hereinbefore specified, so that the total width of such yard shall be equal to not less than forty (40) per cent of the front yard depth required for the lots to the rear of such corner lot, to a maximum width of ten (10) feet for such side yard, provided, however, that this regulation shall not be so applied as to reduce the buildable width, after providing the required interior side yard, of any such corner lot to less than twenty (20) feet.

(f) REAR YARD REQUIRED:

Each lot shall have a rear yard of a depth equal to not less than twenty (20) per cent of the depth of the lot to a maximum required depth of twenty-five (25) feet for such rear yard.

SECTION 16

REGULATIONS FOR R-2 DISTRICTS.

The following regulations shall apply in all R-2 districts and shall be subject to the provisions of Section 23 of this ordinance:

(a) USES PERMITTED:

1. All uses permitted in R-1 districts, subject to the securing of a use permit, as provided in Section 25 of this ordinance, for any use for which a use permit is required in an R-1 district.
2. Two-family dwellings.

(b) BUILDING HEIGHT LIMIT:

Two and one-half (2½) stories but not exceeding thirty-five (35) feet in height.

(c) BUILDING SITE AREA REQUIRED:

Same as specified for R-1 districts, except that there may be not to exceed one (1) two-family dwelling or two (2) one-family dwellings upon any one (1) lot.

(d) FRONT, SIDE AND REAR YARDS REQUIRED:

Same as specified for R-1 districts.

(e) DISTANCE BETWEEN BUILDINGS ON SAME LOT:

No main building shall be closer than twenty (20) feet to any other main building on the same lot.

(2) SECTION 17.

REGULATIONS FOR R-3 DISTRICTS.

The following regulations shall apply in all R-3 districts and shall be subject to the provisions of Section 23 of this ordinance:

(a) USES PERMITTED:

1. All uses permitted in R-1 districts, without regard to the securing of a use permit for any such use.
2. Two-family dwellings, multiple dwellings and dwelling groups.
3. Hotels.
4. Clubs, lodges and fraternity and sorority houses.
5. Museums not operated for profit.
6. In an apartment house designed, constructed and/or used for twenty-four (24) or more families and in a hotel designed, constructed and/or used for fifty (50) or more guest rooms, there may be conducted a business incidental thereto for the convenience of the occupants and the guests thereof; provided that there shall be no entrance to such business except from the inside of the building in which the same is located, and that the floor area used for business purposes shall not exceed twenty-five (25) per cent of the ground floor area of such building, and provided, further, that no street frontage of any such building shall be used for any such business and that no sign shall be exhibited on the outside of any such building in connection with such business.
7. The following uses, subject to the securing of a use permit in each case, as provided in Section 25 of this ordinance:

(A) Hospitals, rest homes, sanitariums, clinics, and other buildings used for the treatment of human ailments.

(B) Philanthropic and charitable institutions.

(C) Automobile Courts.

(b) BUILDING HEIGHT LIMIT:

Three (3) stories but not exceeding forty-five (45) feet in height.

(c) BUILDING SITE AREA REQUIRED:

Each building site in any R-3 district shall have a total area equivalent to not less than five hundred (500) square feet for each family housed upon such building site.

(d) PERCENTAGE OF LOT COVERAGE:

The buildings, including accessory buildings, on any lot shall not cover more than fifty (50) per cent of the area of such lot.

(e) FRONT, SIDE AND REAR YARDS REQUIRED:

Same as specified for R-1 districts, except as hereinafter specified for dwelling groups; provided, that for any building of three (3) stories in height, the width herein required for each side yard shall be increased by one (1) foot.

(f) DWELLING GROUPS:

The following additional regulations shall apply to Dwelling Groups:

(A) In case the buildings of the group are so located on the lot that the rear of the building which faces the street is faced by the front of a building to the rear, et seq. (i. e., in a "front to back" series), no such building shall be closer than fifteen (15) feet to any other such building.

(B) In case the buildings of the group are so located on the lot that the rears thereof abut upon one side yard and the fronts thereof abut upon the other side yard (i. e., in a single row "side to side" series) the side yard to the rear thereof shall have a width of not less than seven (7) feet, and the side yard to the fronts thereof shall have a width of not less than twelve (12) feet.

(C) In case the buildings of the group are so located on the lot that the rears thereof abut upon either side yard and the fronts thereof face a court (i. e., in a double row "side to side" series), each side yard shall have a width of not less than seven (7) feet and the court shall have a width of not less than twenty (20) feet.

(D) No building shall be so located on the lot that the rear thereof faces the side of any other buildings on the same lot unless a distance of at least twenty (20) feet is provided between such buildings.

(E) In no case shall any building of the group be closer to any other building of the group than a distance of ten (10) feet.

(F) Each lot upon which a dwelling group is constructed shall have a rear yard of a depth of not less than ten (10) feet; provided, however, that there may be deducted from such width a portion of the width of any public street, alley or park upon which such rear yard abuts to an extent not exceeding one-half (½) the width thereof and not exceeding five (5) feet.

SECTION 18.

REGULATIONS FOR C-1 DISTRICTS.

The following regulations shall apply in all C-1 districts and shall be subject to the provisions of Section 23 of this ordinance:

(a) USES PERMITTED:

1. All uses permitted in any "R" district, without regard to the securing of any use permit, except that in any C-1 district which is entirely surrounded by "R" districts or by such districts and the County boundary, a use permit shall be required for the establishment of any use for which a use permit is required in R-3 districts.
2. Stores and shops for the conduct of any retail business; automobile service stations for only the sale of gasoline, oil and minor accessories; banks; barber shops; beauty parlors; conservatories; dressmaking, millinery, shoe and tailor shops; messenger offices; professional offices; storage garages; studios (except motion picture studios); telegraph offices; theaters; and other business uses which, in the opinion of the Planning Commission, are of the same general character as those enumerated in this subsection and will not be obnoxious or detrimental to the district in which located.
3. Outdoor advertising signs and outdoor advertising structures, except that no such use apart from a place of business herein permitted shall be permitted in any C-1 district which is entirely surrounded by "R" districts or by such districts and the County boundary.
4. Public garages, automobile repair shops, automobile service stations at which general repairing is done, automobile camps, and undertaking establishments; subject in each case to the securing of a use permit, as provided in Section 25 of this ordinance.

(b) BUILDING HEIGHT LIMIT:

Three (3) stories but not exceeding forty-five (45) feet in height.

(c) YARDS REQUIRED:

None except:

1. Every building or portion thereof which is designed, intended and/or used for any purpose permitted in R-3 districts or for any other residential or dwelling purpose shall comply with the provisions of this ordinance as to rear yards and side yards which are required in R-3 districts; provided, that when the ground floor of any such building is used for any commercial purpose, no side yards shall be required, except as hereinafter in this section provided.
2. In the case of a C-1 district which is entirely surrounded by "R" districts or by such districts and the County boundary there shall be provided on each lot in that portion of such district which is located in any one block a yard adjacent to the street bounding such block of a width or depth equal to that required for yards adjacent to said street for the remaining property in the same block; except that on a corner lot in such C-1 district which is adjacent to a key lot the side yard adjacent to the street shall be of a width equal to not less than one-half of the depth required for front yards on the lots to the rear of such corner lot. In case any portion of such C-1 district occupies the entire frontage of any block there shall be provided adjacent to the street bounding such block a yard of a depth or width equal to that required in the next adjacent block of such surrounding "R" districts (or in the least restricted of such surrounding "R" districts, in case they differ.)
3. There shall be a side yard along the side of every lot in a C-1 district which side is bordering on property in any "R" district, which side yard shall be a width not less than five (5) feet. There shall be a rear yard on the rear of every lot in a C-1 district which rear is bordering on property in any "R" district, which rear yard shall be of a depth equal to not less than ten (10) feet.
4. No building shall hereafter be erected, nor shall any use of land be conducted except the use of land for agricultural purposes, so that the same will be closer to the right of way line of any street than any Official Plan line or any building line which has been established for such a street by the Street and Highway Plan, or section thereof, of the Master Plan of the County, or than any building line which may be specified therefor by the provisions of Section 22 of this ordinance.

SECTION 19.

REGULATIONS FOR C-2 DISTRICTS.

The following regulations shall apply in all C-2 districts, and shall be subject to the provisions of Section 23 of this ordinance:

(a) USES PERMITTED:

1. All uses permitted in any "R" district.
2. All uses permitted in C-1 districts without regard to any limitations imposed in said C-1 districts and without regard to the securing of any use permit for any such use.
3. Stores and shops for the conduct of any wholesale business (except warehouses); auto laundries; dancing academies; carpenter shops; lumber yards; laundries; paint; paper hanging and decorating shops; plumbing shops; tinsmith shops; storage of household goods; and other uses which, in the opinion of the Planning Commission, are similar in character to those enumerated in this section and will not be obnoxious or detrimental to the district in which located.
4. Junk yards only when conducted in a building enclosed on all sides or an enclosed by a fence in such manner as may be specified by the Planning Commission.
5. The uses of power-driven machinery incidental to any of the uses permitted in said C-2 districts.

(b) BUILDING HEIGHT LIMIT:

Same as specified for C-1 districts.

(c) YARDS REQUIRED:

None except:

1. Every building or portion thereof which is designed, intended and/or used for any purpose permitted in R-3 districts or for any other residential or dwelling purpose shall comply with the provisions of this ordinance as to side yards and rear yards which are required in said R-3 districts, provided that when the ground floor of any such building is used for any commercial purpose no side yards shall be required.
2. There shall be a side yard along the side of every lot in a C-2 district which side is bordering on property in any "R" district, which side yard shall be of width of not less than five (5) feet. There shall be a rear yard on the rear of every lot in a C-2 district which rear is bordering on property in any "R" district, which rear yard shall be of a depth equal to not less than ten (10) feet.
3. No building shall hereafter be erected, nor shall any use of land be conducted except the use of land for agricultural purposes, so that the same will be closer to the right of way line of any street than any Official Plan line or any building line which has been established for such street by the Street and Highway Plan, or section thereof, of the Master Plan of the County, or than any building line which may be specified therefor by the provisions of Section 22 of this Ordinance

SECTION 20.

REGULATIONS FOR M-1 DISTRICTS.

The following regulations shall apply in all M-1 districts and shall be subject to the provisions of Section 30 of this ordinance.

(a) USES PERMITTED:

1. All uses permitted in any C District.
2. All uses not otherwise prohibited by law and which in the opinion of the Planning Commission are not objectionable by the reason of the production or emanation of noise, dust, smoke, vibration, odor, flashing lights or the production of explosive or dangerous products, subject however, to the securing of a Use Permit in each case as provided in Section 25 of this Ordinance.

SECTION 21

REGULATIONS FOR "B" DISTRICTS.

In any district with which is combined any "B" district, the following regulations as specified for the respective "B" district shall be applied in lieu of the regulations as to building site areas, depths of front yards and widths of side yards which are hereinbefore specified for such district with which is combined such "B" district.

"B" DISTRICT	BUILDING SITE AREA
B-1	Six thousand (6000) square feet
B-2	Ten thousand (10,000) square feet
B-3	Twenty thousand (20,000) square feet
B-4	One (1) acre

"B" DISTRICT	FRONT YD. DEPTH	SIDE YD. WIDTHS
B-1	Twenty-five (25) feet	Six (6) feet
B-2	Twenty-five (25 feet	Ten (10) feet
B-3	Thirty (30) feet	Fifteen (15) feet
B-4	Fifty (50) feet	Twenty (20) feet
B-D	As specified on the sectional districts map designing any such district.	

The foregoing regulations shall be subject to the following provisions:

1. Any parcel of land in any "B" district, which parcel was under one ownership at the time of the adoption of this ordinance, when the owner thereof owns no adjoining land, or which parcel is shown as a lot on any subdivision map which was recorded in the office of the County Recorder of the said County of San Luis Obispo prior to the adoption of this ordinance, or which parcel is shown as a lot on any subdivision map which is recorded in the office of said County Recorder after approval of said map by the Board of Supervisors, in the manner provided by law, may be used as a building site for a dwelling of the character permitted in the district with which is combined such "B" district, provided that all other regulations for such district, as prescribed by this ordinance, shall be complied with; provided, however, that the side yards on any such parcel shall each have a width not less than that required in any "B" district in which the minimum building site area required by this ordinance is a number of square feet nearest the number of square feet plus one (1) square foot constituting the area of such parcel.
2. In any B-1 district, on any parcel of land with an average width of less than sixty (60) feet under one ownership at the time of the adoption of this ordinance, when the owner thereof owns no adjoining land or which parcel is shown as a lot on any subdivision map which was recorded in the office of the County Recorder of the said County of San Luis Obispo prior to the adoption of this ordinance, or which parcel is shown as a lot on any subdivision map which is recorded in the office of said County Recorder after approval of said map by the Board of Supervisors in the manner provided by law, the width of each side yard may be reduced to ten (10) per cent of the width of such parcel, but in no case shall the width of any such side yard be less than three (3) feet.

SECTION 19.

REGULATIONS FOR C-2 DISTRICTS.

The following regulations shall apply in all C-2 districts, and shall be subject to the provisions of Section 23 of this ordinance:

(a) USES PERMITTED:

1. All uses permitted in any "R" district.
2. All uses permitted in C-1 districts without regard to any limitations imposed in said C-1 districts and without regard to the securing of any use permit for any such use.
3. Stores and shops for the conduct of any wholesale business (except warehouses); auto laundries; dancing academies; carpenter shops; lumber yards; laundries; paint; paper hanging and decorating shops; plumbing shops; tinsmith shops; storage of household goods; and other uses which, in the opinion of the Planning Commission, are similar in character to those enumerated in this section and will not be obnoxious or detrimental to the district in which located.
4. Junk yards only when conducted in a building enclosed on all sides or an enclosed by a fence in such manner as may be specified by the Planning Commission.
5. The uses of power-driven machinery incidental to any of the uses permitted in said C-2 districts.

(b) BUILDING HEIGHT LIMIT:

Same as specified for C-1 districts.

(c) YARDS REQUIRED:

None except:

1. Every building or portion thereof which is designed, intended and/or used for any purpose permitted in R-3 districts or for any other residential or dwelling purpose shall comply with the provisions of this ordinance as to side yards and rear yards which are required in said R-3 districts, provided that when the ground floor of any such building is used for any commercial purpose no side yards shall be required.
2. There shall be a side yard along the side of every lot in a C-2 district which side is bordering on property in any "R" district, which side yard shall be of width of not less than five (5) feet. There shall be a rear yard on the rear of every lot in a C-2 district which rear is bordering on property in any "R" district, which rear yard shall be of a depth equal to not less than ten (10) feet.
3. No building shall hereafter be erected, nor shall any use of land be conducted except the use of land for agricultural purposes, so that the same will be closer to the right of way line of any street than any Official Plan line or any building line which has been established for such street by the Street and Highway Plan, or section thereof, of the Master Plan of the County, or than any building line which may be specified therefor by the provisions of Section 22 of this Ordinance

SECTION 20.

REGULATIONS FOR M-1 DISTRICTS.

The following regulations shall apply in all M-1 districts and shall be subject to the provisions of Section 30 of this ordinance.

(a) USES PERMITTED:

1. All uses permitted in any C District.
2. All uses not otherwise prohibited by law and which in the opinion of the Planning Commission are not objectionable by the reason of the production or emanation of noise, dust, smoke, vibration, odor, flashing lights or the production of explosive or dangerous products, subject however, to the securing of a Use Permit in each case as provided in Section 25 of this Ordinance.

SECTION 21

REGULATIONS FOR "B" DISTRICTS.

In any district with which is com-

SECTION 22.
BUILDING LINES:
For the purpose of measuring yard dimensions and determining building locations with respect to building lines, as provided in this ordinance, the following building lines are hereby established:

SECTION 23
GENERAL PROVISIONS AND EXCEPTIONS.
The regulations specified in this ordinance shall be subject to the following interpretations and exceptions:

(a) USES:

1. The following accessory uses in addition to those hereinbefore specified, shall be permitted in any "R" district, provided that such accessory uses do not alter the character of the premises in respect to their use for the purposes permitted in such respective districts:

(A) The renting of rooms and/or the providing of table board in a dwelling as an incidental use to that of its occupancy as a dwelling of the character permitted in the respective district, but not to the extent of constituting a hotel as defined in this ordinance, unless permitted in the district.

(B) The operation of necessary facilities and equipment in connection with schools, colleges, universities, hospitals and other institutions permitted in the respective district.

(C) News and refreshment stands and restaurants in connection with passenger stations.

(D) Recreation, refreshment and service buildings in public parks and playgrounds.

2. In any "R" district there may be kept on any lot not to exceed twelve chicken hens or twelve pigeons and/or twelve rabbits or guinea pigs; provided, that no such livestock shall be maintained closer than forty (40) feet to any dwelling now existing or hereafter erected; and provided, further, that any such livestock shall be kept in buildings or structures approved by the County Health Officer.

3. In addition to any other signs permitted by this ordinance, signs not exceeding in the aggregate six (6) square feet in area for each lot may be displayed for the purpose of advertising the sale or lease of any property upon which displayed.

(b) HEIGHT

1. In any district with a height limit of less than seventy-five (75) feet, public and semi-public buildings, schools, churches, hospitals and other institutions permitted in such district may be erected to a height not exceeding seventy-five (75) feet, provided that the front, rear and side yards shall be increased one (1) foot for each one (1) foot which such building exceeds the height limit hereinbefore established for such district.

2. One-family dwellings in R-1 districts may be increased in height not to exceed ten (10) feet and to a total not exceeding three (3) stories when two (2) side yards of width of not less than fifteen (15) feet each are provided.

3. Upon the securing of a use permit as provided in Section 25 of this ordinance any building may be erected to a height exceeding that hereinbefore specified for the respective district, provided, that the total floor area of such building shall not exceed that possible for a building in such respective district erected within the height limit hereinbefore specified for such district.

4. Subject to any other provisions of law, towers, gables, spires, penthouses, scenery lofts, cupolas, water tanks, completely closed in with solid walls on all sides down to the ground or to the main part of the building, similar structures and necessary mechanical appurtenances may be built and used to a greater height than the limit established for the district in which the building is located; provided, that no such exception shall cover at any level more than fifteen (15) per cent in area of the lot nor have an area at the base greater than sixteen hundred (1600) square feet; provided, further, that no tower, gable, spire, or similar structure shall be used for sleeping or eating quarters or for any commercial purpose other than such as may be incidental to the permitted uses of the main building; and provided, further, that no building or structure in any district, except an A-1 district, shall ever exceed a maximum height of one hundred fifty (150) feet, except that the height limitations of this ordinance shall not apply to chimneys, church spires, flag poles, monuments and radio towers.

5. Where the average slope of a lot is greater than one (1) foot rise or fall in seven (7) feet of distance from the established street elevation at the property line, one story in addition to the number permitted in the district in which said lot is situated shall be permitted on the downhill side of any building; provided, that the height of the building shall not be increased above the limit specified for said district.

(c) YARDS:

1. For the purpose of computing front yard dimensions the measurement shall be taken from the nearest point of the front wall of the building to the street line; provided however, that if an Official Plan Line has been established for the street, or if a building line is established therefor by the provisions of Section 22 of this ordinance, then the measurement shall be taken from the nearest point of the front wall of the building to such Official Plan Line or such building line; except that the certain architectural features hereinafter enumerated shall not be considered in making such measurements, to-wit:

(A) Cornices, canopies, eaves, or any other architectural features may extend beyond said front wall a distance not exceeding two (2) feet, six (6) inches.

(B) Fire escapes may extend beyond said front wall a distance not exceeding four (4) feet, six inches.

(C) A landing place or uncovered porch may extend beyond said front wall to a distance not exceeding six (6) feet, provided that such landing place or porch shall have its floor no higher than the entrance floor of the building. A railing no higher than three (3) feet may be placed around such landing place. In no case, however, shall any such landing place or porch extend beyond any Official Plan Line which has been established for any street or beyond any building line which is established therefor by the provisions of Section 22 of this ordinance.

(D) The above enumerated architectural features may also extend into any side or rear yard the same distance that they are permitted to extend beyond any front wall, except that no porch, terrace or outside stairway shall project more than three (3) feet into any side yard and then, in the case of an outside stairway, only if the same is unroofed and unenclosed above and below the steps thereof.

2. In any "R" district where twenty-five (25) per cent or more of the lots in any block and located in the same district, exclusive of the frontage along the side of a corner lot, has been improved with buildings at the time of the passage of this ordinance, which buildings are of a character permitted in said district but not in a more restricted district, (including, in an R-1 district, buildings permitted in such district) and the front yards on such lots vary in depth to an extent not greater than six (6) feet, then the required front yard depth for such district shall be disregarded in such block and in lieu thereof the front yard required on each lot in said block shall be of a depth not less than the average depth of the front yards on the lots on which are located such existing buildings, to a maximum of thirty (30) feet.

3. When any interior lot in an R-1 or R-2 district is adjacent to any lot in any district other than an R-1 or R-2 district and other than any C-1 district which is entirely surrounded by "R" districts or by such districts and the County boundary, the depth required for the front yard on such interior lot may be reduced to not less than the average of such required depth and the width or depth of yard required on said lot in such other district which yard is adjacent to the street upon which said interior lot faces.

4. When any interior lot in an R-3 or R-4 district is adjacent to any lot in any "C" or "M" district, except any C-1 district which is entirely surrounded by "R" districts or by such districts and the County boundary, the front yard requirement for such interior lot may be disregarded and in lieu thereof that portion of any building on that portion of the width of such interior lot not exceeding one-half (½) thereof, and not exceeding twenty-five (25) feet, which portion of the width of such interior lot is next adjacent to such lot in such "C" or "M" district, may be built to the street line, and the line of the building for the remainder of such building shall not be nearer to said street line than a distance equal to such required depth of front yard.

5. In determining the depth of rear yard for any building, where such rear yard opens into an alley, one-half the width of such alley, but not exceeding ten (10) feet, may be considered as a portion of such rear yard; provided, however, that this provision shall not be so applied as to reduce the depth of any rear yard to less than ten (10) feet; and provided, further, that in no case shall the door of any building or improvement, except a fence, which door opens into any alley, be erected, constructed or established closer to the center of such alley than a distance of fifteen (15) feet.

6. In case an accessory building is attached to the main building, it shall be made structurally a part thereof, and shall comply in all respects with the requirements of this ordinance applicable to the main building. An accessory building, unless attached to and made a part of the main building as above provided for, shall not be closer than five (5) feet to the main building, except as otherwise provided in this section.

7. A detached accessory building of not over one story and not exceeding twelve (12) feet in height may occupy not exceed thirty (30) per cent of the area of any rear yard. Any such accessory building may have not to exceed one (1) additional story use for apartments, provided that:

(A) Such additional story, herein construed to be a dwelling, shall not be permitted unless the same is permitted under the regulations hereinbefore in this ordinance specified for the district which such accessory building is located.

(B) No exterior wall of such additional story shall be nearer to any lot line than a distance equal to the width of a side yard required on the same lot.

(C) No exterior wall of such additional story shall be nearer than ten (10) feet to any main building on the same lot.

(D) No such additional story shall be constructed on any lot in any R-1 district prior to the construction of a one-family dwelling thereon, unless and until a use permit, as provided in Section 32 of this ordinance, shall first have been secured for such additional story.

8. Detached accessory buildings in "R" districts shall conform to the following additional regulations as to their locations upon the lot; provided, however, that where the slope of the front half of the lot is greater than one (1) foot rise or fall in a distance of seven (7) feet from the established street elevation at the property line, or where the elevation of the lot at the street line is five (5) feet or more above or below the established street elevation, a private garage may be built to the front line of the lot:

(A) In the case of an interior lot abutting upon one street, no detached accessory building shall be erected or altered so as to encroach upon the front half of the lot.

(B) In the case of an interior lot abutting upon two or more streets, no accessory building shall be erected or altered so as to encroach upon the one-quarter (¼) of the lot nearest either street.

(C) No detached accessory building shall be within five (5) feet of the side line of the front half of any adjacent lot, except as hereinbefore specifically permitted.

(D) Notwithstanding any requirements of this section, the foregoing rules shall not require any detached accessory building to be more than seventy-five (75) feet from any street line bounding the lot.

(d) INTERPRETATION OF ORDINANCE:

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Except as specifically herein provided, it is not intended by this ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance or any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, or relating to the erection, construction, establishment, moving, alteration or enlargement of any buildings, or improvements; nor is it intended by this ordinance to interfere with or abrogate or annual any easement, covenant or other agreement between parties; provided, however, that in cases in which this ordinance imposes a greater restriction upon the erection, construction, establishment, moving, alteration or enlargement of buildings or the use of any such building or premises in said several districts or any of them, than is imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, or by such easements, covenants or agreements, then in such cases the provisions of this ordinance shall control.

SECTION 24
VARIANCES AND APPEALS

The Board of Supervisors, upon findings by the Planning Commission in each case, as hereinafter provided, shall have power to grant variances in the application of any of the provisions of this ordinance to the extent of the following and no further:

1. To vary or modify the strict application of any of the regulations or provisions contained in this ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application.

2. To permit the extension of a district where the boundary line thereof divides a lot in one ownership at the time of the passage of this ordinance.

Application for any variance permissible under the provisions of this section shall be made to the Board of Supervisors in the form of a written application for a building permit, to be issued subject to the granting of the variance, or in the form of a written application for a permit to use the land/or building as set forth in said application. The Board of Supervisors shall thereupon refer said application to the Planning Commission.

Upon receipt of any such application, and filing fee of $10.00 the Planning Commission shall hold at least one (1) public hearing thereon, notice of which shall be given by one (1) publication in a newspaper of general circulation in the County, within the ten (10) days next preceding the date of said hearing. At said hearing the applicant shall present a statement and adequate evidence, in such form as the Planning Commission may require, showing:

1. That there are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings and/or uses in the same district.

2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

3. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

After the conclusion of the aforesaid hearing the Planning Commission shall make a written finding of facts showing whether the three foregoing qualifications apply to the land, building and/or use for which the variance is sought and to such variance and shall report such finding to the Board of Supervisors within (thirty (30) days after receipt of the application from said Board.

In approving the granting of any adjustment under the provisions of this section, the Planning Commission shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulation or provisions to which such variance applies, as to light, air, and the public health, safety, morals, convenience and general welfare. No permit shall be issued under the provisions of this Section unless a finding of the Planning Commission, as aforesaid, approving the granting of the variance shall be approved and confirmed by the Board of Supervisors. In reporting its decision to the Board of Supervisors, the Planning Commission shall report its findings with respect thereto and all facts in connection therewith, and shall specifically and fully set forth any variance approved and any conditions designated in connection therewith. Upon receipt of such report, if the findings of the Planning Commission approved the granting of the application, and if the Board of Supervisors shall find that such findings are correct, said Board shall, by resolution, grant such variance whereupon the permit as applied for may issue. In all cases in which variances are granted under the provisions of this section, the Planning Commission shall require such evidence and guarantees as it may deem to be necessary that the conditions designated in connection therewith are being and will be complied with.

The Planning Commission shall have power to hear and decide appeals involving the enforcement of this ordinance when such appeals are based upon questions of the interpretation thereof.

SECTION 25
USE PERMITS

Use permits may be issued for any of the following:

1. Any of the uses or purposes for which such permits are required or permitted by the provisions of this ordinance.

2. Public utility or public service uses or public buildings in any district when found to be necessary for the public health, safety convenience or welfare.

3. To permit the location of any of the following uses in a district from which they are excluded by the provisions of this ordinance: airport, cemetery, library, community center, church, hospital, rest home, sanitarium, clinic or other institution for the treatment of human ailments and institutions of an educational, philanthropic or charitable nature.

4. Removal of minerals and natural materials, including building and construction materials, in any district.

5. To classify as a conforming use any use permitted in C-2 districts but not in more restricted districts, which use is existing at the time of the adoption of this ordinance as a non-conforming use in a C-1 district.

6. To classify as a conforming use any institutional use existing in any district (except any A-1 district) at the time of the establishment of such district.

Such use permits shall be issued under the same procedure as that specified in Section 24 of this ordinance for the granting of variances, except that:

1. The commission may waive the $10.00 fee when the use permit application is for a public use.

2. The findings of the Planning Commission, except as otherwise provided in this section, need include only that the establishment maintenance and/or conducting of the use for which the use permit is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

3. Any proceedings to classify certain uses in conforming uses, as provided in this section, may be initiated by the Board of Supervisorsors or by the Planning Commission, or by petition as hereinbefore provided.

All other provisions of said Section 24, including the designation by the Planning Commission of any conditions upon which the permit may be issued and guarantees that such conditions will be complied with, shall apply to the granting of a use permit.

SECTION 26
REVOCATION OF PERMITS

1. Revocation. In the event any person, firm, or corporation holding a Use Permit for any of the uses or purposes for which such permits are required or permitted by the terms of this Ordinance shall violate any of the provisions of this Ordinance, or any other law or ordinance, or shall conduct or carry on said use in such a manner as to materially affect adversely the health, welfare or safety of persons residing, or working, in the neighborhood of the property of the said permitee, or shall conduct or carry on said use so that the said use is materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, said Board of Supervisors shall revoke or suspend the said Use Permit.

2. Procedure for Revoking. No permit shall be revoked or suspended until a hearing shall be had by the said Planning Commission of the County of San Luis Obispo. Written notice of such hearing shall be served upon the permitee and shall state: (a) The ground for complaint or reasons for the revocation or suspension in clear and concise language; (b) the time when and the place where such hearing is to be held. Such notice shall be served on the permitee at least five, and not more than ten, days prior to the date set for said hearing. At any such hearing the permitee shall be given an opportunity to be heard and defend himself, and he may call witnesses and present evidence in his behalf. Upon conclusion of such hearing the said Planning Commission may recommend the suspension or revocation of such permit upon such terms and conditions as, in the judgment of the Commission, shall be deemed proper which action shall be subject to the confirmation of the Board of Supervisors. In case such permit shall be revoked, no new permit shall be granted to such person to conduct or carry on any such use within six months after such revocation.

SECTION 27
NON-CONFORMING USES.

Except as otherwise provided in this section, the lawful use of land existing at the time of the adoption of this ordinance, although such use does not conform to the regulations specified by this ordinance for the district in which such land is located, may be continued; provided, however, that no such non-conforming use shall be enlarged or increased, nor shall any such non-conforming use be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of this ordinance; provided, further, that if any such non-conforming use is abandoned, any subsequent use of such land shall be in conformity to the regulations specified by this ordinance for the district in which such land is located.

Except as otherwise provided in this section, the lawful use of a building existing at the time of the adoption of this ordinance may be continued, although such use does not conform to the regulations specified by this ordinance for the district in which such building is located, and such use may be extended throughout the building, provided no structural alterations except those required by law or ordinance are made therein. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use, which, in the opinion of the Planning Commission, is of the same or of a more restricted nature. If a non-conforming use hereunder is abandoned for a continuous period of not less than six (6) months, any future use of said building shall be in conformity to the regulations specified by this ordinance for the district in which such building is located.

No existing building designed, arranged or intended for or devoted to a use not permitted under the regulations specified by this ordinance for the district in which such building or premises is located shall be enlarged, extended, reconstructed or structuraly altered unless such use is changed to a use permitted under the regulations specified by this ordinance for such district in which said building is located; provided, however, that work done in any period of twelve (12) months on ordinary structural alterations or replacements of walls, fixtures or plumbing not exceeding twenty-five (25) per cent of the building's assessed value according to the assessment thereof by the Assessor of the County for the fiscal year in which such work is done shall be permitted, provided that the cubical contents of the building as it existed at the time of the passage of this ordinance be not increased.

If at any time any building in existence or maintained at the time of the adoption of this ordinance, which does not conform to the regulations for the district in which it is located, shall be destroyed by fire, explosion, Act of God or act of the public enemy to the extent of more than seventy-five (75) per cent of the assessed value thereof according to the assessment thereof by the said Assessor for the fiscal year during which such destruction occurs, then and without further action by the Board of Supervisors the said building and the land on which said building was located or maintained shall from and after the date of such destruction be subject to all the regulations specified by this ordinance for the district in which such land and building are located.

The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed.

Nothing contained in this ordinance shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the establishment of any district under the provisions of this ordinance which includes such building and in which district a building permit is required after the establishment of such district and upon which building actual construction has been diligently carried on.

In every case in which, under the provisions of any ordinance of said County in effect at the date this ordinance takes effect, a license or permit is required for the establishing, maintaining and/or conducting of any business use, and any such business use exists as a non-conforming use under the provisions of this ordinance, then no such license or permit shall be authorized, issued, renewed, reissued or extended for said business use unless and until a use permit as provided in Section 25 of this ordinance, shall first have been secured for the continued maintenance and/or conducting of said business use.

Regardless of any other provision of this ordiliance, any junk yard, as defined in this ordinance, which, after the adoption of this ordinance, exists as a non-conforming use, is hereby declared to be a public nuisance, and shall be abated, removed or changed to a conforming use within one (1) year from and after the date of adoption of this ordinance.

SECTION 28

BUILDING PERMITS AND FEES.

A building permit shall be required for the erection, construction, establishment, moving, alteration, enlargement, repair or conversion of any building in any district established by the provisions of this ordinance, provided, however, that this requirement shall be subject to the following provisions, to-wit:

1. Application for such permit shall be made to the Planning Commission, or to the employee or officer thereof that the Commission may designate.

2. A fee of Two (2) Dollars shall be collected for each building permit required by the provisions of this section, which fee shall be deposited in the Treasury of the County in the Planning Commission Fund.

SECTION 29

CERTIFICATES OF OCCUPANCY.

No vacant land in any district established under the provisions of this ordinance, except in an A-1 district, shall hereafter be occupied or used, except for agricultural uses other than livestock farming or dairying, and no building hereafter erected or structurally altered in any such district shall be occupied or used until a certificate of occupancy shall have been issued as hereinafter provided.

Application for a certificate of occupancy for a new building or for an existing building which has been altered shall be made at the same time as the application for a building permit. Said certificate shall be issued within three (3) days after a written request for the same shall have been made to the Planning Commission or such officer or employee thereof as the Commission shall designate after the erection or alteration of such building or part thereof shall have been completed in conformity with the provisions of this ordinance. Pending the issuance of such a certificate, a temporary certificate of occupancy may be issued for a period of not exceeding six (6) months during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the County relating to the use or occupancy of the premises or any other matter covered by this ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

Written application for a certificate of occupancy for the use of vacant land or for a change in the character of the use of land, as herein provided, shall be made before any such land shall be so occupied or used, except for agricultural purposes other than livestock farming or dairying. Such a certificate of occupancy shall be issued within three (3) days after the application therefor has been made, provided such use is in conformity with the provisions of this ordinance.

Every certificate of occupancy shall state that the building or proposed use of a building or land complies with all provisions of law and of this ordinance. A record of all certificates of occupancy shall be kept on file in the office of the said Planning Commission and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or land affected. No fee shall be charged for a certificate of occupancy.

No permit for excavation for any building shall be issued before application has been made for a certificate of occupancy.

SECTION 30.

AMENDMENTS.

This ordinance may be amended by changing the boundaries of districts or by changing any other provisions hereof whenever the public necessity and convenience and the general welfare require such amendment, by following the procedure specified in this section. Said amendment may be initiated by:

(a) The verified petition of one or more owners of property affected by the proposed amendment, which petition shall be accompanied by a fee of Twenty-five (25) dollars, no part of which shall be returnable to the petitioner, which fee shall be deposited in the Treasury of the County in the Planning Commission Fund; or by

(b) Resolution of intention of the Board of Supervisors; or by

(c) Resolution of intention of the Planning Commission.

Upon the filing of such verified petition or the adoption of such resolution of intention, the Planning Commission shall hold such public hearings thereon as may be required by law, and shall give such notice of such hearings as may be required by law. Such notice shall include notice of the proposed amendment. In case the proposed amendment consists of a change of the boundaries of any district so as to reclassify property from any district, except an A-1 district, to any other district, the Planning Commission shall give additional notice of the time and place of such hearings and of the purpose thereof by:

1. Posting public notices therent not less than ten (10) days prior to the date of the first of such hearings. Such notices shall be placed not more than five hundred (500) feet apart along each and every street upon which the property proposed to be reclassified abuts and such posting shall extend along said street or streets a distance of not less than three hundred (500) feet from the exterior limits of such properties as are proposed for reclassification. Such notice shall consist of the words "Notice of proposed change of Zoning District" lettered or printed in plain type with letters not less than one (1) inch in height, and in addition thereto a statement in small type setting forth a description of the property involved in the proposed change of district, the time and place at which the public hearing on the proposed change will be held and any other information which the Planning Commission may deem to be necessary; and by

2. Mailing a postal card notice not less than ten days prior to the date of the first of such hearings to the owner or owners of all property within the posting area above defined, using for this purpose the last known name and address of such owners as shown upon the records of the Assessor of the County.

Any failure to post public notices or to mail postal card notices as aforesaid shall not invalidate any proceedings for amendment of this ordinance.

Following the aforesaid hearings the Planning Commission shall make a report of its finding and recommendations with respect to the proposed amendment and shall file with the Board of Supervisors an attested copy of such report within sixty (60) days after the filing of the petition or the adoption of the resolution of intention, as aforesaid. Failure of the Planning Commission so to report within said sixty (60) days shall be deemed to be approval of the proposed amendment by said Planning Commission.

Upon receipt of such report from the Planning Commission, or upon the expiration of such sixty (60) days as aforesaid, the Board of Supervisors shall set the matter for public hearing after notice thereof and of the proposed amendment, given as provided by law. After the conclusion of such hearing the Board of Supervisors may adopt the amendment or any part thereof set forth in the petition or in the resolution of intention in such form as said Board may deem to be advisable.

The decision of the Board of Supervisors shall be rendered within ninety (90) days after the receipt of a report and recommendation from the Planning Commission or after the expiration of such sixty (60) days, as aforesaid.

Upon the consent of the Planning Commission any petition for an amendment may be withdrawn upon the written application of a majority of all the persons who signed such petition. The Board of Supervisors or the Planning Commission, as the case may be, may, by resolution, abandon any proceedings for an amendment initiated by its own resolution of intention, provided that such abandonment may be made only when such proceedings are before such body for consideration and provided that any hearing of which public notice has been given shall be held.

SECTION 31.

FORM OF PETITIONS, APPLICATIONS AND APPEALS.

The Planning Commission shall in its rules prescribe the form and scope of all petitions, applications and appeals provided for in this ordinance, and of accompanying data to be furnished so as to assure the fullest practicable presentation of facts for proper consideration of the matter involved in each case and for a permanent record. Any petition for a variance as provided in Section 24 of this ordinance, or for a use permit as provided in Section 25 of this ordinance, or for an amendment as provided in Section 30 of this ordinance, shall include a verification by at least one of the petitioners, attesting to the truth and correctness of all facts and maps presented with said petition. Such verification shall be dated and attested before a notary public or before the County Clerk.

SECTION 32

ENFORCEMENT, LEGAL PROCEDURE, PENALTIES.

All departments, officials and public employees of the County of San Luis Obispo which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no such permit or license for uses, buildings, or purpose where the same would be in conflict with the provisions of this ordinance, and any such permit or license, if issued in conflict with the provisions of this ordinance, shall be null and void.

It shall be the duty of the Sheriff of the County of San Luis Obispo and of all officers of said County herein and/or otherwise charged by law with the enforcement of this ordinance to enforce this ordinance and all the provisions of the same.

Any persons, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than Three Hundred (300) Dollars or by imprisonment in the County Jail of said County for a term not exceeding three (3) months or by both such fine and imprisonment. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided.

Any buildin or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this ordinance and/or any use of any land, building or premises established, conducted, operated or maintained contrary to the provisions of this ordinance shall be and the same is hereby declared to be unlawful and a public nuisance and the District Attorney of said County shall, upon order of the board of Supervisors, immediately commence action or proceedings for the abatement and removal and enjoinment thereof in the manner provided by law shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building or structure or using any property contrary to the provisions of this ordinance.

The remedies provided for herein shall be cumulative and not exclusive.

SECTION 33

REPEALING.

All ordinances and parts of ordinances of said County in conflict with this ordinance, to the extent of such conflict and no further, are hereby repealed; provided, however, that nothing herein contained shall be deemed to repeal or amend any ordinance of said County requiring a permit or license or both to cover any business, trade or occupation.

SECTION 34

VALIDITY.

If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

SECTION 35

REFERENCE.

This ordinance shall be known and cited as the Zoning Ordinance of the County of San Luis Obispo.

SECTION 36

ENACTMENT.

This ordinance shall take effect and be in full force and effect on August 5, 1947, and before the expiration of fifteen days after the passage of this ordinance it shall be published, with the names of the members voting for and against the same, for at least once in the Telegram-Tribune, a newspaper of general circulation, published in the County of San Luis Obispo, State of California.

Passed and adopted by the Board of Supervisors of the County of San Luis Obispo, State of California, this 8th day of July, 1947, by the following roll call vote, to-wit:

AYES: Supervisors Kleck, Ruskovich, Willett, Erhart and Chairman Ferrini.

NOES: None.

ABSENT: None.

A. L. FERRINI
Chairman, Board of Supervisors,
County of San Luis Obispo,
State of California.

GWEN MARSHALL
County Clerk and ex-officio Clerk of the Board of Supervisors of the County of San Luis Obispo, State of California.
By CHARLOTTE NEGRICH
Deputy Clerk

EXHIBIT 2

Ordinance #258

Amend.LandUse Ord.#101,to Allow
Exploration for Oil,etc.

Section 2 is amended by Ordinance #259

13

Clerk

IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Mon day February 16, 1953

PRESENT: Supervisors A. A. Peters, Paul E. Andrew, Richard L. Willett, Dan F. Sheehy, and Chairman John Ruskovich

ABSENT: None

In the Matter of ORDINANCE NO. 258 Amending Section 13(a) of the Land Use Ordinance No. 101 to Allow the Exploration for Oil, etc. in Certain Areas of the County without the Securing of a Use Permit:

On motion of Supervisor Sheehy, seconded by Supervisor Peters, and on the following roll call vote, to-wit:

AYES: Supervisors Sheehy , Peters, Andrew, Willett, Chairman Ruskovich

NOES: None

ABSENT: None

it is ordered that Ordinance No. 258 amending Section 13(a) of the Land Use Plan (Ordinance No. 101, as amended) of San Luis Obispo County to allow the exploration for or the extraction of oil, gases, minerals and other natural materials in certain areas of the County of San Luis Obispo without the securing of a Use Permit be, and the same is hereby adopted.

It is further ordered that the map showing areas in which Use Permits are not required pursuant to the amendment of Section 13(a) of Ordinance No. 101 be, and the same is hereby approved and the Chairman and Clerk of this Board of Supervisors are hereby authorized to sign same.

cc: Planning Commission
2-20-53 it

STATE OF CALIFORNIA,
County of San Luis Obispo, } ss.

I, A. E. MALLAGH, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this FEB 20 1953 day of _____, 19____.

A. E. Mallagh
County Clerk and Ex-Officio Clerk of the Board of Supervisors

(SEAL)

By Iona Thomas
Deputy Clerk.

SLO-33-5M-10-52-47653

Copy to Telegram for
publication - 2-20-53

ORDINANCE NO. 258

AN ORDINANCE AMENDING SECTION 13 of SAN LUIS OBISPO COUNTY ORDINANCE NO. 101, BEING THE LAND USE ORDINANCE OF THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.

The Board of Supervisors of the County of San Luis Obispo, State of California, do ordain as follows:

SECTION 1: Section 13 of Ordinance No. 101 is hereby amended to read as follows:

Section 13: REGULATIONS FOR A-1 DISTRICTS.
The following regulations shall apply in all A-1 Districts and shall be subject to the provisions of Section 23 of this Ordinance.

(a) USES PERMITTED:

1. Airports.

2. All uses not otherwise prohibited by law; provided, however, that no such use for which a use permit as provided in Section 25 of this Ordinance is required in an M-1 district, shall be established in any A-1 District, and no junk yard or refuse dump shall be established in any A-1 District, and no commercial excavation of building or construction materials, shall be made in any A-1 District within a distance of one thousand (1000) feet from any public road or street, provided further, except in those areas designated upon a map entitled "Map of San Luis Obispo County showing areas in which use permits are not required for the exploration for or the extraction of oil, gases, minerals and other natural materials", which is incorporated herein, where a notice of intent to explore and develop mineral deposits, consisting of a map and/or a definite description of the area in which such exploration or development is to take place, must be filed with the office of the County Planning Commission as a condition precedent to such exploration or development, no structures, machinery, equipment or excavation for the removal of oils, gases, minerals and other natural materials shall be erected, used, or constructed in any A-1 district, unless and until, in any case, a use permit, as provided in Section 25 of this ordinance, shall first have been secured for such use, excavation or construction and no such use shall be made in any A-1 district except in conformity to the terms of such use permits.

SECTION 2: All ordinances, resolutions, motions or parts thereof of the County of San Luis Obispo, to the extent the same are in conflict with the provisions of this ordinance, are hereby repealed.

SECTION 3: This ordinance shall take effect and be in full force and effect on and after March 18, 1953, and before the expiration of 15 days after the passage of this ordinance, it shall be published with the names of the members voting for and against

the same, once, in the Telegram Tribune, a newspaper of general circulation published in the County of San Luis Obispo, State of California.

Passed and adopted by the Board of Supervisors of the County of San Luis Obispo, State of California, this 16th day of February, 1953, by the following roll call vote, to-wit:

AYES: Supervisors Peters, Andrew, Willett, Sheehy and Chairman Ruskovich.

NOES: None

ABSENT: None

JOHN RUSKOVICH
Chairman, Board of Supervisors,
County of San Luis Obispo
State of California.

ATTEST:

A. E. MALLAGH
County Clerk and ex-officio Clerk
of the Board of Supervisors,
County of San Luis Obispo,
State of California.

(SEAL)

Clerk

IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Monday February 2, 19 53

PRESENT: Supervisors A. A. Peters, Paul E. Andrew, Richard L. Willett, Dan F. Sheehy, and Chairman John Ruskovich

ABSENT: None

In the Matter of Hearing re: Amending Land Use Plan Ordinance No. 101 to allow the Exploration for or the extraction of Oil, and other Natural Minerals in Certain Areas of the County of San Luis Obispo:

On motion of Supervisor Andrew, seconded by Supervisor Sheehy, and on the following roll call vote, to-wit:

AYES: Supervisors Andrew, Sheehy, Peters, Willett, Chairman Ruskovich

NOES: None

ABSENT: None

it is ordered that a public hearing be held on the 16th day of February, 1953, at the hour of 2:00 o'clock P.M. for the purpose of considering the recommendation of the County Planning Commission in the matter of amending the Land Use Plan (Ordinance No. 101, as amended) of San Luis Obispo County by the adoption of an Ordinance amending Section 13(a) of said Ordinance No. 101, to allow the exploration for or the extraction of oil, gases, minerals and other natural materials in certain areas of the County without the securing of a Use Permit; and

It is further ordered that the Clerk of this Board be, and he hereby is, authorized and directed to give notice of such hearing by publication of Notice of Public Hearing in the Telegram-Tribune, a newspaper of general circulation printed and published in the County of San Luis Obispo, once, at least 10 days prior to the date set for such hearing.

(Notice to the Telegram-Tribune Feb.3rd)

cc: Planning Commission
2-11-53 it

STATE OF CALIFORNIA,
County of San Luis Obispo, } ss.

I, A. E. MALLAGH, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this FEB 11 1953 day of _____, 19_____.

A. E. Mallagh
County Clerk and Ex-Officio Clerk of the Board of Supervisors

(SEAL)

By Dona Thomas
Deputy Clerk.

SLO-33-5M-10-52-47853

29

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the Board of Supervisors of the County of San Luis Obispo, at a meeting to be held on the 16th day of February 1953, at the hour of two o'clock P.M., in the Chambers of the Board of Supervisors, in the County Courthouse, in the City of San Luis Obispo, State of California, will then and there consider the recommendation of the Planning Commission of San Luis Obispo County in the matter of amending the Land Use Plan (Ordinance No. 101, as amended) of San Luis Obispo County by the adoption of an Ordinance amending Section 13(a) of said Ordinance 101, to allow the exploration for or the extraction of oil, gases, minerals and other natural materials in certain areas of the County without the securing of a Use Permit, at which said public hearing any person interested may appear and express his views for or against or in modification of the proposed amendment.

Dated at San Luis Obispo this 2nd day of February 1953, by order of the Board of Supervisors.

[signature]
County Clerk of the County of San Luis Obispo and ex-officio Clerk of the Board of Supervisors of the County of San Luis Obispo, State of California.

(SEAL)

Paul Nelson
green copy for publication
2/3/53

BEFORE THE SAN LUIS OBISPO COUNTY PLANNING COMMISSION

County of San Luis Obispo, State of California

Wednesday, January 28, 1953

PRESENT: Commissioners M. F. Gates, Ivan A. Loomis, Bert Smith, R. W. Mann and Chairman J. W. Fisher.

ABSENT: Commissioner George W. Bryan.

The following resolution is now offered and read:

WHEREAS, the County Planning Commission of the County of San Luis Obispo, State of California, did propose a certain amendment to Section 13(a) of the San Luis Obispo County Ordinance No. 101, as amended, being the Land Use Ordinance of said County, and

WHEREAS, public necessity does not demand that Use Permits be issued governing the removal of oils, gases, minerals and other natural materials in the Eastern unpopulated section of San Luis Obispo County as designated on that certain map entitled "Map of San Luis Obispo County showing areas in which use permits are not required for the exploration for or the extraction of oil, gases, minerals and other natural materials."

WHEREAS, this Commission, having given notice of hearings on said amendment by causing a notice to be duly published in a newspaper of general circulation in the County of San Luis Obispo for the time and in the manner required by law, and

WHEREAS, said public hearings were held on the 14th day of January, 1953, and the 28th day of January, 1953, and

WHEREAS, this Commission having carefully considered the proofs, testimony and exhibits relating thereto.

NOW, THEREFORE, BE IT RESOLVED, and ordered by the San Luis Obispo County Planning Commission:

That it recommend to the Board of Supervisors of the County of San Luis Obispo, California, the passage and adoption of the following amendment to Ordinance No. 101:

Section 13: REGULATIONS FOR A-1 DISTRICTS.

The following regulations shall apply in all A-1 Districts and shall be subject to the provisions of Section 23 of this Ordinance.

(a) USES PERMITTED:

1. Airports.

2. All uses not otherwise prohibited by law; provided, however, that no such use for which a use permit as provided in Section 25 of this Ordinance is required in an M-1 District, shall be established in any A-1 District, and no junk yard or refuse dump shall be established in any A-1 District, and no commercial excavation of building or constructions materials, shall be made in any A-1 District within a distance of one thousand (1000) feet from any public road or street, provided further, except in those areas designated upon a map entitled "Map of San Luis Obispo County showing areas in which use permits are not required for the exploration for or the extraction of oil, gases, minerals and other natural materials," which is incorporated herein, where a notice of intent to explore and develop mineral deposits, consisting of a map and/or a definite description of the area in which such exploration or development is to take place, must be filed with the office of the County Planning Commission as a condition precedent to such exploration or development, no structures, machinery, equipment or excavation for the removal of oils, gases, minerals and other natural materials shall be erected, used, or constructed in any A-1 district, unless and until, in any case, a use permit, as provided in Section 25 of this ordinance, shall first have been secured for such use, excavation or construction

and no such use shall be made in any A-1 district except in conformity to the terms of such use permit.

On motion of Commissioner Mann, seconded by Commissioner Loomis, and upon the following roll call vote, to-wit:

AYES: Commissioners Gates, Loomis, Smith, Mann and Chairman Fisher.

NOES: None

ABSENT: Commissioner Bryan.
the foregoing resolution is hereby adopted.

I hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the County Planning Commission of the County of San Luis Obispo, State of California, at a regular meeting thereof held on the 28th day of January, 1953.

Catherine E. Simpson
Secretary, County Planning Commission,
County of San Luis Obispo,
State of California.

In The Superior Court of The State of California
In and for the County of San Luis Obispo

AFFIDAVIT OF PUBLICATION

No. .....

NOTICE OF PUBLIC HEARING

STATE OF CALIFORNIA,
County of San Luis Obispo, } ss.

The undersigned, being first duly sworn, deposes, and says: That I am over the age of eighteen and not interested in the above-entitled .....NOTICE.....; that I am now, and at all times embraced in the publication herein mentioned was, the principal clerk of the printers and publishers of the **SAN LUIS OBISPO COUNTY TELEGRAM-TRIBUNE,** a newspaper of general circulation, printed and published daily, Sundays excepted, at the City of San Luis Obispo in the above named county and state; that .....

.....NOTICE OF PUBLIC HEARING.....

of which the annexed clipping is a true printed copy, was published in the above-named newspaper on the following dates, to-wit: .....

.....FEBRUARY 4, 1953.....

that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of San Luis Obispo County, State of California, on June 9, 1952, under the provisions of Chapter 1, Division 7, Title 1 of the Government Code of the State of California.

James L. McLain
(Signature of Principal Clerk)

Subscribed and sworn to before me this .....5th..... day of .....FEBRUARY....., 19..53

Edward V. Bradley
Notary Public in and for said County and State

NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that the Board of Supervisors of the County of San Luis Obispo [illegible] to be held [illegible] any [illegible] Permit [illegible] Chambers of the Board of Supervisors in the County Courthouse, in the City of San Luis Obispo, State of California, will then and there consider the recommendation of the Planning Commission of San Luis Obispo County in the matter of amending the Land Use Plan (Ordinance No. 101, as amended) of San Luis Obispo County by the adoption of an Ordinance amending Section 13(a) of said Ordinance 101 to allow the exploration for or the extraction of oil, gases, minerals and other natural materials in certain areas of the County without the securing of a Use Permit, at which said public hearing any person interested may appear and express his views for or against or in modification of the proposed amendment.

Dated at San Luis Obispo this 2nd day of February, 1953, by order of the Board of Supervisors.

A. E. MALLAGH,
County Clerk of the County of San Luis Obispo, and ex-officio Clerk of the Board of Supervisors of the County of San Luis Obispo, State of California.
(SEAL)
February 4, 1953

FILED
FEB 4 - 1953
A. E. MALLAGH, County Clerk
Margaret Munzo
Deputy Clerk

OVERSIZE PAGE(S) LOCATED AT END OF MICROFICHE

In The Superior Court of The State of California

In and for the County of San Luis Obispo

AFFIDAVIT OF PUBLICATION

FILED
FEB 24 1953
A. E. MALLAGH, County Clerk
Charlotte Horn
DEPUTY CLERK

No. 258

ORDINANCE NO. 258

STATE OF CALIFORNIA,
County of San Luis Obispo, } ss.

The undersigned, being first duly sworn, deposes, and says: That I am over the age of eighteen and not interested in the above-entitled ORDINANCE; that I am now, and at all times embraced in the publication herein mentioned was, the principal clerk of the printers and publishers of the **SAN LUIS OBISPO COUNTY TELEGRAM-TRIBUNE,** a newspaper of general circulation, printed and published daily, Sundays excepted, at the City of San Luis Obispo in the above named county and state; that ORDINANCE NO. 258

of which the annexed clipping is a true printed copy, was published in the above-named newspaper on the following dates, to-wit: FEBRUARY 23, 1953

that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of San Luis Obispo County, State of California, on June 9, 1952, under the provisions of Chapter 1, Division 7, Title 1 of the Government Code of the State of California.

James L. McLain
(Signature of Principal Clerk)

Subscribed and sworn to before me this 24th day of FEBRUARY, 19 53

Edward V. Bradley
Notary Public in and for said County and State

ORDINANCE NO. 258

AN ORDINANCE AMENDING SECTION 13 OF SAN LUIS OBISPO COUNTY ORDINANCE NO. 101, BEING THE LAND USE ORDINANCE OF THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.

The Board of Supervisors of the County of San Luis Obispo, State of California, do ordain as follows:

SECTION 1: Section 13 of Ordinance No. 101 is hereby amended to read as follows:

Section 13: REGULATIONS FOR A-1 DISTRICTS.

The following regulations shall apply in all A-1 Districts and shall be subject to the provisions of Section 23 of this Ordinance.

(a) USES PERMITTED:

1. Airports.

2. All uses not otherwise prohibited by law; provided, however, that no such use for which a use permit as provided in Section 25 of this Ordinance is required in an M-1 district, shall be established in any A-1 District, and no junk yard or refuse dump shall be established in any A-1 District, and no commercial excavation of building or construction materials, shall be made in any A-1 District within a distance of one thousand (1000) feet from any public road or street, provided further, except in those areas designated upon a map entitled "Map of San Luis Obispo County showing areas in which use permits are not required for the exploration for or the extraction of oil, gases, minerals and other natural materials," which is incorporated herein, where a notice of intent to explore and develop mineral deposits, consisting of a map and/or a definite description of the area in which such exploration or development is to take place, must be filed with the office of the County Planning Commission as a condition precedent to such exploration or development, no structures, machinery, equipment or excavation for the removal of oils, gases, minerals and other natural materials shall be erected, used, or constructed in any A-1 district, unless and until, in any case, a use permit, as provided in Section 25 of this ordinance, shall first have been secured for such use, excavation or construction and no such use shall be made in any A-1 district except in conformity to the terms of such use permits.

SECTION 2: All ordinances, resolutions, motions or parts thereof of the County of San Luis Obispo, to the extent the same are in conflict with the provisions of this ordinance, are hereby repealed.

SECTION 3: This ordinance shall take effect and be in full force and effect on and after March 18, 1953, and before the expiration of 15 days after the passage of this ordinance, it shall be published with the names of the members voting for and against the same, once, in the Telegram-Tribune, a newspaper of general circulation published in the County of San Luis Obispo, State of California.

Passed and adopted by the Board of Supervisors of the County of San Luis Obispo, State of California, this 16th day of February, 1953, by the following roll call vote, to-wit:

AYES: Supervisors Peters, Andrew, Willett, Sheehy and Chairman Ruskovich.

NOES: None.

ABSENT: None.

JOHN RUSKOVICH,
Chairman, Board of Supervisors,
County of San Luis Obispo,
State of California.

ATTEST: (SEAL)
A. E. MALLAGH,
County Clerk and ex-officio Clerk
of the Board of Supervisors,
County of San Luis Obispo,
State of California.

February 23, 1953

EXHIBIT 3

EDMUND G. BROWN, Attorney General
of the State of California
WALTER S. ROUNTREE,
Assistant Attorney General
LESTER ZIFFREN,
Deputy Attorney General
HENRY K. WORKMAN,
Deputy Attorney General
600 State Building
Los Angeles 12, California
Telephone: MAdison 6-1515

Attorneys for Plaintiff

ENDORSED
FILED
MAR 20 1958
A. E. MAVLAGH, County Clerk
By RUTH WARNKEN
DEPUTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA, acting by and through the State Public Works Board, Plaintiff, vs. PLINIO MADONNA and MARY ELIZABETH MADONNA, husband and wife, et al., Defendants.	NO. 23138 ORDER FOR POSSESSION AS TO PARCELS 1, 2, 3A, 3B, AND 3C

It appearing that an Order Fixing Security Deposit to Permit Plaintiff to Take Immediate Possession of Parcels 1, 2, 3A, 3B, and 3C has been duly and regularly made and entered herein, fixing security for immediate possession and use of certain real property described in plaintiff's Complaint in Eminent Domain on file herein and described hereinafter, and

It further appearing to the satisfaction of the Court that plaintiff has fully complied with said Order Fixing Security and has deposited with the Treasurer of the State of California, pursuant to the provisions of Section 1254.5 of the Code of Civil Procedure, the sums of money which this Court did heretofore, in the said Order Fixing

Security, fix and determine to be reasonably adequate to secure to the respective defendants, owners of the various estates and interests of that certain real property described and designated in the said Complaint in Eminent Domain as Parcels 1, 2, 3A, 3B, and 3C, payment of just compensation for such taking and any damages incident thereto, including damages sustained by reason of an adjudication that there is no necessity for the taking of said real property, or any part thereof;

NOW, THEREFORE, IT IS HEREBY ORDERED that, upon compliance with the provisions of Section 1243.5 of the Code of Civil Procedure, plaintiff is authorized and empowered to immediately enter upon and take possession, occupation, and use of the said parcels of real property described and designated in the said Complaint in Eminent Domain as Parcels 1, 2, 3A, 3B, and 3C, and more particularly described in Exhibit A, attached hereto and incorporated herein by reference and made a part hereof, and that plaintiff is authorized and empowered to immediately remove from the said real property any and all persons, obstacles, or structures of any and every kind or nature located and situated therein, and to fully possess, occupy, use, and construct the improvements upon the said real property for the uses and purposes particularly set forth in the said Complaint in Eminent Domain and hereinafter;

That the public use for which said parcels of real property are sought to be condemned is to provide a site for the construction of a reservoir and appurtenant works in the County of San Luis Obispo for the impounding and distribution of water to serve the California Mens Colony of the Department of Corrections and The California

State Polytechnic College, San Luis Obispo Campus, of the Department of Education and the City of San Luis Obispo in the County of San Luis Obispo, State of California; that for further particulars you are hereby referred to the said Complaint in Eminent Domain on file with the County Clerk of the County of San Luis Obispo, State of California.

IT IS HEREBY FURTHER ORDERED that the defendants, their lessees, tenants, subtenants, agents, servants, employees, and each of them, be, and they are, hereby enjoined and restrained from in any manner interfering with or disturbing the possession, occupation, or use of said real property by plaintiff, its servants, agents, employees, or contractors.

DATED: March 20, 1958.

RAY B. LYON
JUDGE OF THE SUPERIOR COURT

"RESOLUTION OF STATE PUBLIC WORKS BOARD SELECTING SITE AND AUTHORIZING ACQUISITION OF REAL PROPERTY UNDER THE PROPERTY ACQUISITION LAW IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, FOR THE DEPARTMENT OF FINANCE

(Whale Rock Project)

"WHEREAS, the Property Acquisition Law (Part 11, Division 3, Title 2 of the Government Code of the State of California), empowers the State Public Works Board to select and acquire in the name of the State of California suitable and adequate real property for use as sites for the construction of buildings or for such other purposes as may be specified in legislation making funds available for such acquisition; and

"WHEREAS, Items 289(a) and 342(a) of the Budget Act of 1957 make appropriations to construct a reservoir and water distribution systems for the California Mens Colony of the Department of Corrections and for the California State Polytechnic College, San Luis Obispo Campus, of the Department of Education; and

"WHEREAS, Chapter 1080, Statutes of 1957, re-appropriates to the Department of Finance the funds appropriated in the said Items 289(a) and 342(a) of the said Budget Act to carry out the provisions of the said items of the said Budget Act; and

"WHEREAS, Chapter 1080, Statutes of 1957, makes the said appropriations for expenditure under the provisions of the Property Acquisition Law for the acquisition of real property for, and to construct, a reservoir and appurtenant works in the County of San Luis Obispo for the impounding and distribution of water to serve the said California Mens Colony of the

Department of Corrections and the said California State Polytechnic College, San Luis Obispo Campus, of the Department of Education, and the City of San Luis Obispo in the County of San Luis Obispo, State of California; and

"WHEREAS, pursuant to the provisions of the said Chapter 1080, Statutes of 1957, an agreement has been entered into and executed between the Director of Finance, acting by and for the State of California, and the City of San Luis Obispo providing for the operation of the said facilities and the disposition of water made available thereby;

"NOW, THEREFORE, BE IT RESOLVED, that the hereinafter described real property be and the same is hereby selected for acquisition under said Property Acquisition Law, and as specified in Chapter 1080, Statutes of 1957, to provide a site for the construction of a reservoir and appurtenant works in the County of San Luis Obispo for the impounding and distribution of water to serve the California Mens Colony of the Department of Corrections and the California State Polytechnic College, San Luis Obispo Campus, of the Department of Education and the City of San Luis Obispo in the County of San Luis Obispo, State of California.

"BE IT FURTHER RESOLVED by the State Public Works Board that, after due consideration, it finds and determines and hereby declares:

"That public interest and necessity require the acquisition, construction or completion by the State of the improvement for which the real property described herein is required;

"That the real property herein described is necessary for such public improvement; that it is necessary that all of the said real property be taken therefor, and that it is necessary that all of the said real property be taken in fee simple therefor;

"That said proposed improvement is planned and located in a manner which will be most compatible with the greatest public good and the least private injury;

"That the use of all of the said real property herein described for such improvement is a public use authorized by law; and

"BE IT FURTHER RESOLVED by the State Public Works Board that this Board acquire pursuant to authority contained in the said Property Acquisition Law and Chapter 1080, Statutes of 1957, in fee simple, in the name of the People of the State of California the said hereinafter described real property by a proceeding or proceedings in Eminent Domain in accordance with the provisions of the Code of Civil Procedure relating to Eminent Domain.

"BE IT FURTHER RESOLVED by the State Public Works Board that the Attorney General is hereby requested to prepare and prosecute in the name of the People of the State of California such proceedings, actions or suits in the proper court or courts having jurisdiction thereof as are necessary to acquire said real property.

"The real property hereinabove referred to which is authorized to be acquired by this resolution is situate in the County of San Luis Obispo, State of California, and described as follows:

EXHIBIT A - page 3

PARCEL 1

Those portions of Sections Twenty-six and Twenty-seven, Township 28 South, Range 10 East, Mount Diablo Meridian, in the county of San Luis Obispo, State of California, described as follows:

The west half of the northwest quarter, the south half of the southwest quarter, the northwest quarter of the southwest quarter of said Section 26, the southeast quarter and the south half of the northeast quarter of said Section 27.

ALSO that portion of the northeast quarter of the northeast quarter of said Section 27 described as follows:

Commencing at the corner of Sections 22, 23, 26 and 27 in the township and range aforesaid, and running thence south between said Sections 26 and 27, 20 chains; thence west 20 chains; thence North 45° East 28 chains and 28 links to the place of beginning.

EXCEPT therefrom that portion of the southeast quarter of the southwest quarter of said section 26 which lies within that certain tract of land described in the deed to Samuel Kingery recorded April 4, 1871 in book C at page 286 of Deeds, records of the county of San Luis Obispo. Said tract is described in said deed as follows:

"All of the North East one fourth of the South West fourth of Section 26, Township 28 South, Range 10 East, Mount Diablo Meridian and also commencing at the south east corner of the above described one fourth, bounded and described as follows, to wit: Sixteen Rods South thence in a westerly direction so as to intersect the south line of the above described one fourth, at or near the bed of the Creek."

PARCEL 2

Those portions of Sections 34 and 35, Township 28 South, Range 10 East, Mount Diablo Meridian, in the county of San Luis Obispo, state of California, described as follows:

The north half of the northeast quarter, the north half of the northwest quarter and the southwest quarter of the northwest quarter of said Section 34; and the west half of the northeast quarter and the northwest quarter of said Section 35.

ALSO: All that part of said Sections 34 and 35, described as follows:

Beginning at a stake marked No. 3 at the southwest corner of the southeast quarter of the northwest quarter of said Section 34 and running thence North 65-1/2° East 38.38 chains to post marked S.5 in an old fence line; thence along said fence line South 23° East 15.68 chains to a post marked S.6; thence South 64° East 3.40 chains;

thence South 72-1/2° East 64 links to the south line of the south half of the northeast quarter of said Section 34; thence leaving said fence line and running South 72-1/2° East 24.26 chains to post marked S.4 in west line of public road; thence crossing said road North 71-1/2° East 65 feet to stake marked S.3 in east line of said road; thence North 77-1/2° East 30.85 chains to post marked S.1 in old fence on the south line of the northwest quarter of said Section 35; thence North 89 3/4° West, along said line 38.98 chains to the quarter section corner on the line between said Sections 34 and 35; thence North along said line 20 chains; thence North 89 3/4° West, 60 chains; thence South 20 chains to the point of beginning.

PARCEL 3 A

The south half of the northeast quarter, the southeast quarter of the northwest quarter, the north half of the southeast quarter being Government Lot 4, the northeast quarter of the southwest quarter being the east half of Government Lot 1; and Government Lots 3, 5 and 6 of Section 34, the southwest quarter being Government Lots 1 and 2, the southeast quarter being Government Lots 5 and 6; and Government Lots 3, 4, 7 and 8 of Section 35, in Township 28 South, Range 10 East, Mount Diablo Meridian, in the county of San Luis Obispo, state of California, according to the official plat of said land on file in the Bureau of Land Management.

EXCEPT from the south half of the northeast quarter, the southeast quarter of the northwest quarter and Government Lot 4 of said Section 34, and from Government Lot 1 of said Section 35, all that portion thereof described as follows:

Beginning at a stake marked No. 3 at the southwest corner of the southeast quarter of the northwest quarter of said Section 34, and running thence North 65-1/2° East, 38.38 chains to post marked S.5 in an old fence line; thence along said fence line South 23° East 15.68 chains to a post marked S.6; thence South 64° East, 3.40 chains; South 72-1/2° East, 64 links to the south line of south half of the northeast quarter of said Section 34; thence leaving fence line and running South 72-1/2° East, 24.26 chains to post marked S.4 in west line of Public Road; thence crossing said road North 71-1/2° East, 65 feet to stake marked S.3 in east line of said road; thence North 77-1/2° East, 30.85 chains to post marked S.1 in old fence on the south line of the northwest quarter of said Section 35; thence North 89 3/4° West along said line, 38.98 chains to the quarter Section corner on the line between said Sections 34 and 35; thence North along said line 20 chains; thence North 89 3/4° West, 60 chains; thence south 20 chains to point of beginning.

ALSO EXCEPT from Government Lots 4, 7 and 8 in said Section 35 that portion thereof described as follows:

Beginning at the closing corner to Sections 35 and 36 in Township 28 South, Range 10 East, Mount Diablo Meridian, Rancho Morro Y Cayucos, and running thence North 38 links to line of old fence; thence following line of old fence North 82° West, 10 chains; thence North 81 1/4° West, 5 chains; thence North 82° West, 20 chains; thence North 80 3/4° West, 5 chains; thence North 80-1/2° West, 5 chains; thence North 83-1/2° West, 5 chains; thence North 82° West, 2.54 chains to stake S.1 in fence line; thence leaving fence line South 70 3/4° West, 1.18 chains to stake S.2 in the line between Section 35 in said Rancho from which a stake C.K. 2 in last named line bears North 82° West, 11.36 chains distant; thence on last named line South 82° East, 53.64 chains to the point of beginning.

PARCEL 3 B

That portion of Lot 43 of the Ranchos Moro Y Cayucos in the county of San Luis Obispo, state of California, according to the map thereof recorded September 28, 1875 in book A page 160 of Maps in the office of the county recorder of said county, described as follows:

Beginning at a stake C.K. 1 set at the west corner of said lot 43 and running thence along the north line of said lot, South 82° East, 11.36 chains to stake S.2; thence South 70 3/4° West, 9.25 chains to stake S.3 in the west line of said lot 43; thence North 28-1/2° West, along the west line of said lot 43, 5.28 chains to the point of beginning.

PARCEL 3 C

All that part of Lot 46 of Rancho Morro Y Cayucos, in the county of San Luis Obispo, state of California, as said lot is shown on the map thereof recorded September 28, 1875 in book "A" page 160 of Maps in the office of the county recorder of said county, which lies northerly of a line that is described as follows:

Beginning at corner "CI" on the southeasterly boundary of said lot 46, said corner being the northerly terminus of the course shown as "S 15 W 32.00" on said map; thence from said point of beginning North 83" 20' West 342 feet (The North Meridian used in the description of this line is identical with that of the California State Coordinate System, Zone V); thence North 38" 50' West 1182 feet; thence South 69° 25' West 1863 feet; thence North 46° 04' West to the southeasterly boundary of lot 53 of said Rancho Morro Y Cayucos.

EXCEPT therefrom that certain 1.8 acre tract of land described in the deed from Angelo F. Mainini, et ux., to Pacific Gas and Electric Company, a California corporation, dated September 30, 1953 and recorded October 23, 1953 in book 730 page 456 of Official Records of San Luis Obispo County. Said 1.8 acre tract is described in said deed as follows:

"Beginning at a 2" x 2" hub in Lot 46, as said lot 46 is delineated and so designated upon that certain map of the subdivision of the Rancho Moro Y Cayucos, recorded in Book A page 160 of Maps in the office of the county recorder of said county of San Luis Obispo, from which the capped iron pipe marking the southwest corner of Lot 3 of Section 34, Township 28 South, Range 10 East, Mount Diablo Meridian, bears North 77° 02-1/2' West 1158.7 feet distant and running thence east 300.0 feet to a 2" x 2" hub; thence south 176.3 feet to a 3/4 inch iron pipe in the northwesterly boundary line of the county road traversing said Lot 46; thence along the northwesterly boundary line of said county road the following three courses and distances, namely:

"South 53° 09' West 163.4 feet to a 3/4" iron pipe; thence South 79° 16' West 50.0 feet to a 1" x 2" hub; and thence South 82° 14' West 121.2 feet to a 3/4 inch iron pipe; thence leaving the northwesterly boundary line of said county road north 300 feet, more or less, to the point of beginning; containing 1.8 acres and being a portion of said lot 46."

PARCEL 4

A parcel of land situate in Lot 53 of the Ranchos Moro Y Cayucos, in the county of San Luis Obispo, state of California, as said lot is shown on said map recorded September 28, 1875 in book A page 160 of Maps in the office of the county recorder of said county. Said parcel is all that part of said lot 53 lying easterly of a line that is described as follows:

Commencing at a redwood stake at the most northerly corner of Lot 17, Block 14 of Morro Rock View, Subdivision No. 4, said corner being described as the northwest corner of Lot 17 in the deed to Joseph A. Souza dated July 29, 1940 and recorded August 7, 1940 in book 279 page 479 of Official Records; thence South 32° 59' East 59.78 to a redwood stake; thence at right angles and crossing Santa Isabel Avenue North 57° 01' East 50.00 feet to a redwood stake; thence South 32° 59' East 169.48 feet to the true point of beginning; thence from said true point of beginning and along county road no. 14 to Templeton North 42° 52' East 1271.73 feet; thence North 47° 08' West 470 feet; thence northerly in a straight line for a distance of approximately 2150 feet to a point on the northerly boundary of said lot 53, which point is located 870 feet westerly of a capped iron pipe marking the southwest corner of Lot 3 of Section 34, Township 28 South, Range 10 East, Mount Diablo Meridian.

EXCEPT therefrom that part of the existing right of way for County Road No. 14 which lies southwesterly of the southeasterly extension of the course that was hereinbefore described as bearing "North 47° 08' West, 470 feet".

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

TERESA AGUILERA, being first duly sworn, deposes and says:

That she is a citizen of the United States, resident of Los Angeles County, over eighteen years of age, not a party to the within cause, and employed as a clerk in the Los Angeles office of the Attorney General of the State of California, who is one of the attorneys for plaintiff in the above entitled matter; that affiant served a copy of the attached NOTICE OF INTENTION TO TAKE POSSESSION (PARCELS 1, 2, and 3A, 3B, and 3C), together with a certified copyof ORDER FOR POSSESSION AS TO PARCELS 1, 2, 3A, 3B, AND 3C, in an envelope addressed to each of the following defendants in the within action or their attorney:

Mr. Lloyd E. Smogyi Attorney at Law 777-1/2 Higuera Street San Luis Obispo, California	Attorney for defendants, Plinio Madonna and Mary Elizabeth Madonna
Messrs. Muller & Woolpert Attorneys at Law Widkenden Building San Luis Obispo, California	Attorneys for defendants Angelo F. Mainini and Anna J. Mainini
Cayucos School District San Luis Obispo California	Defendant, successor in interest of Issac Flood, Chas. Blanch and J. B. Kester, Trustees of the Central School District
County of San Luis Obispo San Luis Obispo California Attention: County Counsel	Defendant
Mr. and Mrs. A. Madonna 2061 San Luis Drive San Luis Obispo, California	Defendants

That affiant sealed said envelopes and deposited the same in the United States Post Office at Los Angeles, California, on the 1st day of April, 1958, with postage for Certified Mail fully prepaid thereon; that in each of said places there is delivery service by United States mail, and between said places

there is a regular communication by mail.

Teresa Aguilera

Subscribed and sworn to before me

this 1st day of APRIL, 1958.

Iris M. Nachtweih
Notary Public in and for the said
County and State

EXHIBIT 4

WALTER S. ROUNTREE,
Assistant Attorney General
HENRY K. WORKMAN,
WARREN J. ABBOTT,
Deputy Attorneys General
600 State Building
Los Angeles 12, California
Telephone: MAdison 6-1515

Attorneys for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA, acting by and through the State Public Works Board, Plaintiff, v. PLINIO MADONNA and MARY ELIZABETH MADONNA, husband and wife, et al., Defendants.	NO. 23138 INTERLOCUTORY JUDGMENT IN CONDEMNATION AS TO PARCELS 3A, 3B, 3C AND 3D

It appearing that a Stipulation, by and between plaintiff herein, the State of California, acting by and through its attorneys, with the approval of the State Board of Control, and defendants herein, Angelo F. Mainini and Anna J. Mainini, by and through their attorneys, the firm of Muller and Woolpert, and each of them, having been filed herein, and the said plaintiff and the said defendants having stipulated for a judgment in condemnation as to that certain real property described and designated as Parcels 3A, 3B, 3C and 3D in the Complaint and the Amendment to Complaint in Eminent Domain (Parcels 3A, 3B, 3C and 3D) on file herein, and said defendants having appeared in this proceeding and having waived Trial, Findings of Fact

and Conclusions of Law, Notice of Entry of Interlocutory Judgment in Condemnation, and Notice of Entry of Final Order of Condemnation; and

It further appearing that a Stipulation as to Parcels 3A, 3B, 3C and 3D (Amendment to Complaint), by and between plaintiff herein, the State of California, acting by and through the State Public Works Board, by and through its attorneys, and the defendants herein, Angelo F. Mainini and Anna J. Mainini, by and through their attorneys, the firm of Muller and Woolpert, and each of them, having been filed herein, and the said plaintiff and the said defendants having stipulated to an Amendment to the Complaint in Eminent Domain on file herein as to that certain real property described and designated as Parcels 3A, 3B, 3C and 3D in said Complaint and said Amendment to Complaint; and

It further appearing that said plaintiff obtained an Order of Immediate Possession on or about March 20, 1958, said Order being on file herein, and that Notice of Intention to Take Possession was duly served on the firm of Muller and Woolpert, attorneys for said defendants, Angelo F. Mainini and Anna J. Mainini, on or about April 1, 1958, and that pursuant to said Order and said Notice plaintiff did take possession on or about April 5, 1958, of that certain real property owned by said defendants and described and designated in said Order and in the Complaint in Eminent Domain herein as Parcels 3A, 3B and 3C; and

It further appearing that said defendants, Angelo F. Mainini and Anna J. Mainini are the owners of said Parcels 3A, 3B, 3C and 3D as described and designated

in the Complaint and the Amendment to Complaint in Eminent Domain (Parcels 3A, 3B, 3C and 3D) on file herein; and

It further appearing that the plaintiff, the State of California, acting by and through the State Public Works Board, is entitled to judgment;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

That the above mentioned Stipulation as to Parcels 3A, 3B, 3C and 3D (Amendment to Complaint), by and between the plaintiff and defendants, Angelo F. Mainini and Anna J. Mainini, be incorporated by reference and made a part of this judgment.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED:

That upon payment to or into Court for the benefit of said defendants, Angelo F. Mainini and Anna J. Mainini, of the total sum of Two Hundred and Eighteen Thousand No/100 Dollars ($218,000.00), as hereinafter provided, there shall be condemned in fee simple to the said plaintiff for the public use set forth in said Complaint in Eminent Domain, to wit: to provide a site for the construction of a reservoir and appurtenant works in the County of San Luis Obispo for the impounding and distribution of water to serve the California Men's Colony of the Department of Corrections and the California State Polytechnic College, San Luis Obispo Campus, of the Department of Education, and the City of San Luis Obispo, in the County of San Luis Obispo, State of California, all that certain real property situate, lying and being in the County of San Luis Obispo, State of California, as

described in the said Complaint in Eminent Domain and in the said Amendment to Complaint in Eminent Domain (Parcels 3A, 3B, 3C and 3D) on file herein, and particularly described as follows:

PARCEL 3A

The south half of the northeast quarter, the southeast quarter of the northwest quarter, the north half of the southeast quarter being Government Lot 4, the northeast quarter of the southwest quarter being the east half of Government Lot 1; and Government Lots 3, 5 and 6 of Section 34, the southwest quarter being Government Lots 1 and 2, the southeast quarter being Government Lots 5 and 6; and Government Lots 3, 4, 7 and 8 of Section 35, in Township 28 South, Range 10 East, Mount Diablo Meridian, in the county of San Luis Obispo, state of California, according to the official plat of said land on file in the Bureau of Land Management.

EXCEPT from the south half of the northeast quarter, the southeast quarter of the northwest quarter and Government Lot 4 of said Section 34, and from Government Lot 1 of said Section 35, all that portion thereof described as follows:

Beginning at a stake marked No. 3 at the southwest corner of the southeast quarter of the northwest quarter of said Section 34, and running thence North 65-1/2° East, 38.38 chains to post marked S.5 in an old fence line; thence along said fence line South 23° East 15.68 chains to a post marked S.6; thence South 64° East, 3.40 chains; South 72-1/2° East, 64 links to the south line of south half of the northeast quarter of said Section 34; thence leaving fence line and running South 72-1/2° East, 24.26 chains to post marked S.4 in west line of Public Road; thence crossing said road North 71-1/2° East, 65 feet to stake marked S.3 in east line of said road; thence North 77-1/2° East, 30.85 chains to post marked S.1 in old fence on the south line of the northwest quarter of said Section 35; thence North 89 3/4° West along said line, 38.98 chains to the quarter Section corner on the line between said Sections 34 and 35; thence North along said line 20 chains; thence North 89 3/4° West, 60 chains; thence south 20 chains to point of beginning.

ALSO EXCEPT from Government Lots 4, 7 and 8 in said Section 35 that portion thereof described as follows:

Beginning at the closing corner to Sections 35 and 36 in Township 28 South, Range 10 East, Mount Diablo Meridian, Rancho Morro Y Cayucos, and running thence North 38 links to line of old fence; thence following line of old fence North 82° West, 10 chains; thence North 81 1/4° West, 5 chains; thence North 82° West, 20 chains; thence North 80 3/4° West, 5 chains; thence North 80-1/2° West, 5 chains; thence North

63-1/2° West, 5 chains; thence North 82° West, 2.54 chains to stake S.1 in fence line; thence leaving fence line South 70 3/4° West, 1.18 chains to stake S.2 in the line between Section 35 in said Rancho from which a stake C.K.2 in last named line bears North 82° West, 11.36 chains distant; thence on last named line South 82° East, 53.64 chains to the point of beginning.

ALSO EXCEPT from Government Lots 1, 2, 3, 4, 5, 6, 7 and 8 in said Section 35, that portion lying easterly of the following described line:

Beginning at a point in the northerly line of Rancho Moro Y Cayucos as shown on a map recorded in Book A at page 160 of Maps in the office of the County Recorder of San Luis Obispo County distant South 80° 07' 51" East, 359.61 feet from the most northerly corner of Lot 42 of said Rancho Moro Y Cayucos; thence North 48° 32' 39" East, 122.84 feet; thence North 40° 45' 02" East, 556.35 feet; thence North 32° 33' 42" East, 156.04 feet; thence North 15° 33' 38" East, 419.67 feet; thence North 29° 16' 50" East, 234.19 feet; thence North 27° 44' 33" West, 99.25 feet; thence North 13° 10' 00" East, 239.81 feet; thence North 31° 49' 34" East, 328.48 feet; thence North 42° 10' 00" East, 700.00 feet; thence North 57° 05' 50" East, 155.24 feet; thence North 27° 14' 13" East, 155.24 feet; thence North 49° 00' 35" East, 251.79 feet; thence North 42° 10' 00" East 250.00 feet to the end of the herein described line.

PARCEL 3B

That portion of Lot 43 of the Ranchos Moro Y Cayucos in the county of San Luis Obispo, state of California, according to the map thereof recorded September 28, 1875 in book A page 160 of Maps in the office of the county recorder of said county, described as follows:

Beginning at a stake C.K.1 set at the west corner of said lot 43 and running thence along the north line of said lot, South 82° East, 11.36 chains to stake S.2; thence South 70 3/4° West, 9.25 chains to stake S.3 in the west line of said lot 43; thence North 28-1/2° West, along the west line of said lot 43, 5.28 chains to the point of beginning.

EXCEPT therefrom all that portion of said Lot 43 lying southeasterly of the following described line:

"Beginning at a stake CK-1 set at the west corner of said Lot 43; thence along the north line of said Lot 43 South 80° 07' 51" West, 359.61 feet to the true point of beginning of this line; thence South 48° 32' 39" West, 178.11 feet; thence South 47° 19' 31" West, 250.47 feet to the end of the herein described line."

PARCEL 3C

All that part of Lot 46 of Rancho Morro Y Cayucos, in the County of San Luis Obispo, State of California, as said Lot is shown on the map thereof recorded September 28, 1875 in Book "A" Page 160 of Maps in the office of the County Recorder of said County, which lies Northerly of a line that is described as follows:

Beginning at the most Easterly corner of said Lot 46, which corner is designated as 'CK' on the aforesaid map; thence along the southeasterly boundary of said Lot 46; South 40° 44' 30" West 2494.40 feet to corner 'CJ' (The North Meridian used in the description of this line is identical with that of the California State Coordinate System, Zone V); thence continuing along said boundary South 73° 52' 02" West 755.95 feet; thence leaving said boundary North 84° 22' 07" West 341.70 feet; thence North 38° 18' 08" West 1179.30 feet; thence South 71° 57' 25" West 1885.90 feet; thence North 44° 48' 10" West to the Southeasterly boundary of Lot 53 of said Rancho Morro Y Cayucos; thence continuing North 44° 48' 10" West 1000.00 feet to the end of the herein described line.

EXCEPT therefrom that certain 1.8 acre tract of land described in the deed from Angelo F. Mainini, et ux., to Pacific Gas and Electric Company, a California corporation, dated September 30, 1953, and recorded October 23, 1953, in Book 730 Page 456 of Official Records of San Luis Obispo County. Said 1.8 acre tract is described in said deed as follows:

"Beginning at a 2" x 2" hub in Lot 46, as said Lot 46 is delineated and so designated upon that certain map of the subdivision of the Rancho Morro Y Cayucos, recorded in Book A, Page 160 of Maps in the office of the County Recorder of said County of San Luis Obispo, from which the capped iron pipe marking the Southwest corner of Lot 3 of Section 34, Township 28 South, Range 10 East, Mount Diablo Meridian, bears North 77° 02 1/2' West 1158.7 feet distant and running thence East 300.0 feet to a 2" x 2" hub; thence South 176.3 feet to a 3/4-inch iron pipe in the Northwesterly boundary line of the county road traversing said

Lot 46; thence along the Northwesterly boundary line of said county road the following three courses and distances, namely:

"South 53° 09' West 163.4 feet to a 3/4-inch iron pipe; thence South 79° 16' West 50.0 feet to a 1" x 2" hub; and thence South 82° 14' West 121.2 feet to a 3/4-inch iron pipe; thence leaving the Northwesterly boundary line of said county road North 300 feet, more or less, to the point of beginning; containing 1.8 acres and being a portion of said Lot 46."

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED:

That upon payment to or into Court for the benefit of the said defendants, Angelo F. Mainini and Anna J. Mainini, of the aforesaid sum of Two Hundred and Eighteen Thousand and No/100 Dollars ($218,000.00), as hereinafter provided, there shall also be condemned to the said plaintiff for the public use set forth hereinabove and in the said Complaint in Eminent Domain, the following interest in that real property described hereinbelow: the sole and exclusive and unrestricted right to enter upon, occupy and use said real property from and after the date of entry of the Final Order of Condemnation herein for a period of five years from said date, and the right to remove from said real property during said five year period any and all such materials, to include but not limited to earth, rock, stone and gravel, as plaintiff may deem necessary for the construction, operation and maintenance of said public use;

PROVIDED, HOWEVER, that at the expiration of said five year period the said plaintiff, its agencies, agents, employees and independent contractors

shall quit and vacate said real property and shall leave for said defendants any access roads or ways constructed by plaintiff on said real property; and

PROVIDED FURTHER, HOWEVER, that during said five year period said plaintiff shall not be liable for nor responsible for nor shall said plaintiff incur any liability for or responsibility for any damage of whatsoever nature or kind to said real property; and

PROVIDED FURTHER, HOWEVER, that during said five year period said defendants, their heirs, legatees and assigns, and they only, may use without any claim for compensation by the said plaintiff or its agencies for said use, said real property for the following use and this use only: to graze cattle upon said real property, provided that said grazing in no way interferes with the activities and operations of said plaintiff, its agencies, agents, employees and/or independent contractors on said real property; and

PROVIDED FURTHER, HOWEVER, that said plaintiff, its agencies, agents, employees and/or independent contractors shall not be liable for nor responsible for nor incur any liability or responsibility for any damage or injury of whatsoever kind or nature to the cattle or other personal property of said defendants that may be on said real property during said five year period.

The aforesaid interest to be condemned as hereinabove set forth and limited is an interest in all that certain real property situate, lying and being in the County of San Luis Obispo, State of California, as described in the said Amendment to Complaint in Eminent Domain (Parcels 3A, 3B, 3C and 3D) on file herein, and particularly described as follows:

PARCEL 3D (Five-Year Profit a Prendre):

That portion of Section 35 in Township 28 South, Range 10 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point in the northerly line of Rancho Moro Y Cayucos as shown on a map recorded in Book A at page 160 of Maps in the office of the County Recorder of San Luis Obispo County distant South 80° 07' 51" East, 359.61 feet from the most northerly corner of Lot 42 of said Rancho Moro Y Cayucos; thence North 48° 32' 39" East, 122.84 feet; thence North 40° 45' 02" East, 556.35 feet; thence North 32° 33' 42" East, 156.04 feet; thence North 15° 33' 38" East, 419.67 feet; thence North 29° 16' 50" East, 234.19 feet; thence North 27° 44' 33" West 20.00 feet; thence due East 1175.00 feet; thence South 67° 23' 00" East, 1350 feet; thence due South 450 feet; thence due West 1950 feet; thence Southwesterly to a point in said northerly line distant South 80° 07' 51" East, 480.00 feet from the point of beginning; thence along said northerly line North 80° 07' 51" West, 480.00 feet to the point of beginning.

And all that portion of Lot 43 of the Ranchos Moro Y Cayucos in the county of San Luis Obispo, state of California, according to the map thereof recorded September 28, 1875 in book A page 160 of Maps in the office of the county recorder of said county, described as follows:

Beginning at a Stake C.K. 1 set at the west corner of said lot 43 and running thence along the north line of said lot, South 82° East, 11.36 chains to stake S.2; thence South 70 3/4° West, 9.25 chains to stake S.3 in the west line of said lot 43; thence North 28-1/2° West, along the west line of said lot 43, 5.28 chains to the point of beginning.

EXCEPT therefrom all that portion of said Lot 43 lying northwesterly of the following described line:

Beginning at a stake CK-1 set at the west corner of said Lot 43; thence along the north line of said Lot 43 south 80° 07' 51" West, 359.61 feet to the true point of beginning of this line; thence South 48° 32' 39" West, 178.11 feet; thence South 47° 19' 31" West, 250.47 feet to the end of the herein described line.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED:

That there shall be reserved unto said defendants, Angelo F. Mainini and Anna J. Mainini, for a period of five years commencing on the date that the Whale Rock Dam and Reservoir and appurtenant works are accepted by the State of California from the contractor, the right to use for the purpose of grazing cattle and for this purpose only, without any claim for compensation by the said plaintiff or its agencies for said use, the following parts and portions of that real property in Parcels 3A and 3C being condemned herein:

> All of Parcel 3A as described hereinabove and in the Amendment to Complaint in Eminent Domain (Parcels 3A, 3B, 3C and 3D) on file herein,
>
> EXCEPTING therefrom all that part of said Parcel 3A which lies below the water line of Whale Rock Reservoir;
>
> AND all of Parcel 3C as described hereinabove and in the Amendment to Complaint in Eminent Domain (Parcels 3A, 3B, 3C and 3D) on file herein,
>
> EXCEPTING therefrom all that part of said Parcel 3C which lies below the water line of Whale Rock Reservoir, and further
>
> EXCEPTING therefrom all that portion of said Parcel 3C lying above the said water line of the said Whale Rock Reservoir and southerly of a line to be fixed on each side of said Whale Rock Reservoir by the Department of Water Resources, State of California.

PROVIDED, HOWEVER, that the said defendants shall erect and maintain a fence of sufficient strength, height and quality to restrain cattle from crossing through, over or under said fence; said fence is to be erected and maintained, at the expense of said defendants, and at no cost, expense or obligation to said plaintiff, its agencies or assigns, along the line to be fixed by the

Department of Water Resources, State of California, on each side of Whale Rock Reservoir on Parcel 3C herein as hereinabove provided; and

PROVIDED FURTHER, HOWEVER, that said right to use said real property for grazing purposes shall at all times during said five year period be subject to the right, without compensation to said defendants, of any authorized governmental health agency to restrict, in any way or manner such agency deems necessary, the use of said land for grazing purposes in or near the said Whale Rock Dam and Reservoir and appurtenant works; and in the event any such restrictions are imposed by any such governmental health agency, said defendants shall erect and maintain on said real property, at the expense of said defendants, and at no cost, obligation or expense to said plaintiff, its agencies or assigns, a fence of sufficient strength, height and quality to comply with any such restrictions and regulations; and

PROVIDED FURTHER, HOWEVER, that said plaintiff, its agencies, agents, employees, independent contractors and/or assigns shall not be liable for nor responsible for nor incur any liability or responsibility for any damage or injury of whatsoever kind or nature to any animals or personal property of said defendants on said real property during said five year period, and

PROVIDED FURTHER, HOWEVER, that said defendants expressly assume all liability and responsibility and shall hold said plaintiff, its agencies and/or assigns harmless for any and all damage or injury caused to any person or property by the animals or other personal property of said defendants or by the said defendants,

their employees and/or agents on said real property during said five year period; and the said defendants shall indemnify said plaintiff, its agencies and/or assigns for any claims, including costs of litigation, paid for any such damage or injury caused on said real property during said five year period; and

PROVIDED FURTHER, HOWEVER, that said right to use said real property as hereinabove provided and limited for the five year period hereinabove specified may be assigned, in whole or in part, by said defendants to Plinio Madonna and Mary Elizabeth Madonna, husband and wife (Cayucos, California) their heirs, legatees and assigns, and to no other party or parties, subject to the same terms and conditions hereinabove specified.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED:

That during the period commencing with the date of entry of Final Order of Condemnation herein and ending on the date of acceptance of Whale Rock Dam and Reservoir and appurtenant works by the State of California from the contractor, said defendants, their heirs, legatees and assigns, may make arrangements with those contractors of the State of California who are constructing Whale Rock Dam and Reservoir and appurtenant works, and solely at the discretion of said contractors, for the use of all or part of that real property contained in said Parcels 3A, 3B and 3C, described hereinabove for the purpose of grazing cattle thereon, and for that purpose only and without any claim by said plaintiff or any of its agencies for said use; and

PROVIDED, HOWEVER, that said use of said real property will be at no cost or obligation to said plaintiff, its agencies, agents, employees and/or independent contractors and that the plaintiff, its agencies, agents, employees and/or independent contractors shall not be liable for nor responsible for any damage or injury of whatsoever kind or nature to animals or other personal property of said defendants on said real property; and

PROVIDED FURTHER, HOWEVER, that any such use of the said real property for the purposes herein set forth shall be subject to the right of the contractors of the State of California to use and possess said real property, and the use by said defendants shall not interfere with the construction, operation and maintenance of Whale Rock Dam and Reservoir and appurtenant works.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED:

That the said use for which the said Parcels 3A, 3B and 3C and the said interest in the said Parcel 3D is sought to be condemned is a public use authorized by law; that the public interest and necessity require the acquisition, construction or completion by the said plaintiff of the improvements on the said Parcels 3A, 3B, 3C and 3D for that said public use; that public interest and necessity require the acquisition of the said interest in the said Parcel 3D; that the inclusion of and the proposed said use of the said Parcels 3A, 3B, 3C and 3D is placed and located in a manner which will be compatible with the greatest public good and the least private injury.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED:

That said plaintiff shall take the said Parcels 3A, 3B and 3C and the said interest in the said Parcel 3D free and clear of all claims, liens, encumbrances, easements, leaseholds, taxes and assessments, both current and delinquent, including penalties and costs, of whatsoever kind and nature, excepting and subject only to the following:

(1) That portion of the second installment only of general and special county taxes and assessments, if any, for the fiscal year 1957-58 accruing on and after April 5, 1958, due the County of San Luis Obispo, a political subdivision of the State of California, said installment of taxes and assessments to be prorated between said plaintiff and said defendants as of April 5, 1958.

(2) General and special county taxes and assessments, if any, for the fiscal year 1958-59 due the County of San Luis Obispo, a political subdivision of the State of California, a lien now due and payable and delinquent;

(3) General and special county taxes and assessments, if any, for the fiscal year 1959-60 due the County of San Luis Obispo, a political subdivision of the State of California, a lien not yet payable;

(4) The aforesaid right of the said defendants to use the said Parcel 3D as hereinabove provided and limited for the specified period of time;

(5) The aforesaid right of said defendants to use the specified portions of the said Parcels 3A, 3B

1 and 3C as hereinabove provided and limited for the
2 specified periods of time;
3 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND
4 DECREED:
5 That payment to or into court for the benefit
6 of said defendants, Angelo F. Mainini and Anna J. Mainini
7 of the said sum of money hereinabove specified, to wit:
8 Two Hundred and Eighteen Thousand and No/100 Dollars
9 ($218,000.00), is in full payment for all of said Parcels
10 3A, 3B and 3C taken in fee simple, together with any
11 and all improvements thereon pertaining to the realty and
12 for the said interest hereinabove provided in the said
13 Parcel 3D being condemned by plaintiff herein, together
14 with any and all improvements thereon pertaining to the
15 realty; and shall further include payment for all
16 damages and claims of every kind and nature suffered by
17 or due said defendants Angelo F. Mainini and Anna J.
18 Mainini by reason of the taking or damaging of said
19 Parcels 3A, 3B, 3C and 3D including but not limited to
20 any claim for and damages to the real property of said
21 defendants Angelo F. Mainini and Anna J. Mainini as
22 described as Parcels 3A, 3B and 3C in that certain
23 Order of Immediate Possession dated March 20, 1958,
24 and on file herein, by reason of the use, possession
25 and occupancy of said real property by the said
26 plaintiff, its agencies, agents, employees and/or
27 independent contractors on and after April 5, 1958; and
28 shall further include full payment by said defendants
29 Angelo F. Mainini and Anna J. Mainini to the said plaintiff
30 or its agencies for the use and occupancy by said
31 defendants of any portion of said real property as so

described in said Order of Immediate Possession, on and after April 5, 1958; and shall terminate, cancel and extinguish all liens, encumbrances, easements, and leaseholds of whatsoever kind and nature, including any and all liens by virtue of taxes and assessments, except as hereinabove expressly provided, on or against the said real property and interest in real property being condemned herein.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED:

That the aforesaid sum of Two Hundred and Eighteen Thousand and No/100 Dollars ($218,000.00) shall bear interest at the rate of seven (7) percent per annum from and after thirty (30) days after the date of entry of this Interlocutory Judgment in Condemnation as to Parcels 3A, 3B, 3C and 3D until the aforementioned sum is paid to or into court for the benefit of the said defendants, Angelo F. Mainini and Anna J. Mainini.

DATED: This 29th day of April, 1959.

Ray B. Lyon
JUDGE OF THE SUPERIOR COURT

WJA:ELB
CIV. LA
58/116
3/24/59

STANLEY MOSK, Attorney General
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Attorneys for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN LUIS OBISPO

THE STATE OF CALIFORNIA, acting by and through the State Public Works Board, Plaintiff, v. PLINIO MADONNA and MARY ELIZABETH MADONNA, husband and wife; et al., Defendants.	NO. 23138 STIPULATION (PARCELS 3A, 3B, 3C AND 3D)

WHEREAS the plaintiff herein and defendants, Angelo F. Mainini and Anna J. Mainini, by and through their attorneys, the firm of Muller and Woolpert, have stipulated, with approval of the above entitled court, that the plaintiff may amend the Complaint in Eminent Domain on file herein to change the description of Parcels 3A, 3B and 3D and to add the acquisition of an interest in that portion of the land of said defendant now known as Parcel 3D, said Stipulation and said Amendment to Complaint, having been filed in the within proceeding, are hereby incorporated herein and made a part of the Stipulation by reference.

IT IS, THEREFORE, AGREED AND STIPULATED by and between the plaintiff herein, the State of California,

acting by and through the State Public Works Board, by and through its attorneys, and with the approval of the State Board of Control, and said defendants, Angelo F. Mainini and Anna J. Mainini, by and through their attorneys, the firm of Muller and Woolpert, as follows:

That said defendants hereby waive Trial, Findings of Fact, Notice of Entry of Interlocutory Judgment in Condemnation, and Notice of Entry of Final Order of Condemnation; and

That a judgment in the words and figures of the form of Interlocutory Judgment in Condemnation as to Parcels 3A, 3B, 3C and 3D, which is attached hereto, hereby incorporated herein and made a part of this Stipulation, may be forthwith signed and entered in the above entitled proceeding.

DATED: This ___day of _____, 1959.

APPROVED:

ANGELO F. MAININI

ANNA J. MAININI

MULLER AND WOOLPERT,

By

Attorneys for Defendants,
Angelo F. Mainini and
Anna J. Mainini

APPROVED:

STATE PUBLIC WORKS BOARD

By

STATE BOARD OF CONTROL

By

STANLEY MOSK, Attorney General

By

WARREN J. ABBOTT,
Deputy Attorney General
Attorneys for Plaintiff,
State of California

EXHIBIT 5

California.

Passed and adopted by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 9th day of March, 1959, by the following roll call vote, to-wit:

AYES: Supervisors Kimball, Lee, Ruskovich, Drake, Chairman Gates
NOES: None
ABSENT: None

S/ M. Roland Gates
Chairman of the Board of Supervisors
County of San Luis Obispo,
State of California.

ATTEST:
S/ A. E. Mallagh
County Clerk and ex-officio clerk of
the Board of Supervisors of the County
of San Luis Obispo, State of California.

(SEAL)

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ORDINANCE NO. 427

An Ordinance of the County of San Luis Obispo, State of California, Adopting a Zoning Ordinance, Being a Precised Section of the Master Plan of said County: Specifying the Purposes and Effects of the Adoption of said Plan Whereby Various Districts are Established in said County; Specifying the Uses of Land and of Buildings Permitted in said Districts; Establishing Certain Height Limits Within Said District; Requiring Certain Yards and Other Open Spaces Within Said Districts; Providing Regulations for the Location, Erection, Construction, Alteration and Maintenance of Buildings, Structures and Other Improvements in Said Districts, Including the Requirement that Certain Permits Shall be Secured for Certain of Such Buildings, Structures and Improvements and for the Use thereof and of land: Requiring Certain Fees: Defining the Terms Used herein: Specifying the Procedure for the Amendment thereof: And Providing Penalties for the Violation of any of the Provisions hereof.

The Board of Supervisors of the County of San Luis Obispo, State of California, do ordain as follows:

SECTION 1. ADOPTION OF ZONING ORDINANCE.
There is hereby adopted a Zoning Ordinance as a precised section of the Master Plan of the County of San Luis Obispo, State of California, said Ordinance being an official plan as provided by law.

SECTION 2. PURPOSE OF ADOPTION OF ZONING ORDINANCE.
Said Zoning Ordinance is adopted to promote and protect the public health, safety, peace, morals, comfort, convenience and general welfare and for the accomplishment thereof is adopted for the following more particularly specified purposes, to-wit:

(1) To assist in providing a definite plan of development for the County of San Luis Obispo, and to guide, control and regulate the future growth of said County in accordance with said plan.

(2) To protect the character and the social and economic stability of agricultural, residential, commercial, industrial and other areas within the County and to assure the orderly and beneficial development of such areas.

(3) To obviate the menace to the public safety resulting from the location of buildings, and the use thereof and of land adjacent to highways which are a part of the Street and Highway Plan of the Master Plan of said County, or which are important thoroughfares, in such manner as to cause interference with existing or prospective traffic movements on said highways.

SECTION 3. NATURE OF ZONING ORDINANCE.
Said Zoning Ordinance consists of the establishment of various districts within the unincorporated territory of said County within various of which it shall be lawful, and within various of which it shall be unlawful to erect, construct, alter or maintain certain buildings or to carry on certain trades or occupations or to conduct certain uses of land and/or of buildings and/or within which the height and bulk of future buildings shall be limited and/or within which certain open spaces shall be required about future buildings and consisting, further, of appropriate regulations to be enforced in such districts, all as set forth in this ordinance.

SECTION 4. DISTRICTS.
The aforesaid districts are as follows, to-wit:

"U" Districts: All the unincorporated territory of the County not included in any other District.
R-A Districts: Suburban Agricultural Districts.
A-1 Districts: Light Agricultural Districts.
A-2 Districts: Exclusive Agricultural Districts.
"H" Districts: Highway Frontage Districts.
"L" Districts: Recreational Districts.
R-1 Districts: One-Family Residential Districts.
R-2 Districts: Two-Family Residential Districts.
R-3 Districts: Limited Multiple Residential Districts.
R-4 Districts: Multiple Residential Districts.
C-1 Districts: Retail Business Districts.
C-2 Districts: General Commercial Districts.
M-1 Districts: Light Industrial Districts.
M-2 Districts: Heavy Industrial Districts.

SECTION 5 COMBINING REGULATIONS.
In addition to the foregoing districts certain combining regulations are established as set forth in this Ordinance, said combining regulations being as follows, to-wit:

B-1: First Building Site Area Regulations.
B-2: Second Building Site Area Regulations.
B-3: Third Building Site Area Regulations.

B-D-1: Special Building Site Area Regulations.
"F": Special Highway Frontage Districts.
A-H: Airport Hazard Districts.

SECTION 6. ESTABLISHMENT OF DISTRICTS.

The aforesaid districts and certain combinations thereof are hereby established in so far as the designations, locations and boundaries thereof are set forth and indicated in Sections 11 and 12. Sections 11, 11a, etc. consist of index maps to various sectional district maps and Section 12 consists of the Official Zoning Maps of the San Luis Obispo County Planning Commission each of which maps is identified by the number 12 followed by letters of the alphabet and numbers (e.g. Section 12-D-30) referring to the identifying letters and numbers on the index maps (Section 11). Each of the sectional district maps so identified shall show the designations, locations, and boundaries of certain of said Zoning districts. Said maps and all notations, references, data, and other information shown thereon are hereby made a part of this ordinance.

The sections of this ordinance setting forth and indicating the designations, locations and boundaries of any of said districts which sections are made a part of this ordinance at the time of the original adoption thereof constitute the portions then completed of a comprehensive land use plan for the said County of San Luis Obispo, which plan is in the process of preparation by the County Planning Commission of said County pursuant to the provisions of law and in accordance with the instructions of the Board of Supervisors of said County. Owing to the territorial extent of said County and the diversity of conditions and interests therein and to the careful studies and analyses being made by said County Planning Commission of all facts having a bearing upon the determining of a comprehensive Land Use Plan for said County, considerable time will be required for the completion of said Land Use Plan. Said Board of Supervisors hereby finds that the public interest, necessity, convenience and welfare require that as rapidly as portions of said Land Use Plan shall be completed the same should be adopted and put into full force and effect and hereby declares its intention so to proceed with the consideration and adoption, in the manner provided by law, of such portions of said Land Use Plan.

SECTION 7. DISTRICT BOUNDARIES.

Where uncertainty exists as to the boundaries of any of the aforesaid districts as described as aforesaid or as shown on said sectional district maps, the following rulls shall apply:

(a) Where such boundaries are indicated as approximately following street and alley lines, such street and alley lines shall be construed to be such boundaries.

(b) Where such boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.

(c) In unsubdivided property and where a district boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown upon said sectional district maps, shall be determined by the use of the scale appearing on such sectional district maps.

(d) In case further uncertainty exists, the Planning Commission, upon written application or upon its own motion, shall determine the location of such boundaries.

SECTION 8. EFFECT OF ESTABLISHMENT OF DISTRICTS.

Except as hereinafter otherwise provided:

(a) No building shall be erected and no existing building shall be moved, altered, added to or enlarged nor shall any land, building, or premises be used, designed or intended to be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the district in which such building, land or premises is located.

(b) No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.

(c) No building shall be erected, nor shall any existing building be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, area and building location regulations hereinafter designated for the district in which such building or open space is located.

(d) No yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

SECTION 9. DEFINITIONS

For the purpose of this ordinance certain terms used herein are defined as follows:

All words used in the present tense shall include the future; all words in the plural number shall include the singular number and all words in the singular number shall include the plural number; unless the natural construction of the wording indicates otherwise. The word "lot" includes the word "plot", the word "building" includes the word "structure" and the word "shall" is mandatory and not directory. The words "Board of Supervisors" as used herein shall mean the Board of Supervisors of the County of San Luis Obispo, State of California; the words "Planning Commission" shall mean the County Planning Commission of the County of San Luis Obispo, State of California; the words "Building Division" shall mean the Building Division of the Public Works Department of the County of San Luis Obispo, State of California; the word "County" shall mean the County of San Luis Obispo, State of California; and the words "County boundary" shall mean the boundary of the County of San Luis Obispo, State of California, and/or the boundary of any incorporated municipality within said County.

AGRICULTURAL BUILDING: A building located on agricultural property and used to shelter farm implements, hay, grain, poultry, livestock, or other farm produce, in which there is no human habitation, and which is not used by the public.

AGRICULTURE: The tilling of the soil, the raising of crops, horticulture, light agriculture, dairying and/or animal husbandry, including all uses customarily incidental thereto but not including slaughter houses, fertilizer yards, bone yards or plants for the reduction of animal matter.

AGRICULTURE, LIGHT:

(a) Farms devoted to the hatching, raising, butchering or marketing of chickens, turkeys, or other fowl or poultry and eggs, rabbits, fish, mink, chinchilla or other small animal farms of a similar nature, provided that not more than twenty-five (25) turkeys, in addition to brooding stock, shall be kept, fed, or maintained without first securing a Conditional Permit.

(b) Nurseries, greenhouses, orchards, aviaries, apiaries, or the raising of field crops, trees and tree crops, berry or bush crops, or vegetable, flower or herb gardening on a commercial scale.

(c) The grazing of cattle, horses, sheep, goats, hogs or other farm stock or animals on a commercial scale, including the supplementary feeding thereof. On parcels of less than three (3) acres, not more than two (2) such animals per acre shall be kept or maintained. On parcels of more than five (5) but less than ten (10) acres, not more than five (5) animals per acre shall be kept or maintained. On parcels ten (10) acres or more, not more than ten (10) such animals per acre shall be kept or maintained. For the grazing of sheep or goats the permissible number of animals per acre may be multiplied by three (3). In no event shall there be any limit to the permissible number of sheep which may be grazed per acre where such grazing operation is conducted on fields for the purpose of cleaning up unharvested crops and further where such

grazing operation is not conducted for more than four (4) weeks in any six (6) month period. The provisions of this paragraph do not apply where any such animals are kept or maintained solely for the domestic use of the owner or occupant of a parcel of land and further, such provisions shall apply only to mature breeding stock, maintenance stock and similar farm stock, but shall apply to the off-spring thereof where such off-spring are being kept, fed and maintained solely for sale, marketing or slaughtering at the earliest practical age or time, nor shall it apply to 4-H, Future Farmers or similar projects.

In all cases the permissible number of animals per acre shall be computed upon the basis of the nearest equivalent ratio.

(d) Farms or establishments for the selective or experimental breeding of cattle, horses, sheep, goats, hogs and other farm stock or animals and the raising and/or training of such animals and stock under the same conditions and provisions as set forth in paragraph (c) of this section.

(e) A temporary or permanent stand for which a building permit has been secure, for the display and sale of the products of any permitted use, produced upon the premises upon which such stand is located, or upon lands owned or leased by the owner or occupant of such premises.

ALLEY: Any public thoroughfare for the use of pedestrians and/or of vehicles which affords only a secondary means of access to abutting property.

APARTMENT: A room or suite of two or more rooms which is designed for, intended for and/or occupied by one family doing its cooking therein.

APARTMENT COURT: See Dwelling Group.

APARTMENT HOUSE: See Dwelling Multiple.

AUTOMOBILE COURT: A group of two or more detached or semi-detached buildings, containing guest rooms and/or apartments with automobile storage space serving such rooms and/or apartments provided in connection therewith, which group is designed, intended and/or used primarily for the accomodation of automobile travelers; including groups designated as auto cabins, motor lodges, motels and by similar designations.

AUTOMOBILE WRECKING: The use of more than two hundred (200) square feet of the area of any parcel, lot or contiguous lots for the dismantling, possession or storage of dismantled or wrecked vehicles of a type required to be registered under the Vehicle Code of the State of California, including the storage of one or more licensed vehicles unless under a state of repair.

BASEMENT: A story partly underground and having at least one-half of its height above grade. A basement shall be counted as a story if the vertical distance from grade to the ceiling is over five feet or if used for business purposes or if used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.

BLOCK: That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting streets and railroad right-of-way, or unsubdivided acreage.

BUILDING: Any structure having a roof supported by columns and/or by walls and intended for the shelter, housing and/or enclosure of any person, animal or chattel, but not including any tent or trailer coach.

BUILDING, ACCESSORY: A detached subordinate building, the use of which is incidental to that of a main building on the same lot.

BUILDING, MAIN: A building in which is conducted the principal use of the lot and/or building site upon which it is situated. In any "R" District any dwelling shall be deemed to be a main building upon the lot and/or building site upon which the same is situated.

BUILDING SITE: A lot or parcel of land, in single or joint ownership, and occupied or to be occupied by a main building and accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required by the terms of this ordinance and having its principal frontage on a street, road or highway.

BUSINESS, RETAIL: The sale of any commodities directly to the consumer, but not including lumber or any commodity upon which work or processing must be accomplished before sale.

BUSINESS, WHOLESALE: The wholesale handling of any article, substance or commodity for the profit or livelihood, but not including the processing or manufacture of any products or substance.

CAMP GROUNDS: Land or premises which is used or intended to be used, let or rented for occupancy for campers travelling by automobile or otherwise or for occupancy by tents or similar quarters.

CARPORT: A permanent roofed structure with not more than two enclosed sides with the open sides adjacent to the property lines, and which is used or intended to be used for automobile shelter or storage.

CATTLE FEED YARD: Shall mean any premises on which cattle are held or maintained for the purpose of feeding or feeding for market and where 60% or more of the feed for such cattle is imported or purchased.

CLUB: An association of persons whether incorporated or unincorporated for some common purpose, but not including clubs organized primarily to render a service carried on as a business.

COMMUNITY CENTER: An area developed or to be developed with any of the following or similar public buildings or uses: Offices, Libraries, Playgrounds, Parks, Assembly Halls, Police Station and Fire Station.

COURT: An open, unoccupied space, other than a yard, on the same lot with a building or buildings and which is bounded on two (2) or more sides by such building or buildings, including the open space in a house court or court apartment providing access to the units thereof.

DISTRICT: A portion of the unincorporated territory of the County, exclusive of streets, alleys and other public ways, within which certain uses of land, premises and buildings are permitted and certain other uses of land, premises and buildings are not permitted and within which certain yards and other open spaces are required and certain building site areas are established and certain height limits are established for buildings, all as set forth and specified in this ordinance.

DISTRICT, COMBINING: Any district in which the general district regulations are combined with other designations for the purpose of adding additional special regulations.

DWELLING, ONE FAMILY: A detached building designed for and/or occupied exclusively by one family.

DWELLING, TWO-FAMILY OR DUPLEX: A detached building designed for and/or occupied exclusively by two families living independently of each other.

DWELLING, MULTIPLE: A building or portion thereof used and/or designed as a residence for three or more families living independently of each other, and doing their own cooking in said building, including apartment houses, apartment hotels and flats, but not including automobile courts, motels, summer cottage groups, or similar transient accomodations.

DWELLING GROUP: A group of two or more detached or semi-detached one-family, two-family or multiple dwellings occupying a parcel of land in one ownership and having any yard or court in common, including house courts and apartment courts, but not including automobile courts, motels, summer cottage groups, or similar transient accomodations.

DWELLING RURAL: A rural dwelling for the purpose of this ordinance is a building or structure designed for and occupied as a human habitation, located upon a lot or parcel of land held in a single ownership or management, and containing an area of more than three acres for each such building or structure thereon designed for and occupied as a habitation; provided that no such building or structure designed for and occupied as a human habitation shall be

construed to be a rural dwelling if it is to be used for, or occupied by any person or persons other than the owner or manager, or his agents, servants or employees actually employed on such lot or parcel or any adjacent lands under the control of such owner, or manager.

FAMILY: One or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include necessary servants.

FARM LABOR QUARTERS: Rooming and boarding houses and mess halls for any number of farm help customarily employed on land owned by the owner of the building site occupied by said houses or halls. For the purpose of this definition any related family shall be deemed to be one person.

FRONT WALL: The wall of the building or other structure nearest the street upon which the building faces, but excluding certain architectural features as specified in Section 31 of this ordinance.

GARAGE, PRIVATE: An accessory building for only the storage of self-propelled private passenger vehicles.

GARAGE, PUBLIC: Any premises, except those herein defined as a private or storage garage, used for the storage and/or care of self-propelled vehicles or where any such vehicles are equipped for operation or repair, or kept for remuneration, hire or sale.

GARAGE, STORAGE: Any premises, except those herein defined as a private garage, used exclusively for the storage of self-propelled vehicles.

GUEST HOUSE: Detached living quarters of a permanent type of construction, without kitchens or cooking facilities, clearly subordinate and incidental to the main building on the same building site, and not to be rented, let, or leased, whether compensation be direct or indirect.

GUEST ROOM: A room which is intended, arranged or designed to be occupied or which is occupied by one or more guests, but not including dormitories for sleeping purposes.

HEIGHT OF BUILDING: The vertical distance from the average level of the highest and lowest point of that portion of the lot or building site covered by the building to the top most point of the roof.

HOG RANCH, COMMERCIAL: Shall mean any premises on which two (2) or more hogs are raised or maintained.

HOME OCCUPATION: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display; no stock in trade nor commodity sold upon the premises and no person employed.

HOUSE COURT: See Dwelling Group.

HOTEL: Any building or portion thereof containing six (6) or more guest rooms used, designed, or intended to be used, let or hired out to be occupied, or which are occupied, by six (6) or more guests, whether the compensation for hire to be paid directly or indirectly.

JUNK YARD: The use of more than two hundred (200) square feet of the area of any parcel, lot or contiguous lots for the storage of junk, including scrap metals, salvage or other scrap materials, and/or for the dismantling or "wrecking" of automobiles or other vehicles or machinery, whether for sale or storage, including the storage of one or more licensed automobile unless under state of repair.

KENNEL: The raising and/or keeping of dogs as a business for which a County Business License is obtained.

LABOR CAMPS: Any living quarters, dwelling, boarding house, tent, bunkhouse, maintenance of way car, trailer coach or other housing accomodations, maintained in connection with any work or place where work is being performed, and the premises upon which they are situated and/or the area set aside and provided for camping of one (1) or more employees by a labor contractor. Labor Camp shall also mean a labor supply camp. A labor supply camp is hereby defined to be any place, area or piece of land where a person engages in the business of providing sleeping places or camping grounds for one (1) or more employees or prospective employees of another. Labor Camp may also include Farm Labor Quarters.

LOT: See Building Site.

LOT DEPTH: The average distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.

LOT FRONT: Shall mean the narrow portion of any lot fronting on a street.

LOT, KEY: The first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot, exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street upon which the corner lot fronts.

MOTEL: See Automobile Court

NON-CONFORMING USE: A building or land occupied by a use that does not conform to the regulations as to use for the district in which it is situated.

ONE OWNERSHIP: Ownership of property (or possession thereof under a contract to purchase or under a lease the term of which is not less than ten years) by a person or persons, firm corporation or partnership, individually, jointly, in common or in any other manner whereby such property is under single or unified control. The term "Owner" shall be deemed to mean the person, firm, corporation or partnership exercising one ownership as herein defined.

OUTDOOR ADVERTISING STRUCTURE: Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed.

PARKING SPACE: An accessible and usable space on the building site at least eight (8) feet by twenty (20) feet located off the street with access for the parking of automobiles.

PROFESSIONAL OFFICE: An office for the conduct of any one of the following uses: Accountant, architect, attorney, chiropractor, civil engineer or surveyor's drafting office, collection agency, dentist, doctor, insurance office, private detective, real estate office, social worker, veterinary or similar use; but not the following uses: Advertiser, barber shop, contractor, pest control, pharmacy, veterinary with quarters for animals, beauty parlor.

REFUSE DUMP: Any location used for the deposit of refuse, garbage, or the disposal of any other waste materials of any description.

REST HOME: The room or boarding of any aged or convalescent persons, whether ambulatory or non-ambulatory, for which a license is required by a County, State or Federal Agency.

ROOMING OR BOARDING HOUSE: A dwelling other than a hotel where a lodging and/or meals for three (3) or more persons are provided for compensation.

SIDE AND FRONT OF CORNER LOTS: For the purpose of this ordinance the narrowest frontage of a corner lot facing the street is the front, and the longest frontage facing the intersecting street is the side irrespective of the direction in which the dwelling faces.

SIGN, APPURTENANT: A sign relating only to goods sold or services rendered upon the building site on which said sign is erected or maintained.

SIGN, NOT OUTDOOR ADVERTISING: Signs erected by service groups, churches or similar semi-public bodies where said signs do not advertise any products for sale and where said sign is not larger than 5 feet x 8 feet in any dimension.

SIGN, OUTDOOR ADVERTISING: Any card, cloth, paper, metal, painted, wooden or other sign of any kind or character whatsoever placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever. The term "placed" as used in the definitions of "outdoor advertising sign" and "outdoor advertising structure" shall include erecting, constructing, posting, painting, printing, tacking, nailing, glueing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF: A story with at least two (2) opposite exterior sides meeting a sloping roof not more than three (3) feet above the floor of such story.

STREET: Is a thoroughfare which affords the principal means of access to abutting property.

STREET LINE: The boundary between a street and abutting property.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, but not including fences or walls under six (6') feet in height.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

TRAILER COACH: A vehicle designed or used for human habitation and with its wheels in place.

TRAILER COURT: Land or premises used or intended to be used, let or rented for occupancy by or of trailers or movable dwellings, rooms or sleeping quarters of any kind.

TRAILER STORAGE: Temporary storage of one trailer on private property when not in use. Trailer shall not be used as sleeping quarters by anyone during storage period and the wheels shall remain attached to Trailer. This will help eliminate a health problem.

TRANSMISSION LINES: All lines used for the transmission of electric energy of 50KV and over.

USE: The purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is or may be occupied or maintained.

USE, ACCESSORY: A use accessory to any permitted use and customarily a part thereof, which use is clearly incidental and secondary to the permitted use and which does not change the character thereof.

YARD: An open space other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward, except as otherwise provided in Section 31 of this ordinance.

YARD, FRONT: A yard extending across the front of the lot between the inner side yard lines and measured from the front line of the lot to the nearest line of the building; provided, however, that if any Official Plan Line has been established for the street upon which the lot faces or if any building line is specified therefor in Section 22 of this ordinance, then such measurement shall be taken from such Official Plan Line to the nearest line of the building, or such building line shall prevail.

YARD, REAR: A yard extending across the full width of the lot and measured between the rear line of the lot and the nearest line of the building.

YARD, SIDE: A yard between the side of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

SECTION 10. REGULATIONS FOR "U" (UNCLASSIFIED) DISTRICTS.

All the unincorporated territory of the county which is not included under the terms of this ordinance in any other district is hereby designated and classified as constituting "U" Districts.

The following regulations shall apply in all "U" Districts and shall be subject to the provisions of Section 31 of this ordinance:

(a) USES PERMITTED:

1. Airports
2. All uses not otherwise prohibited by law except those enumerated herewith requiring a conditional permit.

(b) USES PERMITTED SUBJECT TO FIRST SECURING A CONDITIONAL PERMIT:

1. Auto Wrecking Yards
2. Junk Yards
3. Refuse Dumps
4. Commercial excavation of building or construction materials (if less than 1000 feet from any public street or road).
5. Exploration for or extraction of oil, gases, minerals and other natural materials except in those areas designated upon the map entitled "Map of San Luis Obispo County showing areas in which Use Permits are not required for the exploration for or extraction of oil, gases, minerals and other natural materials" which is incorporated herein by reference. In the areas so excluded a notice of intent to explore and develop mineral deposits, consisting of a map and/or a definite description of the area in which such exploration or development is to take place, must be filed with the office of the County Planning Commission as a condition precedent to such exploration or development.

(c) HEIGHT LIMITATIONS:

Chimneys, Church spires, flag poles, monuments, radio and television towers, and/or antennas shall not be higher than the distance from the base of same to the nearest point on any adjoining property line.

SECTION 11. INDEX MAP.

SECTION 12. OFFICIAL ZONING MAPS.

Those certain maps designated as the Official Zoning Maps of the San Luis Obispo Planning Commission on file in the office of the County Clerk are hereby adopted with all amendments and additions as the Official Zoning Maps of the County of San Luis Obispo and made a part of this ordinance by reference.

SECTION 13. REGULATIONS FOR R-1 DISTRICTS.

The following regulations shall apply in all R-1 Districts and shall be subject to the provisions of Section 31 of this ordinance:

(a) USES PERMITTED:

1. One-family dwellings.
2. Public parks and public playgrounds.
3. Nurseries and greenhouses used for the propagating and cultivating of plants for hobby and home use only, provided that any building for such use be placed on the rear half of the lot.
4. Home occupations, provided that no name plate or sign exceeding two (2) square feet in area shall be displayed in connection therewith.
5. Accessory buildings and accessory uses.
6. Aviaries for hobby use only, and household pets.

(b) USES PERMITTED SUBJECT TO FIRST SECURING A CONDITIONAL PERMIT:

1. Commercial Crop and tree farming and truck gardening.
2. Schools, libraries and churches.
3. Golf Courses and Country Clubs.
4. Electric sub-stations and similar uses.

(c) BUILDING HEIGHT LIMIT:

Two and one-half ($2\frac{1}{2}$) stories but not exceeding thirty-five (35) feet in height.

(d) MINIMUM BUILDING SITE AREA REQUIRED:

6,000 square feet except where combined with any "B" District.

(e) YARDS REQUIRED:

The following yards shall be required except when combined with any "B" District or shown on a building line map:

1. FRONT YARD:

Each lot shall have a front yard not less than twenty-five (25) feet in depth, except as

otherwise specified for any "B" district in which such lot may be located; provided, however, that in case a building line for the street upon which any lot faces is established by the Street and Highway Plan of the Master Plan of the County or is specified in Section 22 of this ordinance, then the front yard on such lot shall have a depth of not less than the distance from the street line specified for such building line. For exceptions see Section 31.

2. SIDE YARD:

Ten (10%) percent of width of lot to a maximum of five (5') feet on each side, and to a minimum of three (3) feet on each side.

The width of any one side yard on any lot may be reduced by one (1) foot for each one (1) foot by which the other side yard on the same lot is increased beyond the width required therefor by the preceding provisions of this section, but in no case shall such resulting reduced width of any side yard be less than three (3) feet.

On a corner lot adjacent to a key lot the side yard on the street side of such corner lot shall have a width of not less than ten (10') feet.

3. REAR YARD:

Ten (10') feet.

(f) AUTOMOBILE PARKING REQUIREMENTS:

Automobile parking shall be required as provided in Section 30 of this ordinance.

SECTION 14. REGULATIONS FOR R-2 DISTRICTS:

The following regulations shall apply in all R-2 Districts and shall be subject to the provisions of Section 31 of this ordinance:

(a) USES PERMITTED:

1. One-family dwellings.
2. Two single-family dwellings, one duplex or one triplex.
3. Public parks and public playgrounds.
4. Nurseries and greenhouses used for the propagating and cultivating of plants for hobby and home use only, provided that any building for such use be placed on the rear half of the lot.
5. Home occupations, provided that no name plate or sign exceeding two (2) square feet in area shall be displayed in connection therewith.
6. Accessory buildings and accessory uses.
7. Aviaries for hobby use only, and household pets.

(b) USES PERMITTED SUBJECT TO FIRST SECURING A CONDITIONAL PERMIT:

1. Commercial crop and tree farming and truck gardening.
2. Schools, libraries and Churches.
3. Golf Courses and Country Clubs.
4. Electric sub-stations and similar uses.

(c) BUILDING HEIGHT LIMIT:

Two and one-half (2½) stories but not exceeding thirty-five (35) lot A combination of small lots under one ownership may be used feet in height.

(d) MINIMUM BUILDING SITE AREA REQUIRED:

6,000 square feet except where combined with any "B" District, except that there may be not to exceed one (1) two-family dwelling or duplex or triplex or two (2) one-family dwellings upon any one (1) for the required building site area.

(e) YARDS REQUIRED:

The following yards shall be required except when combined with any "B" District or shown on a building line map:

1. FRONT YARD:

Each lot shall have a front yard not less than twenty-five (25) feet in depth, except as otherwise specified for any "B" district in which such lot may be located; provided, however, that in case a building line for the street upon which any lot faces is established by the Street and Highway Plan of the Master Plan of the County or is specified in Section 22 of this ordinance, then the front yard on such lot shall have a depth of not less than the distance from the street line specified for such building line. For exceptions see Section 31.

2. SIDE YARD:

Ten (10%) percent of width of lot to a maximum of five (5') feet on each side, and to a minimum of three (3) feet on each side.

The width of any one side yard on any lot may be reduced by one (1) foot for each one (1) foot by which the other side yard on the same lot is increased beyond the width required therefor by the preceding provisions of this section, but in no case shall such resulting reduced width of any side yard be less than three (3) feet.

On a corner lot adjacent to a key lot the side yard on the street side of such corner lot shall have a width of not less than ten (10') feet.

3. REAR YARD

Ten (10') feet.

(f) DISTANCE BETWEEN BUILDINGS ON SAME LOT:

No main building shall be closer than ten (10') feet to any other main building on the same lot.

(g) AUTOMOBILE PARKING REQUIREMENTS:

Automobile parking shall be required as provided in Section 30 of this ordinance.

SECTION 15. REGULATIONS FOR R-3 DISTRICTS

The following regulations shall apply in all R-3 Districts and shall be subject to the provisions of Section 31 of this ordinance:

(a) USES PERMITTED:

1. One-family dwellings.
2. Two single family dwellings, one duplex or one triplex.
3. Multiple dwellings and dwelling groups.
4. Rooming house and boarding house.
5. Public parks and public playgrounds.
6. Nurseries and greenhouses used for the propagating and cultivating of plants for hobby and home use only, provided that any building for such use be placed on the rear half of the lot.
7. Home occupations, provided that no name plate or sign exceeding two (2) square feet in area shall be displayed in connection therewith.
8. Accessory buildings and accessory uses.
9. Aviaries for hobby use only, and household pets

(b) USES PERMITTED SUBJECT TO FIRST SECURING A CONDITIONAL PERMIT:

1. Motels
2. Hotels
3. Trailer Parks
4. Hospitals, rest homes, sanitariums, clinics, and other buildings used for the treatment of human ailments.
5. Commercial crop and tree farming and truck gardening.
6. Schools, libraries, and churches.
7. Golf Courses and Country Clubs.
8. Clubs, Lodges and fraternity and sorority houses.
9. Philanthropic and charitable institutions.
10. Museums and Art Galleries.

11. Professional Office, electric sub-stations and similar uses.
12. Mortuaries.
13. On Site Signs for any of the above uses may be included in the application of Conditional Use Permit for said uses.

(c) BUILDING HEIGHT LIMIT:
Three (3) stories but not exceeding forty-five (45) feet in height.

(d) MINIMUM BUILDING SITE AREA REQUIRED:
6,000 square feet except where combined with any "B" District, but not less than 1,000 square feet of land area for each living unit in any multiple dwelling or dwelling group. A combination of small lots under one ownership may be used to make the required building site area.

(e) YARDS REQUIRED:
The following yards shall be required except when combined with any "B" District or shown on a building line map:

1. FRONT YARD:
Each lot shall have a front yard not less than twenty-five (25) feet in depth, except as otherwise specified for any "B" district in which such lot may be located; provided, however, that in case a building line for the street upon which any lot faces is established by the Street and Highway Plan of the Master Plan of the County or is specified in Section 22 of this ordinance, then the front yard on such lot shall have a depth of not less than the distance from the street line specified for such building line. For exceptions see Section 31.

2. SIDE YARD:
Ten (10%) percent of width of lot to a maximum of five (5') feet on each side, and to a minimum of three (3) feet on each side.
The width of any one side yard on any lot may be reduced by one (1) foot for each one (1) foot by which the other side yard on the same lot is increased beyond the width required therefor by the preceding provisions of this section, but in no case shall such resulting reduced width of any side yard be less than three (3') feet.
On a corner lot adjacent to a key lot the side yard on the street side of such corner lot shall have a width of not less than ten (10') feet.

3. REAR YARD:
Ten (10') feet.

(f) DISTANCE BETWEEN BUILDINGS ON SAME LOT:
No main building shall be closer than ten (10') feet to any other main building on the same lot.

(g) SPECIAL YARDS REQUIRED FOR DWELLING GROUPS:
Group dwellings in a single row "side-to-side" series facing a side lot line; side yards to the rear of buildings, eight (8) feet; side yards in front of buildings, fourteen (14) feet; distance between buildings, ten (10) feet.
Group dwellings in a double row "side-to-side" series facing a central court; side yards to the rear of buildings, eight (8) feet; width of central court, twenty-four (24) feet; distance between buildings, ten (10) feet.
No building in a group dwelling development shall have the rear thereof abutting upon a street.

(h) AUTOMOBILE PARKING REQUIREMENTS:
Automobile parking shall be required as provided in Section 30 of this ordinance.

SECTION 16. REGULATIONS FOR R-4 DISTRICTS
The following regulations shall apply in all R-4 Districts and shall be subject to the provisions of Section 31 of this ordinance:

(a) USES PERMITED:
1. One-family dwellings.
2. Two single-family dwellings, one duplex or one triplex.
3. Multiple dwellings and dwelling groups.
4. Rooming house and boarding house.
5. Public parks and public playgrounds.
6. Hotels.
7. Motels.
8. Hospitals, rest homes, sanitariums, clinics, and other buildings used for the treatment of human ailments.
9. Professional offices and Public Utility Offices.
10. Schools, libraries and Churches.
11. Golf Courses and Country Clubs.
12. Clubs, Lodges, and fraternity and sorority houses.
13. Philanthropic and charitable institutions.
14. Museums and Art Galleries
15. Nurseries and greenhouses used for the propagating and cultivationg of plants for hobby and home use only, provided that any building for such use be placed on the rear half of the lot.
16. Home occupations, provided that no name plate or sign exceeding two (2) square feet in area shall be displayed in connection therewith.
17. Accessory buildings and accessory uses.
18. Aviaries for hobby use only, and household pets.
19. Any commercial use incidental to and a part of any of the above uses.
20. On Site Signs appurtenant to any permitted major use.

(b) USES PERMITTED SUBJECT TO FIRST SECURING A CONDITIONAL PERMIT:
1. Trailer Courts
2. Commercial crop and tree farming
3. Mortuaries
4. On Site Signs for any of the above uses may be included in the application for Conditional Use Permit for said uses.

(c) BUILDING HEIGHT LIMIT:
Three (3) stories but not exceeding forty-five (45) feet in height.

(d) MINIMUM BUILDING SITE AREA REQUIRED:
6,000 square feet except where combined with any "B" District, but not less than 1000 square feet of land area for each living unit in any multiple dwelling or dwelling group. A combination of small lots under one ownership may be used to make the required building site area.

(e) YARDS REQUIRED:
The following yards shall be required except when combined with any "B" District or shown on a building line map:

1. FRONT YARD:
Each lot shall have a front yard not less than twenty-five (25) feet in depth, except as otherwise specified for any "B" district in which such lot may be located; provided, however, that in case a building line for the street upon which any lot faces is established by the Street and Highway Plan of the Master Plan of the County or is specified in Section 22 of this ordinance, then the front yard on such lot shall have a depth of not less than the distance from the street line specified for such building line. For exceptions see Section 31.

2. SIDE YARD:
Ten (10%) percent of width of lot to a maximum of five (5') feet on each side, and to a minimum of three (3) feet on each side.

The width of any one side yard on any lot may be reduced by one (1) foot for each one (1) foot by which the other side yard on the same lot is increased beyond the width required therefor by the preceding provisions of this section, but in no case shall such resulting reduced width of any side yard be less than three (3) feet.

On a corner lot adjacent to a key lot the side yard on the street side of such corner lot shall have a width of not less than ten (10') feet.

3. REAR YARD:

Ten (10') feet

(f) DISTANCE BETWEEN BUILDINGS ON SAME LOT:

No main building shall be closer than ten (10') feet to any other main building on the same lot.

(g) SPECIAL YARDS REQUIRED FOR DWELLING GROUPS:

Group dwellings in a single row "side-to-side" series facing a side lot line; side yards to the rear of buildings, eight (8) feet; side yards in front of buildings, fourteen (14) feet; distance between buildings, ten (10') feet.

Group dwellings in a double row "side-to-side" series facing a central court; side yards to the rear of buildings, eight (8) feet; width of central court, twenty-four (24) feet; distance between buildings, ten (10') feet.

No building in a group dwelling development shall have the rear thereof abutting upon a street.

(h) AUTOMOBILE PARKING REQUIREMENTS:

Automobile parking shall be required as provided in Section 30 of this ordinance.

SECTION 17. REGULATIONS FOR RECREATIONAL OR "L" DISTRICTS

The following regulations shall apply in all "L" Districts and shall be subject to the provisions of Section 31 of this ordinance.

(a) USES PERMITTED:

1. All residential uses, including Motels.
2. Retail (no secondhand sales), and service establishments (within a building), clinics and offices.
3. Baseball parks, golf courses, and other commercial places of amusements, including indoor theaters.
4. Mineral baths.
5. Churches and schools (public and Parochial) or schools accredited to the State School System; public and quasi-public uses.
6. Campgrounds and Trailer Courts.
7. Accessory uses and buildings appurtenant to any permitted use.
8. On Site Signs appurtenant to any permitted major use.
9. Signs not exceeding in the aggregate, six (6) square feet in area, for each building site, may be displayed for the purpose of advertising the sale or lease of property upon which displayed.

(b) USES PERMITTED SUBJECT TO FIRST SECURING A CONDITIONAL PERMIT:

1. Outdoor theaters.
2. Outdoor retail sales establishments.
3. Secondhand sales.
4. Crop and tree farming and truck gardening.

On Site Signs for any of the above uses may be included in the application for Conditional Use Permit for said uses.

(c) BUILDING HEIGHT LIMIT:

Thirty-five (35) feet, provided that additional height may be permitted if a Conditional Permit is first secured.

(d) MINIMUM BUILDING SITE AREA REQUIRED:

6,000 square feet, except where combined with any "B" District.

(e) YARDS REQUIRED:

The following yards shall be required except when combined with any "B" District or shown on a building line map:

1. FRONT YARD:

Each lot shall have a front yard not less than twenty-five (25) feet in depth, except as otherwise specified for any "B" district in which such lot may be located; provided, however, that in case a building line for the street upon which any lot faces is established by the street and Highway Plan of the Master Plan of the County or is specified in Section 22 of this ordinance, then the front yard on such lot shall have a depth of not less than the distance from the street line specified for such building line. For exceptions see Section 31.

2. SIDE YARD:

Ten (10%) percent of width of lot to a maximum of five (5') feet on each side, and to a minimum of three (3) feet on each side.

The width of any one side yard on any lot may be reduced by one (1) foot for each one (1) foot by which the other side yard on the same lot is increased beyond the width required therefor by the preceding provisions of this section, but in no case shall such resulting reduced width of any side yard be less than three (3) feet.

On a corner lot adjacent to a key lot the side yard on the street side of such corner lot shall have a width of not less than ten (10') feet.

3. REAR YARD:

Ten (10') feet.

(f) AUTOMOBILE PARKING REQUIREMENTS:

Automobile parking shall be required as provided in Section 30 of this ordinance.

SECTION 18. REGULATIONS FOR C-1 DISTRICTS

The following regulations shall apply in all C-1 Districts and shall be subject to the provisions of Section 31 of this ordinance:

(a) USES PERMITTED:

1. Multiple dwellings and dwelling groups, including a triplex.
2. Rooming house and boarding house.
3. Public parks, public playgrounds and public buildings.
4. Hotels.
5. Motels.
6. Hospitals, rest homes, sanitariums, clinics and other buildings used for the treatment of human ailments.
7. Professional offices and public utility offices.
8. Schools, libraries and churches.
9. Golf courses and County Clubs.
10. Clubs, Lodges and fraternity and sorority houses.
11. Philanthropic and charitable institutions.
12. Museums and Art Galleries.
13. Nurseries and greenhouses.
14. Home occupations.
15. Accessory buildings and accessory uses.
16. Laundry and cleaning agencies and laundromats.
17. Commercial parking lots and parking garages.
18. New or Used Car Sales where no repair work is done.

19. On Site Signs.
20. Trailer Courts.
21. Mortuaries.
22. Restaurants, cafes, refreshment stands and cocktail lounge.
23. Living Quarters above or appurtenant to any commercial building.
24. Electric sub-station, public utility buildings, water wells, tanks and reservoirs, but not including plants for the manufacturing of power.
25. Retail sales of clothing, drugs, appliances and food.
26. Automobile service stations for only the sale of gasoline, oil and minor accessories.
27. Banks.
28. Barber Shops and beauty parlors.
29. Conservatories, theaters and studios (except motion picture studios).
30. Dressmaking, millinery, shoe and tailor shops.
31. Messenger offices and telegraph offices.
32. Storage garages.
33. Other retail business uses which, in the opinion of the Planning Commission, are of the same general character as those enumerated in this subsection and will not be obnoxious or detrimental to the district in which located.

(b) USES PERMITTED SUBJECT TO FIRST SECURING A CONDITIONAL PERMIT:

1. One-family dwellings.
2. Two single-family dwellings or one duplex.
3. Outdoor advertising structures.
4. Public garages.
5. Auto repair shops.
6. Animal Hospitals, Kennels and Pet shops.
7. Equipment Rental.
8. Secondhand sales.

(c) BUILDING HEIGHT LIMIT:

None except where combined with A-H Zones.

(d) MINIMUM BUILDING SITE AREA REQUIRED:

2,000 square feet for commercial use and 6,000 square feet for any residential use as in the R-3 regulations.

(e) YARDS REQUIRED:

The following yards shall be required except when combined with any "B" District or shown on a building line map:

1. FRONT YARD:

None, except where frontage in a block is partially in an "R" District, in which case the front yard shall be the same as required in such "R" District.

2. SIDE YARD:

None, except as required in the Building Code or where the side of a lot abuts on the side of a lot in an "R" zone in which case the abutting side yard shall not be less than three (3') feet; all residential uses not less than three (3') feet.

3. REAR YARD:

None, except as required in Building Code or if the rear yard abuts on an "R" District, the rear yard depth shall be not less than ten (10') feet; all residential uses not less than ten (10') feet.

(f) AUTOMOBILE PARKING REQUIREMENTS:

Automobile parking shall be required as provided in Section 30 of this ordinance.

SECTION 19. REGULATIONS FOR C-2 DISTRICTS

The following regulations shall apply in all C-2 Districts and shall be subject to the provisions of Section 31 of this ordinance:

(a) USES PERMITTED:

1. Multiple dwellings and dwelling groups, including a triplex.
2. Rooming house and boarding house.
3. Public parks, public buildings and public playgrounds.
4. Hotels.
5. Motels.
6. Hospitals, rest homes, sanitariums, clinics and other buildings used for the treatment of human ailments.
7. Professional offices and public utility offices.
8. Schools, libraries and churches.
9. Golf Courses and Country Clubs.
10. Clubs, Lodges and fraternity and sorority houses.
11. Philanthropic and charitable institutions.
12. Museums and Art Galleries.
13. Nurseries and greenhouses.
14. Home occupations.
15. Accessory buildings and accessory uses.
16. Laundry and cleaning agencies and laundromats.
17. Commercial Parking Lots and Parking Garages.
18. New or Used Car Sales.
19. On Site Signs.
20. Trailer Courts.
21. Mortuaries.
22. Restaurants, cafes, refreshment stands and cocktail lounge.
23. Living Quarters above or appurtenant to any commercial building.
24. Electric sub-station, public utility buildings, water wells, tanks and reservoirs, but not including plants for the manufacture of power.
25. Stores and shops for the conduct of any retail business, including secondhand sales.
26. Automobile service stations.
27. Banks.
28. Barber Shops and Beauty Parlors.
29. Conservatories, theaters and studios (except motion picture studios).
30. Dressmaking, millinery, shoe and tailor shops.
31. Messenger offices and telegraph offices.
32. Storage garages.
33. Outdoor advertising structures.
34. Public garages.
35. Auto Repair Shops.
36. Animal Hospitals, Kennels and Pet shops.
37. Stores and shops for the conduct of any wholesale business.
38. Warehouses.
39. Auto Laundries.
40. Carpenter shops, cabinet shops and lumber yards.
41. Laundries.
42. Paint, paper hanging and decorating shops.
43. Plumbing shops, tinsmith shopt, and welding shops.
44. Storage of household goods.
45. Equipment rental.

46. Other uses which, in the opinion of the Planning Commission, are similar in character to those enumerated in this sub-section and will not be obnoxious or detrimental to the district in which located.

47. The uses of power-driven machinery incidental to any of the uses permitted in said C-2 Districts.

(b) USES PERMITTED SUBJECT TO FIRST SECURING A CONDITIONAL PERMIT:

1. One-family dwellings.
2. Two-family dwellings or duplexes.
3. Junk Yards.
4. Light manufacturing, including clothing, handicraft products, printing, lithographing, or industrial uses of a similar character.
5. Helioports.
6. Bowling Allies.
7. Skating Rinks.
8. Dancing Academies and Dance Halls.

(c) BUILDING HEIGHT LIMIT:

None except where combined with A-H Zones.

(d) MINIMUM BUILDING SITE AREA REQUIRED:

2,000 square feet for commercial use and 6,000 square feet for any residential use as in the R-3 Regulations.

(e) YARDS REQUIRED:

9. Automobile Wrecking Yards

The following yards shall be required except when combined with any "B" District or shown on a building line map of Official Plan Line Map.

1. FRONT YARD:

None, except where frontage in a block is partially in an "R" District, in which case the front yard shall be the same as required in such "R" District.

2. SIDE YARD:

None, except as required in Building Code or where the side of a lot abuts on the side of a lot in an "R" zone in which case the abutting side yard shall not be less than three (3') feet; all residential uses not less than three (3') feet.

3. REAR YARD:

None, except as required in Building Code or if the rear yard abuts on an "R" District, the rear yard depth shall be not less than ten (10') feet; all residential uses not less than ten (10') feet.

(f) AUTOMOBILE PARKING REQUIREMENTS:

Automobile parking shall be required as provided in Section 30 of this ordinance.

SECTION 20. REGULATIONS FOR M-1 (Light Industrial) DISTRICTS

The following regulations shall apply in all M-1 Districts and shall be subject to the provisions of Section 31 of this ordinance where applicable:

(a) USES PERMITTED:

1. Agriculture, including all types of farming, the raising of poultry, rabbits or livestock, the operation of dairies and orchards with the usual accessory agricultural buildings, structures, garages and implement shelters, or wholesale nurseries or greenhouses.
2. Airports, Helipports or Landing Strips for Aircraft.
3. Animal hospitals, kennels and veterinaries.
4. Automobile service stations, tire and tube repairing, battery servicing, automobile lubrication or repair, and automobile laundry or wash rack.
5. Equipment rental.
6. Any of the following, or similar manufacturing, compounding, assemblind, processing or treating uses, if conducted wholly within a building:
   a. Agricultural industries such as the packing, canning and processing of agricultural, creamery or dairy products.
   b. Manufacture of food products.
   c. Aircraft factories and plants for manufacture and/or assembly of aircraft parts and miscellaneous instruments.
   d. Automobile assembly plants, general automobile and truck repair, body and fender works, painting, upholstering, dismantling and the manufacture of batteries, electric or electrical devices.
   e. Bakeries.
   f. Blacksmith and machine shops.
   g. Carpenter and cabinet shops or furniture manufacture.
   h. Clothing, garment, or textile manufacture.
   i. Cleaning, dyeing, carpet and rug cleaning plants.
   j. Ice and cold storage, bottling plants, and frozen food lockers.
   k. Handicraft, printing, lighographing.
   l. Manufacture of ceramics and other manufacturing uses of a similar character.
   m. Wholesale businesses, storage buildings and warehouses.
7. Any of the following, or similar uses if wholly enclosed within a wall or fence approved by the Planning Commission:
   a. Building materials and contractors' storage yards.
   b. Brick, concrete products, tile or terra cotta manufacture.
   c. Draying, crating, or trucking yards or terminals.
   d. Lumber yards.
   3. Petroleum products storage, including the barreling, canning and packaging of lubricating oils, greases and petroleum products, with accessory truck or rail loading and shipping facilities.
   f. Stable or riding academy.
   g. Public utility buildings, service yards, electric transmission sub-stations and gas transmission or compressor stations.
   h. Small boat building.
   i. Any accessory buildings and structures necessary to such uses located on same lot or parcel of land.
8. Outdoor Advertising signs or structures.

(b) USES PERMITTED SUBJECT TO FIRST SECURING A CONDITIONAL PERMIT:

1. Dwellings and all residential uses including auto courts and trailer camps not pertinent to uses listed above on the same parcel of land.
2. Public and quasi-public uses.
3. Oil drilling and the commercial excavation of building or construction materials.
4. Livestock feed yards.
5. Auto Wrecking and Used Parts Sales.

(c) BUILDING HEIGHT LIMIT: Seventy-five (75') feet.

(d) YARD AREAS:

Front - Fifty (50') feet from the centerline of any street right-of-way which is intended for public use.

Side - None, except on a corner lot. No building shall be constructed within fifty (50') feet of the centerline of any street right-of-way which is intended for public use.

In M-1 Districts bordering on any "R" District the minimum side yard shall be ten (10') feet on the sides bordering such "R" District, minimum side yards shall be five (5') feet bordering on alleys.

No side yard is required on a side lot line within an M-1 District provided that such walls shall have no doors or windows and/or have a minimum of 2 hours fire resistance. Eaves and building drainage shall be within boundaries of owner's property.

Rear - Five (5') feet where an alley exists, fifteen (15') feet where no alley exists.

In addition, the area of the building site in all cases shall include space for off-street parking according to the following formula:

a. One automobile parking space (minimum of 150 square feet for each two employees or anticipated customers.

SECTION 21. REGULATIONS FOR M-2 (Heavy Industrial) DISTRICTS

The following regulations shall apply in all M-2 Districts and shall be subject to the provisions of Section 31 of this ordinance where applicable:

(a) USES PERMITTED:

1. Any use permitted in the M-1 District subject to the securing of a Conditional Permit in each case where a Conditional Permit is required in the M-1 District, except for uses specifically permitted in "2" below.

2. Any of the following or similar manufacturing, compounding, assembling, processing or treating uses except when such proposed use is within 500 feet of any property classified other than as an M-1 District, provided, that it shall be unlawful and a public nuisance to enter upon the property for the construction of, or to use any building or improvement for the following permitted uses unless and until plans have been submitted to and approved by the Board of Supervisors, or other authorization agency or county official. Such plans shall be approved if drawn so as to establish that the construction and operation of each such plant, or other heavy industrial use, will comply with all State and Federal laws and County ordinances in force and effect and applicable to the regulation of obnoxious or offensive noise, smoke, dust, explosives, vibration, odors or flashing lights.

a. Acetylene gas manufacture or storage.
b. Ammonia, bleaching powder, or chlorine manufacture.
c. Asphalt manufacture or refining.
d. Storing, sorting, collecting or baling of rags, paper, iron or junk in the open.
e. Blast furnace or coke ovens.
f. Boiler works.
g. Chemical manufacture.
h. Cotton gin or oil mill.
i. Fish smoking, curing or canning.
j. Petroleum refining and petroleum or tar products manufacture.
k. Oilcloth or linoleum manufacture.
l. Oil drilling and production of oil, gas or hydrocarbons.
m. Plastic manufacture.
n. Wool pulling or scouring.
o. Tannery, or the curing or storage of raw hides.
p. Any accessory buildings and structures necessary to such uses located on the same lot or parcel of land.
q. Livestock feed yards, slaughter houses and reduction works.
r. Automobile Wrecking Yards.

3. Outdoor Advertising signs or structures.

(b) BUILDING HEIGHT - No limitation except within those areas designated as Airport Hazard (AH) Districts as defined in Section 29 of this ordinance.

(c) YARD AREAS:

Front - Fifty feet (50') from the centerline of any street right-of-way which is intended for public use.

Side - None except on a corner lot. No building shall be constructed within fifty feet (50') of the centerline of any street right-of-way which is intended for public use.

In M-2 Districts bordering on any "R" District the minimum side yard shall be ten (10') feet on the sides bordering such "R" District.

Walls of buildings constructed on the property line within an M-2 District shall have no doors or windows and shall be constructed of materials having a minimum of 2 hours fire resistance. Eaves and building drainage shall be within boundaries of owner's property.

Rear - Five (5') feet where an alley exists, fifteen (15') feet where no alley exists.

In addition, the area of the building site in all cases shall include space for off-street parking according to the following formula:

a. One automobile parking space (minimum of 150 square feet) for each two employees or anticipated customers.

SECTION 22. BUILDING LINES:

For the purpose of measuring yard dimensions and determining building locations with respect to building lines, as provided in this Ordinance, said building lines shall be established by the adoption of amendments to this section, which amendments shall de designated as Sections 22-1, 22-2, 22-3, and so forth, consisting of a map or maps designating said building lines thereon, which said building lines shall be the minimum set-back distances from the front, sides and back lines of said lot or lots. Said maps are a part of the Official Zoning Maps of the San Luis Obispo County Planning Commission and are hereby made a part of this ordinance by reference.

SECTION 23. REGULATIONS FOR R-A DISTRICTS

The following regulations shall apply in all R-A Districts and shall be subject to the provisions of Section 31 of this ordinance:

(a) USES PERMITTED:

1. One-family dwellings.
2. Golf courses and country clubs, and signs appurtenant thereto.
3. Schools, libraries and churches.
4. Public parks and playgrounds.
5. Truck gardening, fruits and berries, nurseries and greenhouses.
6. Small livestock farming for personal home use only, provided that not more than 25 chickens, 5 turkeys, 4 geese or 6 ducks, 3 does and one buck rabbit, 2 horses, 1 cow, 2 sheep, or 2 milk goats may be raised on any parcel under one ownership, but no commercial raising of any livestock.
7. The keeping and/or raising of household pets for personal use only.
8. Home occupations, provided that no name plate or sign exceeding two (2) square feet in area shall be displayed in connection therewith.
9. Accessory buildings and accessory uses, including servants' quarters and non-commercial guest houses, and stands for the sale of products grown on the property upon the securing of a permit from the Building Division.
10. Electric Sub-stations.

(b) LOCATION OF ACCESSORY BUILDINGS:

Accessory Buildings used as barns, stables or out buildings shall be not less than 25 feet from any side or rear property line and not less than 100 feet from the front property line, or less than 50 feet from any dwelling unit.

(c) BUILDING SITE AREA REQUIRED:

1. For each single-family residence, 20,000 square feet.

2. For any small livestock farming as defined above, one acre with a minimum width of 100 feet, or additional livestock may be allowed under above formula.

3. A combination of smaller lots under one ownership may be used for the above required areas provided such lots are contiguous.

(d) FRONT YARD REQUIRED:

Each lot shall have a front yard of not less than 25 feet in depth except as otherwise specified for any "B" District in which such lot may be located; provided, however, that in case a building line for the street upon which any lot faces is established by the Streets and Highways Plan of the Master Plan of the County or is specified in Section 22 of this ordinance, then the front yard on such lot shall have a depth of not less than the distance from the street line specified for such building line.

(e) SIDE YARD:

1. Each lot, except as otherwise specified for any "B" district in which such lot is located, shall have side yards each having a width of not less than five (5') feet.

2. On a corner lot adjacent to a key lot the side yard on the street side of such corner lot shall have a width of not less than 10 feet.

(f) REAR YARD:

Each lot shall have a rear yard of a depth equal to not less than twenty (20%) percent of the depth of the lot.

(g) AUTOMOBILE PARKING REQUIREMENTS:

Automobile parking shall be required as provided in Section 30 of this ordinance.

SECTION 24. REGULATIONS FOR A-1 (Light Agricultural) DISTRICTS

It is the intention of this section to encourage proper development by promoting and retaining the agricultural use of property where subdivisions or urban developments are imminent until it is property subdivided under current County Subdivision Ordinances. Approval of tentative and final subdivision maps shall constitute sufficient justification for the County Planning Commission to consider the appropriate rezoning of areas currently designated as A-1.

The following regulations shall apply in all A-1 Districts and shall be subject to the provisions of Section 31 of this ordinance.

(a) USES PERMITTED:

1. One-family dwellings and farm labor quarters.

2. Light agriculture.

3. Accessory agricultural buildings, structures and uses, including farm buildings, garages and implement shelters, provided that no livestock or any building or enclosure used in connection with livestock shall be located nearer than 100 feet to the front lot line, or nearer than 50 feet to any existing dwelling on any contiguous property, or to any public park or school.

4. Equestrian establishments including stables, riding academies, riding schools or riding amusements.

5. Storage for petroleum products used on the premises and not for resale.

6. Public Utility or public service buildings, structures and uses, including transmission lines and water supply reservoirs.

7. One sign for each property not to exceed 20 square feet in area to advertise the products produced or sold on the premises or for sale of the premises on which it is placed or to identify the premises or occupants.

(b) USES PERMITTED SUBJECT TO FIRST SECURING A CONDITIONAL PERMIT:

1. Animal hospitals, kennels and veterinaries.

2. Oil and gas drilling and production and excavation and quarrying of natural materials.

3. Electric sub-stations.

4. Packing or processing plants for farm products not raised on the premises.

5. Farm Labor Camps.

6. Rest Homes.

7. Churches, libraries, museums, elementary, high schools, or colleges, golf courses, country clubs, hospitals, sanitariums, public parks, playgrounds, community centers, or other uses by public agencies.

(c) BUILDING HEIGHT LIMIT:

None unless in A-H or other combining districts.

(d) MINIMUM BUILDING SITE AREA REQUIRED:

1. For each single-family residence, one acre, unless for residence of owner, lessee, or members of family of owner or lessee or employees of owner using property for agricultural purposes.

2. For any light-agricultural use minimum acreage shall be designated within the zoned district with a number in parenthesis following the zone designation (e.g., A-1-(5) means 5 acre minimum).

3. A combination of smaller lots under one ownership may be used for the above required areas, provided such lots are contiguous.

(e) YARDS REQUIRED:

The following yards shall be required except when combined with any "B" District or shown on a building line map:

1. FRONT YARD: None

2. SIDE YARD: None unless required for health or safety of residents.

3. REAR YARD:

None, except as otherwise specified for accessory buildings housing livestock or farm animals.

(f) AUTOMOBILE PARKING REQUIREMENTS:

Automobile parking shall be required as provided in Section 30 of this ordinance.

SECTION 25. REGULATIONS FOR A-2 (Exclusive Agricultural) DISTRICTS

It is the intention of this section to encourage agriculture as a major industry of this county and for the protection of agriculture and in order to prevent further encroachment upon it by incompatible uses of property and for the general welfare of the county as a whole there is hereby created a zone classification within which agriculture shall be encouraged to the exclusion of such other uses of land as may be in conflict therewith. Therefore the provisions of this section shall be liberally interpreted insofar as they apply to agricultural pursuits and services to the end that no other use shall be permitted and no regulation shall be deemed or construed to interfere with any normal accessory use conducted in conjunction therewith. It is the intention of this section to deter developers from considering lands in this agricultural zone as potential urban subdivision property; to provide maximum protection to existing and future agricultural enterprisers from restrictions instituted at the request of present or future residents; and to in every way encourage the highest and best use of the lands so classified, including the necessary residential and other similar uses necessary and incidental thereto.

It is expressly understood that areas zoned A-2 (exclusive agricultural) in accordance herewith shall be deemed to be "zoned and used exclusively for agriculture and as to which there is no reasonable probability of the removal or modification of the zoning restriction within the near future", as such language appears in current legislation.

The following regulations shall apply in all A-2 districts and shall be subject to the provisions of Section 31 of this ordinance where applicable.

(a) USES PERMITTED:

1. All agricultural uses (except the uses indicated in Section (b) shall not be established until a conditional permit is first secured).
2. Agricultural buildings and accessory uses.
3. Dwellings pertinent to the agricultural use of the property; residence of the owner, owners, lessee or lessor of the land upon which agricultural use is conducted; residence of members of the family of the above, or residence of bona fide employees of those mentioned above.
4. Farm labor quarters.
5. Feed yards, sales yards for livestock or agricultural products only, commercial stables and riding academies.
6. Fruit and vegetablo packing and processing plants and similar uses including stands for sale of produce grown or produced on the premises.
7. Signs not to exceed 40 square feet in area advertising products for sale on the premises, advertising the sale or lease of property on which displayed, or as a ranch name or name plate.
8. Animal hospitals, kennels and veterinaries.

(b) USES PERMITTED SUBJECT TO FIRST SECURING A CONDITIONAL PERMIT:

1. Commercial slaughter houses.
2. Churches, schools, public utility structures, public and quasi-public uses where and to the extent that such are necessary to serve such zone.
3. Labor Camps.
4. Oil and gas drilling and excavation of natural materials, except in those areas where permit is not required as designated in the "U" zone.
5. Fruit and vegetable packing and processing plants for produce grown in the area but not necessarily on the premises.

(c) MINIMUM AREA REQUIRED:

The principal use of the land must be for agricultural purposes and minimum acreage shall be designated within the zoned district with a number in parenthesis following the zone designation (e.g., A-2-(3) means 3 acre minimum).

(d) YARDS REQUIRED:

The following yards shall be required except when combined with any "B" District or shown on a building line map or Official Plan line.

1. FRONT YARD: - None
2. SIDE YARD: - None except corrals, barns or other accessory building for the housing of livestock or fowl located in the front 100 feet of the property shall be a minimum of 20 feet from the side property line.
3. REAR YARD: - None

(e) PROCEDURE FOR ESTABLISHING "A-2" ZONE AND FOR CHANGE OF "A-2" ZONE TO ANY OTHER DISTRICT:

1. The exclusive provisions of this part of this ordinance make it imperative that it be initiated only by the people in the area to which it is applied and not subject to Section 37 of this ordinance. Amendment of this ordinance to establish an A-2 district from any other district, add to an "-2 district, or change the boundaries of an A-2 district, shall be initiated by a verified petition signed by 2/3 of the property owners within the area to be included in said district.
2. When A-2 regulations are applied to any area, the date of adoption shall be marked on the map designating the area so zoned and changes removing such zoning, or changing such zoned district to any other zoned district shall be made only at five (5) year intervals thereafter, and then upon application of 2/3 of the property owners within the area affected by the proposed change of zone.

SECTION 26. REGULATIONS FOR "H" (Highway Frontage) DISTRICTS

The following regulations shall apply in all "H" Districts and shall be subject to the provisions of Section 31 of this ordinance where applicable:

(a) USES PERMITTED:

1. Agriculture of all types.
2. Multiple dwellings including triplexes.
3. Motels, hotels.
4. Boarding and lodging houses, clubs, and fraternity and sorority houses.
5. Parks, playgrounds and community centers operated by a public agency.
6. One sign, not to exceex 20 square feet in area advertising products for sale on the premises, advertising the sale or lease of property on which displayed; or as a ranch name or name plate.
7. On site signs

(b) USES PERMITTED SUBJECT TO FIRST SECURING A CONDITIONAL PERMIT:

1. Commercial establishments operated primarily for the purpose of rendering service to highway traffic such as:
   (a) Retail stores and offices
   (b) Trailer Courts
   (c) Restaurants
   (d) Garages and service stations, but not including junk yards, or storage or wrecking of used cars.
   (e) Other similar uses which in the opinion of the Planning Commission would render service to the public and would not be detrimental to the area in which located by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion or danger to life and property.
   (f) Signs over 20 square feet in area appurtenant to any of the uses requiring a conditional permit when located on the same premises, and a sign advertising sale of a subdivision when located on the premises.
2. Commercial driving tees, putting ranges, golf courses and similar commercial amusement enterprises.
3. Churches, schools, public utility structures, public and quasi-public users where and to the extent that such are necessary to serve such zone.
4. Oil and gas drilling and excavation of natural materials except in those portions of San Luis Obispo County where such uses do not require a conditional permit in a "U" zone.
5. Animal hospitals, kennels, and veterinaries.

(c) MINIMUM BUILDING SITE AREA REQUIRED:

6000 square feet except where combined with any "B" District.

(d) YARDS REQUIRED:

The following yards shall be required along frontage roads or access roads except when combined with any "B" District or shown on a building line map:

Each lot shall have a front yard not less than twenty-five (25) feet in depth, except as otherwise specified for any "B" district in which such a lot may be located; provided, however, that in case a building line for the street upon which any lot faces is established by the Street and Highway Plan of the Master Plan of the County or is specified in Section 22 of this ordinance, then the front yard on such lot shall have a depth of not less than the distance from the street line specified for such building line. For exception see Section 31.

2. SIDE YARD:

Ten (10%) percent of width of lot to a maximum of five (5') feet on each side, and to a minimum of three (3) feet on each side.

The width of any one side yard on any lot may be reduced by one (1) foot for each one (1) foot by which the other side yard on the same lot is increased beyond the width required therefor by such resulting reduced width of any side yard be less than three (3) feet.

On a corner lot (adjacent to a key lot) the side yard on the street side of such corner lot shall have a width of not less than ten (10') feet.

3. REAR YARD:
Ten (10') feet

(f) AUTOMOBILE PARKING REQUIREMENTS:
Automobile parking shall be required as provided in Section 30 of this ordinance.

SECTION 27. REGULATIONS FOR "B" COMBINING DISTRICTS

In any district with which is combined any "B" District, the following regulations as specified for the respective "B" District shall be applied in lieu of the regulations as to building site areas, depths of front yards and widths of side yards which are hereinbefore specified for such district with which is combined such "B" District.

"B" DISTRICT	BUILDING SITE AREA
B-1	Six thousand (6000) square feet
B-2	Ten thousand (10,000) square feet
B-3	Twenty thousand (20,000) square feet
B-D-1	One acre, any number following letter "D" shall indicate minimum required acres.

DISTRICT	FRONT YARD DEPTH	SIDE YARD WIDTHS
B-1	Twenty-five (25) feet	Six (6) feet
B-2	Twenty-five (25) feet	Ten (10) feet
B-3	Thirty feet (30')	Fifteen (15) feet
B-D	As specified on the sectional district map designating any such district.	

The foregoing regulations shall be subject to the following provisions:

In any B-1 District, on any parcel of land with an average width of less than sixty (60) feet under one ownership at the time of the adoption of this ordinance, when the owner thereof owns no adjoining land or which parcel is shown as a lot on any subdivision map which was recorded in the office of the County Recorder of the said County of San Luis Obispo prior to the adoption of this ordinance, or which parcel is shown as a lot on any subdivision map which is recorded in the office of said County Recorder after approval of said map by the Board of Supervisors in the manner provided by law, the width of each side yard may be reduced to ten (10) percent of the width of such parcel, but in no case shall the width of any such side yard be less than three (3) feet.

SECTION 28. REGULATIONS FOR "F" COMBINING DISTRICTS

In any district with which is combined any "F" District, the following regulations shall apply in addition to those specified for such district, provided, however, in the event of a conflict in the regulations applicable, the regulations of this section shall govern.

1. Special Regulations:

(a) Outdoor advertising signs or structures which advertise agricultural products for sale which are produced on the same property on which the sign is placed or which advertises the land for sale on which the sign is placed shall be permitted in any district combined with "F" Districts. Such sign shall not exceed 40 square feet in area and shall be removed when such products or land are no longer for sale. The permit for this type of sign shall state specifically when it shall be removed and Ten Dollars ($10.00) shall be deposited for each sign to guarantee its removal. Said deposit shall be refunded when the sign is removed.

(b) Outdoor advertising signs and structures other than those specified in Section 1 (a) above may be permitted upon the securing of a Conditional Permit as provided in Section 33 of this Ordinance for each sign or structure in any districts which are combined with "F" Districts. Provided that, in any case, such Conditional Permit shall not be granted for a period to exceed three years at which time application for renewal of said permit may be made without additional cost to the applicant.

SECTION 29. REGULATIONS FOR A-H (Airport Hazard) COMBINING DISTRICTS

Whenever an airport hazard area exists AH (Airport Hazard) Districts may be established in combination with any other land use district, or districts, or any part or parts thereof, and the following additional land uses and height limitations shall apply in such AH Districts.

1. Definitions. The following devinitions, as well as the definitions found elsewhere in this ordinance that are not in conflict with the following definitions are to be used in this section.

(a) "Airport" means a San Luis Obispo County Airport.

(b) "Airport Hazard" means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off of aircraft.

(c) "Airport hazard area" means any area of land or water upon which an airport hazard might be established if not prevented as provided in this ordinance.

(d) "Person" means any individual, firm, co-partnership, corporation, company, association, joint stock association, city or county, or district, and includes any trustee, receiver, assignee, or other similar representative thereof.

(e) "Tree" means any object of natural growth.

(f) "Structure" means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead lines.

(g) "Landing area" means the area of the Airport used for the landing, take-off, or taxiing of aircraft, consisting of the area extending 500 feet each side of the center line of each runway and 200 feet outward from the end of each runway.

(h) "Approach Area". The approach area is that land area defined by the following description. The dimensions of the approach area are measured horizontally. The approach area is symmetrically located with respect to the extended runway center line, and has a total width of 1,000 feet at 200 feet outward from the end of any runway. The approach area flares uniformly to a total width of 4,000 feet at 10,200 feet from the end of the runway, and to a total width of 16,000 feet at 50,200 feet from the end of the runway.

(i) "Approach Surfaces." The approach surface is an inclined plane located directly above the approach area. The slope of the approach surface along the runway center line extended is 50 feet horizontal to 1 foot vertical for the inner 10,000 foot section and 40 feet horizontal to 1 foot vertical for the outer 40,000 foot section.

(j) "Horizontal Surface". The horizontal surface is a plane, circular in shape, with its height 150 feet above the established airport as established by the United States Coast and Geodetic Survey. The Horizontal Surface has a radius of 10,000 feet from the Airport Reference Point, or from the geographical center of the Airport where no Reference Point has been established.

(k) "Conical Surface". The conical surface extends upward and outward from the periphery

of the horizontal surface with a slope of 20 feet horizontal to 1 foot vertical measured in a vertical plane passing through the airport reference point. Measuring radially outward, from the periphery of the horizontal surface, the conical surface extends for a horizontal distance of 5000 feet.

(l) "Transitional Surfaces." The transitional surfaces are inclined planes with a slope of seven feet horizontal to 1 foot vertical measured upward and outward in a vertical plane at right angles to the center line of the runway. The transitional surfaces adjacent to the landing area are symmetrically located on either side of the runway, and extend upward and outward from a line on either side of the runway which is parallel to and level with the runway center line. These parallel lines are at a horizontal distance of 500 feet from the runway center line. Transitional surfaces also extend from the edges of all approach surfaces upward and outward to the intersection with the horizontal surface, or the conical surface. The approach surfaces projecting through and beyond the limits of the conical surface have a seven feet horizontal to 1 foot vertical transitional surface extending a distance of 5,000 feet measured horizontally from the edge of the approach surfaces and at right angles to the runway center line.

(m) "Airport Approach Zone." The approach zone includes the approach area and the air space directly above it.

(n) "Airport Transition Zone." The transition zone includes the land areas directly beneath the transition surfaces and the air spaces directly above and below the transition surfaces.

(o) "Airport Turning Zone." The turning zone includes the land areas directly beneath the conical surface and the horizontal surface and the conical surface.

2. Height Limits.

(a) Except as otherwise provided in this section, no structure shall be erected, altered, replaced, repaired or rebuilt, or tree allowed to grow higher or be replanted in any airport approach zone, airport turning zone, or airport transition zone to a height which would project above the approach surface, the horizontal surface, the conical surface, or the transitional surfaces as defined in this section.

(b) Most Restrictive Requirement Controls. Whenever and wherever any of the aforesaid surfaces overlap, the most highly restrictive requirement shall govern and control; provided, however, that the foregoing descriptions shall not impose upon the County of San Luis Obispo any duty of maintenance or care.

3. Use Restrictions. Notwithstanding any other provisions of this Section or of Ordinance 101, no use may be made of land within any airport approach zone, airport turning zone, or airport transition zone, in such manner as to create electrical interference with radio communication between the Airport and aircraft, make it difficult for flyers to distinguish between Aiprot Lights and others, result in glare in the eyes of flyers using the Airport, impair visibility in the vicinity of the Airport, or otherwise endanger the landing, taking-off, or maneuvering of aircraft; provided, that any tree or structure not conforming thereto on the effective date of this Ordinance shall not be required to be removed, lowered, changed or altered except as otherwise provided in this Section.

4. Plans.

For each San Luis Obispo County Airport there shall be adopted a plan showing the area zoned and the limits of AH Zoning. Said plans to be designated as Sections 29-A-4(a); 29-A-4(b), etc.

5. Permits.

Before any existing structure may be replaced, substantially altered or repaired, or rebuilt, or tree allowed to grow higher or be replanted, within any airport approach zone, airport turning zone or airport transition zone, a permit must be secured as in other zoned districts authorizing such replacement or change. No such permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use or structure or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this Ordinance or than it is when the application for a permit is made.

6. Hazard Marking and Lighting.

Any permit or variance granted may, if such action is deemed advisable to effectuate the purposes of this Section and reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

7. Conflicting Regulations.

Where this section imposes a greater or more stringent restriction upon the use of land than is imposed or required by any other ordinance or regulation of the County of San Luis Obispo, the provisions of this section shall govern.

8. Administration and Enforcement.

The Planning Commission of the County of San Luis Obispo is hereby appointed as the Airport Zoning Commission of the County of San Luis Obispo, State of California, in addition to its other duties. Said Airport Zoning Commission has as its duties the administration and enforcement of this Section and of any other sections adopted under Section 29 hereafter such as Section 29-A-4(a), etc., as referred to in this section.

SECTION 30. AUTOMOBILE PARKING REQUIREMENTS

Automobile Parking Requirements. For each dwelling, multiple dwelling, business establishment or other structure hereafter erected there shall be provided and maintained off-street parking facilities to accommodate the motor vehicles used by the occupants, customers, clientele and employees of such dwelling, multiple dwelling, business establishment or structure. Each required parking space shall be not less than nine (9') feet wide and twenty (20') feet long, and in addition there shall be adequate space for ingree and egress. The number of parking spaces for each type of use shall not be less than that stated in the following:

1. One-family, two-family and multiple dwellings, For every dwelling, multiple dwelling or other structure erected or intended to be used as a dwelling, there shall be provided on the same lot or parcel of land one (1) parking space for each dwelling unit.

2. Rooming Houses, Lodging Houses, Fraternity Houses and Dormitories. For each two (2) guest rooms there shall be provided one (1) parking space. Each such parking space shall be on the same lot or parcel of land or contiguous thereto.

3. Auto Courts, Tourist Courts, Hotels and Motels. One (1) parking space shall be provided for each living or sleeping unit on the same lot or parcel of land or contiguous thereto, except that parking space for hotels shall be on the same lot or within one thousand (1000') feet of the building.

4. Hospitals, Sanitariums, Convalescent Homes and Homes for the Aged. One (1) parking space shall be provided for each one thousand (1000) square feet of floor space or fraction thereof on the same lot or parcel of land or contiguous thereto.

5. Auditoriums. For Church, high school, college or university auditoriums and for theatres, clubs, general auditoriums, and other similar places of assembly one (1) parking space shall be provided for every five (5) seats provided in such building. A seat shall mean eighteen (18) lineal inches of seating space when seats are arranged in rows of pews. For auditoriums with no permanent seats, a seat shall mean seven (7) square feet of floor area. Each such parking space shall be on the same lot or within one thousand (1000') feet of the building.

6. Amusements. For stadiums, arenas and fairs one (1) parking space shall be provided for each four (4) seats of eighteen (18) lineal inches each.

For dance halls and skating rinks one (1) parking space shall be provided for each one hundred (100) square feet of floor area or fraction thereof.

For bowling alleys four (4) parking spaces shall be provided for each alley.

Each such parking space shall be on the same lot or within one thousand (1000') feet of the building or amusement area.

7. Commercial Building. For all restaurants, offices, commercial buildings and repair garages, one (1) parking space shall be provided for each five hundred (500) square feet of floor space or fraction thereof.

Each such parking space shall be on the same lot or within one thousand (1000) feet of the building.

8. Loading Space. On the same premises with every building, structure or part thereof, erected or occupied for manufacturing, storage, warehouse, goods display, department store, wholesale or retail market, hotes, restaurant, hospital, laundry, dry cleaning plant, or other uses similarly involving the receipt or distribution of vehicles carrying materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with the public use of the streets or alleys. Required loading space may be included within the required parking space adjacent to a building.

9. Miscellaneous Provisions. Nothing in this section shall prohibit the collective use of space for off-street parking, provided such collectively used space is equal to the sum of the requirements of each individual establishment participating in such collective use. Any parking space not contiguous to the business shall require a Conditional Parmit unless public parking lots are established within one thousand (1000') feet of the business use.

10. Any business or establishment not enumberated herein shall provide off-street parking in accordance with this or a formula to be established by the Planning Commission.

SECTION 31. GENERAL PROVISIONS AND EXCEPTIONS

The regulations specified in this ordinance shall be subject to the following interpretations and exceptions in all Districts except "U" Districts.

(a) USES:

1. The following accessory uses, in addition to those hereinbefore specified, shall be permitted in any "R" District, provided that such accessory uses do not alter the character of the premises in respect to their use for the purposes permitted in such respective districts:

(A) The renting of rooms and/or the providing of table board in a dwelling as an incidental use to that of its occupancy as a dwelling of the character permitted in the respective district, but not to the extent of constituting a hotel as defined in this ordinance, unless permitted in the district.

(B) The operation of necessary facilities and equipment in connection with schools, colleges, universities, hospitals and other institutions permitted in the respective district.

(C) Recreation, refreshment and service buildings in public parks and playgrounds.

(D) The storage of one Trailer Coach, or one Vacation Trailer not used for human habitation.

2. Public utility distribution and transmission line towers and poles and underground facilities for the distribution of gas, water, telephone, telegraph and electricity shall be allowed in all districts without limitation as to height and without the necessity of first obtaining a conditional permit therefor; provided however, that the routes of proposed electric transmission lines shall be submitted to the Planning Commission for recommendation prior to the acquisition of rights of way therefore.

3. Public Buildings, Public Utility Buildings (but not including plants for the manufacture of power), Water Wells, Tanks and Reservoirs, subject to the securing of a Conditional Permit in each case, except in those zones where such use is permitted.

4. In addition to any other signs permitted by this ordinance, signs not exceeding in the aggregate six (6) square feet in area for each lot may be displayed for the purpose of advertising the sale or lease of any property upon which displayed.

5. In any "R" District one (1) temporary Real Estate Office on any new Subdivision may be permitted for a period not to exceed one year, provided, however, that such use may be extended beyond the one year period subject to the securing of a Conditional Permit.

6. Upon first securing a Conditional Permit Drive-In Theaters may be allowed in any district except R-1, R-2, R-3 and R-4.

(b) BUILDING SITE AREA REQUIRED:

Any lot shown on a Subdivision Map recorded prior to October 17, 1955, may be used as a building site for one single family residence only even when less than building site area required in various districts, unless sanitary provisions require larger lot sizes.

(c) HEIGHT:

1. In any district with a height limit of less than seventy-five (75) feet, public and semi-public buildings, schools, churches, hospitals and other institutions permitted in such district may be erected to a height not exceeding seventy-five (75) feet, provided that the front, rear and side yards shall be increased one (1) foot for each one (1) foot which such building exceeds the height limit hereinbefore established for such district.

2. One-family dwellings in R-1 districts may be increased in height not to exceed ten (10) feet and to a total of not exceeding three (3) stories when two (2) side yards of widths of not less than fifteen (15) feet each are provided.

3. Chimneys, church spires, flag poles, monuments, radio and television towers and/or antennas shall not be higher than the distance from the base of same to the nearest point on any adjoinging property line unless a permit is obtained and the structure is inspected and approved by the County Building Division.

4. Where the average slope of a lot is greater than one (1) foot rise or fall in seven (7) feet of distance from the established street elevation at the property line, one story in addition to the number permitted in the district in which said lot is situated shall be permitted on the downhill side of any building; provided that the height of the building above adjoining street shall not be increased above the limit specified for said district.

5. In any district no fence or wall shall be constructed over six (6') feet in height unless required otherwise by law.

In no case shall a solid fence, wall or hedge be constructed or grown over three (3') feet in height within the required front yard area of any lot, unless or until a Conditional Permit is first secured.

(d) YARDS:

1. Cornices, canopies, eaves, or any other architectural features may not extend closer to adjoining property lines than six (6) inches.

2. Fire escapes may extend into any required yard a distance not exceeding four (4) feet, six (6) inches, but in no case shall be closer than six (6) inches to any property line.

3. A landing place or uncovered porch may extend beyond said front wall into a required yard to a distance not exceeding six (6) feet, provided that such landing place or porch shall have its floor no higher than the entrance floor of the building. A railing no higher than three (3) feet may be placed around such landing place.

4. No porch, terrace or outside stairway shall project more than three (3) feet into any side yard and then, in the case of an outside stairway, only if the same is unroofed and unenclosed above and below the steps thereof, but in no case shall be closer than six (6) inches to any property line.

5. In any "R" District where twenty-five (25) percent or more of the lots in any block and located in the same district, exclusive of the frontage along the side of a corner

lot, has been improved with buildings at the time of the passage of this ordinance, which buildings are of a character permitted in said district but not in a more restricted district, (including, in an R-1 district, buildings permitted in such district) and the front yards on such lots vary in depth to an extent not greater than six (6) feet, then the required front yard depth for such district shall be disregarded in such block and in lieu thereof the front yard required on each lot in said block shall be of a depth not less than the average depth of the front yards on the lots on which are located such existing buildings, to a maximum of thirty (30) feet, and to a minimum of ten (10') feet.

6. Detached accessory buildings and garages when no part thereof is used for human habitation or for housing of any fowl or livestock may be placed within one (1) foot of a side or rear lot line when located on the rear half of any lot. Where such rear yard opens into an alley in no case shall the door of any building or improvement except a fence which door opens into the alley be constructed or established closer to the center of such alley than a distance of fifteen (15) feet.

7. In case an accessory building is attached to the main building, it shall be made structurally a part thereof, and shall comply in all respects with the requirements of ordinance applicable to the main building. An accessory building, unless attached to and made a part of the main building as above provided for, shall not be closer than five (5) feet to the main building, except as otherwise provided in this section.

8. A detached accessory building of not over one story and not exceeding twelve (12) feet in height may occupy not to exceed thirty (30) percent of the area of any rear yard. Any such accessory building may have not to exceed one (1) additional story used for apartments, provided that:

(A) Such additional story, herein construed to be a dwelling, shall not be permitted unless the same is permitted under the regulations hereinbefore in this ordinance specified for the district in which such accessory building is located.

(B) No exterior wall of such additional story shall be nearer to any lot line than a distance of three (3) feet.

(C) No exterior wall of such additional story shall be nearer than ten (10') feet to any main building on the same lot.

(D) No such additional story shall be constructed on any lot in any R-1 district prior to the construction of a one-family dwelling thereon, unless and until a Conditional Permit, as provided in Section 33 of this ordinance, shall first have been secured for such additional story.

9. Notwithstanding any requirements in this Section, in cases where the elevation of the front half of the lot at a point fifty (50') feet from the center line of the travelled roadway, is seven (7') feet above or below the grade of said center line, a private garage attached or detached, may be built to within five (5') feet of the front line of the lot.

SECTION 32. VARIANCES AND APPEALS

The Board of Supervisors, upon findings by the Planning Commission in each case, as hereinafter provided, shall have power to grant variances in the application of any of the provisions of this ordinance to the extent of the following and no further:

1. To vary or modify the strict application of any of the regulations or provisions contained in this ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application.

2. To permit the extension of a district where the boundary line thereof divides a lot in one ownership at the time of the passage of this ordinance.

3. If the use authorized by any variance or modification is, or has been unused, abandoned, discontinued or has ceased for a period of six (6) months, or if title to the property is transferred without using the variance, or the conditions have not been complied with, said variance or modification shall become null and void and of no effect.

Application for any variance permissible under the provisions of this section shall be made to the Board of Supervisors in the form of a written application for a permit to use the land/or building as set forth in said application. The Board of Supervisors shall thereupon refer said application to the Planning Commission.

Upon receipt of any such application, and filing fee of $15.00 the Planning Commission shall hold at lease one (1) public hearing thereon, notice of which shall be given by one (1) publication in a newspaper of general circulation in the County, within the ten (10) days next preceding the date of said hearing. In addition, the body conducting such hearing, not less than five days prior thereto, shall mail, postage prepaid, a notice of the time and place of such hearing to all persons whose names and addresses appear on the latest adopted tax roll of the county as owning property within a distance of not less than 300 feet from the exterior boundaries of the area actually occupied or to be occupied by the use which is the subject of the hearing. At said hearing the applicant shall present a statement and adequate evidence, in such form as the Planning Commission may require, showing:

1. That there are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings and/or uses in the same district.

2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

3. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

After the conclusion of the aforesaid hearing the Planning Commission shall make a written finding of facts showing whether the three foregoing qualifications apply to the land, building and/or use for which the variance is sought and to such variance and shall report such finding to the Board of Supervisors within thirty (30) days after receipt of the application from said Board.

In approving the granting of any adjustment under the provisions of this section, the Planning Commission shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulation or provisions to which such variance applies, as to light, air, and the public health, safety, morals, convenience and general welfare. No permit shall be issued under the provisions of this section unless a finding of the Planning Commission as aforesaid approving the granting of the variance shall be approved and confirmed by the Board of Supervisors. In reporting its decision to the Board of Supervisors, the Planning Commission shall report its findings with respect thereto and all facts in connection therewith, and shall specifically and fully set forth any variance approved and any conditions designated in connection therewith. Upon receipt of such report, if the findings of the Planning Commission approved the granting of the applications, and if the Board of Supervisors shall find that such findings are correct, said Board shall, by resolution, grant such variance whereupon the permit as applied for may issue. In all cases in which variances are granted under the provisions of this section, the Planning Commission shall require such evidence and guarantees as it may deem to be necessary that the conditions designated in connection therewith are being and will be complied with.

The Planning Commission shall have power to hear and decide appeals involving the enforcement of this ordinance when such appeals are based upon questions of the interpretation thereof.

The Board of Supervisors shall have the power to hear and decide appeals in cases in which the Planning Commission has denied the granting of a variance, provided that written appeals setting out in detail the grounds therefore are filed with the Clerk of the Board of Supervisors within ten days of said denial.

SECTION 33. CONDITIONAL PERMITS

Conditional permits may be issued for any of the following:

1. Any of the uses or purposes for which such permits are required or permitted by the provisions of this ordinance.

2. Removal of minerals and natural materials, including building and construction materials, in any district.

3. To classify as a conforming use any use permitted in C-2 districts but not in more restricted districts, which use is existing at the time of the adoption of this ordinance as a non-conforming use in a C-1 district.

4. To classify as a conforming use any institutional use existing in any district (except any "U" District) at the time of the establishment of such district.

Such Conditional Permits shall be issued under the same procedure as that specified in Section 32 of this ordinance for the granting of variances except that:

1. The Commission may waive the $15.00 fee when the Conditional Permit application is for a public use.

2. The findings of the Planning Commission, except as otherwise provided in this section, need include only that the establishment, maintenance and/or conducting the use for which the Conditional Permit is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

3. Any proceedings to classify certain uses in conforming uses, as provided in this section, may be initiated by the Board of Supervisors or by the Planning Commission, or by petition as hereinbefore provided.

4. If the use authorized by any Conditional Permit is or has been unused, abandoned, discontinued or has ceased for a period of six (6) months, or if title to the property is transferred without using the Conditional Permit or the conditions have not been complied with, said permit shall become null and void and of no effect.

All other provisions of said Section 32 including the designation by the Planning Commission of any conditions upon which the permit may be issued and guarantees that such conditions will be complied with, shall apply to the granting of a Conditional Permit.

SECTION 34. REVOCATION OF CONDITIONAL PERMITS AND VARIANCES

In any case where the conditions of granting of a Conditional Permit or Variance have not or are not complied with, the Planning Commission shall give notice to the permittee of intention to revoke such permit or variance at least ten (10) days prior to a hearing thereon. After conclusion of the hearing, the Planning Commission may revoke such permit or variance. Such revocation shall be subject to confirmation by the Board of Supervisors.

SECTION 35. INTERPRETATION OF ORDINANCE:

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Except as specifically herein provided, it is not intended by this ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance or any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, or relating to the erection, construction, establishment, moving, alteration or enlargement of any buildings, or improvements; nor is it intended by this ordinance to interfere with or abrogate or annul any easement, covenant or other agreement between parties; provided, however, that in cases in which this ordinance imposes a greater restriction upon the erection, construction, establishment, moving, alteration or enlargement of buildings or the use of any such building or premises in said several districts or any of them, than is imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, or by such easements, covenants or agreements, then in such cases the provisions of this ordinance shall control.

SECTION 36. NON-CONFORMING USES

Except as otherwise provided in this section, the lawful use of land existing at the time of the adoption of this ordinance, although such use does not conform to the regulations specified by this ordinance for the district in which such land is located, may be continued; provided, however, that no such non-conforming use shall be enlarged or increased, nor shall any such non-conforming use be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of this ordinance; provided further, that if any such non-conforming use is abandoned any subsequent use of such land shall be in conformity to the regulations specified by this ordinance for the district in which such land is located.

Except as otherwise provided in this section, the lawful use of a building existing at the time of the adoption of this ordinance may be continued, although such use does not conform to the regulations specified by this ordinance for the district in which such building is located, and such use may be extended throughout the building provided no structural alterations except those required by law or ordinance are made therein. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use, which, in the opinion of the Planning Commission, is of the same or of a more restricted nature. If a non-conforming use hereunder is abandoned for a continuous period of not less than six (6) months, any future use of said building shall be in conformity to the regulations specified by this ordinance for the district in which such building is located.

No existing building designated, arranged or intended for or devoted to a use not permitted under the regulations specified by this ordinance for the district in which such building or premises is located shall be enlarged, extended, reconstructed or structurally altered unless such use is changed to a use permitted under the regulations specified by this ordinance for such district in which said building is located; provided, however, that work done in any period of twelve (12) months on ordinary structural alterations or replacements of walls, fixtures or plumbing not exceeding twenty-five (25) percent of the building's assessed value according to the assessment thereof by the Assessor of the County of San Luis Obispo for the fiscal year in which such work is done shall be permitted, (provided that the cubical contents of the building as it existed at the time of the passage of this ordinance be not increased).

If at any time any building in existence or maintained at the time of the adoption of this ordinance, which does not conform to the regulations for the district in which it is located, shall be destroyed by fire, explosion, Act of God or act of the public enemy to the extent of more than seventy-five (75) percent of the assessed value thereof according to the assessment thereof by the said Assessor for the fiscal year during which such destruction occurs then and without further action by the Board of Supervisors the said building and the land on which said building was located or maintained shall from and after the date of such destruction be subject to all the regulations specified by this ordinance for the district in which such land and buildings are located.

The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed.

Nothing contained in this ordinance shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the establishment of any district under the provisions of this ordinance which includes such building and in which district a building permit is required after the establishment of such district and upon which building actual construction has been diligently carried on.

In every case in which, under the provisions of any ordinance of said County in effect at the date this ordinance takes effect, a license or permit is required for the establishing, maintaining and/or conducting of any business use, and any such business use exists as a non-conforming use under the provisions of this ordinance, then no such license or permit shall be authorized, issued, renewed, reissued or extended for said business use unless and until a Conditional Permit as provided in Section 33 of this ordinance, shall first have been secured for the continued maintenance and/or conducting of said business use.

Regardless of any other provision of this ordinance, any junk yard, as defined in this ordinance, which, after the adoption of this ordinance, exists as a non-conforming use, is hereby declared to be a public nuisance, and shall be abated, removed or changed to a conforming use within one (1) year from and after the date of adoption of this ordinance.

SECTION 37. AMENDMENTS

This ordinance may be amended by changing the boundaries of districts or by changing any other provisions hereof whenever the public necessity and convenience and the general welfare require such amendment, by following the procedure specified in this section. Said amendment may be initiated by:

(a) The verified petition of one or more owners of property affected by the proposed amendment, which petition shall be accompanied by a fee of Twenty-five (25) dollars, no part of which shall be returnable to the petitioner, which fee shall be deposited in the Treasury of the County in the Planning Commission fund; or by

(b) Resolution of intention of the Board of Supervisors; or by

(c) Resolution of intention of the Planning Commission.

Upon the filing of such verified petition or the adoption of such resolution of intention, the Planning Commission shall hold such public hearing thereon as may be required by law, and shall give such notice of such hearings as may be required by law. Such notice shall include notice of the proposed amendment. In case the proposed amendment consists of a change of the boundaries of any district so as to reclassify property from any district, except a "U" district, to any other district, the Planning Commission shall give additional notice of the time and place of such hearings and of the purpose thereof by:

1. Posting public notices thereof not less than ten (10) days prior to the date of the first of such hearings. Such notices shall be placed not more than five hundred (500) feet apart along each and every street upon which the property proposed to be re-classified abuts and such posting shall extend along said street or streets a distance of not less than three hundred (300) feet from the exterior limits of such properties as are proposed for reclassification. Such notice shall consist of the words "Notice of Public Hearing" lettered or printed in plain type with letters not less than one (1) inch in height, and in addition thereto a statement in small type setting forth a description of the property involved in the proposed change of district, the time and place at which the public hearing on the proposed change will be held and any other information which the Planning Commission may deem to be necessary; and by

2. Mailing a postal card notice not less than ten days prior to the date of the first of such hearings to the owner or owners of all property within the posting area above defined, using for this purpose the last known name and address of such owners as shown upon the records of the Assessor of the County.

No error, irregularity, or omission which does not affect the substantial rights of the property owner within the area shall invalidate any proceedings for amendment of this ordinance.

Following the aforesaid hearings the Planning Commission shall make a report of its findings and recommendations with respect to the proposed amendment and shall file with the Board of Supervisors an attested copy of such report within sixty (60) days after the filing of the petition or the adoption of the resolution of intention, as aforesaid. Failure of the Planning Commission so to report within said sixty (60) days shall be deemed to be approval of the proposed amendment by said Planning Commission.

Upon receipt of such report from the Planning Commission, or upon the expiration of such sixty (60) days as aforesaid, the Board of Supervisors shall set the matter for public hearing after notice thereof and of the proposed amendment, given as provided by law. After the conclusion of such hearing the Board of Supervisors may adopt the amendment or any part thereof set forth in the petition or in the resolution of intention in such form as said Board may deem to be advisable.

The decision of the Board of Supervisors shall be rendered within ninety (90) days after the receipt of a report and recommendation from the Planning Commission or after the expiration of such sixty (60) days, as aforesaid.

Upon the consent of the Planning Commission any petition for an amendment may be withdrawn upon the written application of a majority of all the persons who signed such petition. The Board of Supervisors or the Planning Commission, as the case may be, may, by resolution, abandon any proceedings, for an amendment initiated by its own resolution of intention, provided that such abandonment may be made only when such proceedings are before such body for consideration and provided that any hearing of which public notice has been given shall be held.

SECTION 38. FORM OF PETITIONS, APPLICATIONS AND APPEALS.

The Planning Commission shall in its rules prescribe the form and scope of all petitions, applications and appeals provided for in this ordinance, and of accompanying data to be furnished so as to assure the fullest practicable presentation of facts for a permanent record. Any petition for a variance as provided in Section 32 of this ordinance, or for a conditional permit as provided in Section 33 of this ordinance, or for an amendment as provided in Section 37 of this ordinance, shall include a verification by at least one of the petitioners, attesting to the truth and correctness of all facts and maps presented with said petition. Such verification shall be dated and attested before a notary public or before the County Clerk.

SECTION 39. ENFORCEMENT, LEGAL PROCEDURE, PENALTIES

All departments, officials and public employees of the County of San Luis Obispo which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no such permit or license for uses, building, or purpose where the same would be in conflict with the provisions of this ordinance, and any such permit or license, if issued in conflict with the provisions of this ordinance, shall be null and void.

It shall be the duty of the Sheriff of the County of San Luis Obispo and of all officers of said County herein and/or otherwise charged by law with the enforcement of this ordinance to enforce this ordinance and all the provisions of the same.

Any persons, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than Three Hundred (300) Dollars or by imprisonment in the County Jail of said County

for a term not exceeding three (3) months or by both such fine and imprisonment. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided.

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this ordinance and/or any use of any land, building or premises established, conducted, operated or maintained contrary to the provisions of this ordinance shall be and the same is hereby declared to be unlawful and a public nuisance and the District Attorney of said County shall, upon order of the Board of Supervisors, immediately commence action or proceedings for the abatement and removal and enjoinment thereof in the manner provided by law, shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building or structure or using any property contrary to the provisions of this ordinance.

The remedies provided for herein shall be cumulative and not exclusive.

SECTION 40. REPEALING

All ordinances and parts of ordinances of said County in conflict with this ordinance, to the extent of such conflict and no further, are hereby repealed; provided, however, that nothing herein contained shall be deemed to repeal or amend any ordinance of said County requiring a permit or license or both, to cover any business, trade or occupation.

SECTION 41. VALIDITY

If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

SECTION 42. REFERENCE

This ordinance shall be known and cited as the Zoning Ordinance of the County of San Luis Obispo.

SECTION 43. ENACTMENT

This ordinance shall take effect and be in full force and effect on May 6, 1959, and before the expiration of fifteen days after the passage of this ordinance it shall be published, with the names of the members voting for and against the same, for at least once in the Telegram-Tribune, a newspaper of general circulation, published in the County of San Luis Obispo, State of California.

Passed and adopted by the Board of Supervisors of the County of San Luis Obispo, State of California, this 6th day of April, 1959, by the following roll call vote, to-wit:

AYES: Supervisors Drake, Ruskovich, Kimball, Lee, Chairman Gates
NOES: None
ABSENT: None

S/M. Roland Gates
Chairman, Board of Supervisors,
County of San Luis Obispo,
State of California.

ATTEST:

S/A. E. Mallagh
County Clerk and ex-officio Clerk of the
Board of Supervisors of the
County of San Luis Obispo, State of
California.

- - - vm - - -

ORDINANCE NO. 428

AN EMERGENCY ORDINANCE AMENDING THE SAN LUIS OBISPO COUNTY ORDINANCE CODE

The Board of Supervisors of the County of San Luis Obispo, State of California, do ordain as follows:

SECTION 1: That Section 9-001.4 of the San Luis Obispo County Ordinance Code be amended to read as follows:

"SECTION 9-001.4 MODIFICATION OF PRIMARY BUILDING CODE:

The Primary Building Code is hereby amended as follows:

(1) Buildings of Group I or J Occupancy, which are not more than 400 square feet in area, may be constructed with concrete pier foundations and exterior walls of the following type:

(a) 2 inch by 3 inch or 2 inch by 4 inch studding spaced not more than 16 inches on centers.

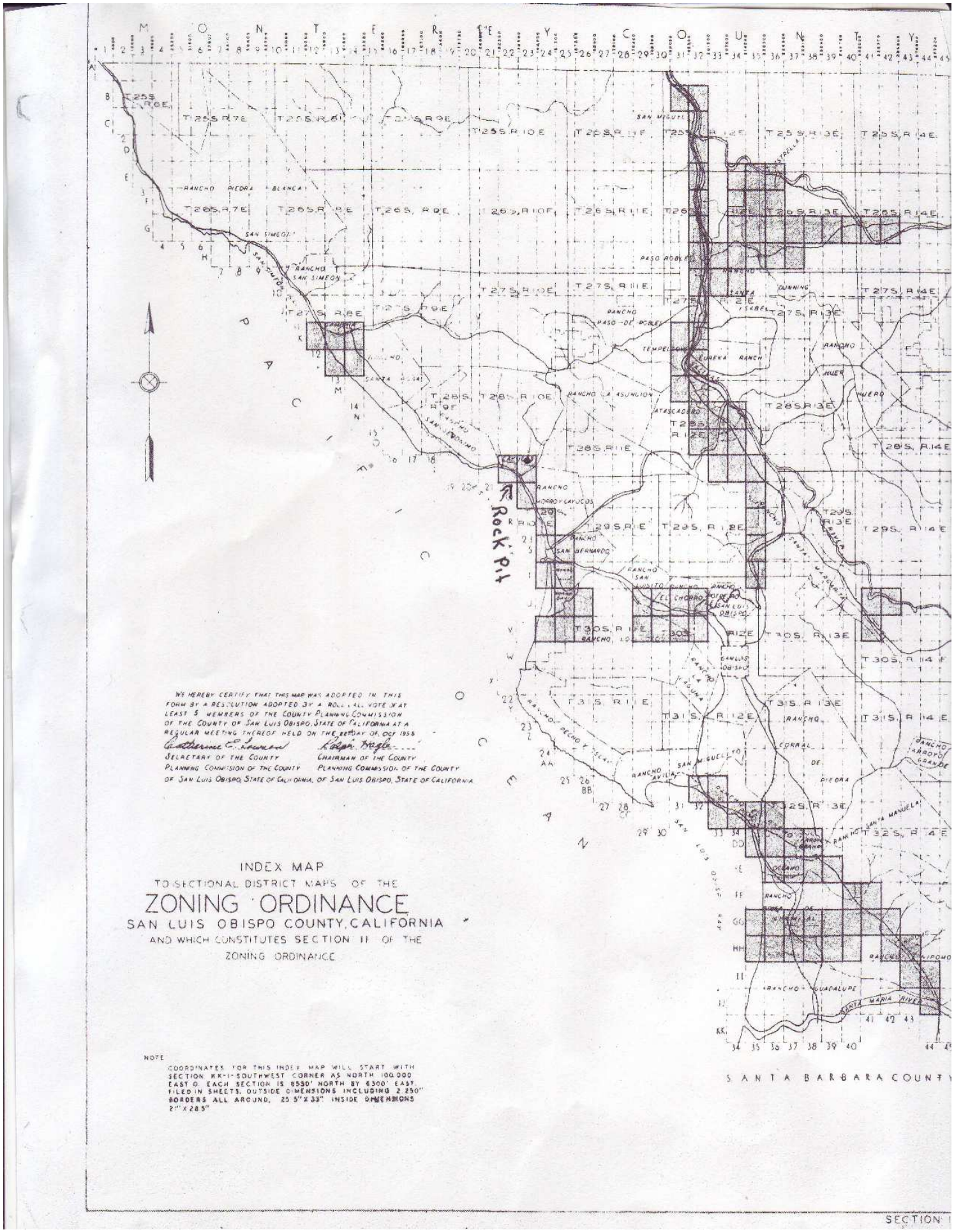
(b) 4 inch by 4 inch posts spaced not to exceed 5 feet on centers, when provided with 4 inch top and bottom plates.

(c) Vertical board walls, at least 3/4 inch in thickness, or equivalent, full length from a top to a bottom plate, each 2 inches by 4 inches in size, with a continuous horizontal 2 inches by 3 inches or 1 inch by 3 inch or 1 inch by 6 inch board located between 36 and 60 inches aboge the floor; such walls must not exceed 16 feet in length or 9 feet in height.

(d) All walls and partitions mention in (a), (b) and (c) abofe must be diagonally braced the full height of the wall at the end of the walls and every 25 lineal feet of walls, unless otherwise provided.

(e) In the event that any addition is made to buildings built according to 1 (a), (b) or (c) above, to increase the area to more than 400 square feet, the

EXHIBIT 6


MONTEREY COUNTY
PACIFIC OCEAN
SANTA BARBARA COUNTY
Rock Pit
WE HEREBY CERTIFY THAT THIS MAP WAS ADOPTED IN THIS FORM BY A RESOLUTION ADOPTED BY A ROLL CALL VOTE OF AT LEAST 5 MEMBERS OF THE COUNTY PLANNING COMMISSION OF THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA AT A REGULAR MEETING THEREOF HELD ON THE DAY OF OCT 1956
SECRETARY OF THE COUNTY PLANNING COMMISSION OF THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA
CHAIRMAN OF THE COUNTY PLANNING COMMISSION OF THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA
INDEX MAP
TO SECTIONAL DISTRICT MAPS OF THE
ZONING ORDINANCE
SAN LUIS OBISPO COUNTY, CALIFORNIA
AND WHICH CONSTITUTES SECTION II OF THE
ZONING ORDINANCE
NOTE
COORDINATES FOR THIS INDEX MAP WILL START WITH SECTION KK-1-SOUTHWEST CORNER AS NORTH 100,000 EAST 0. EACH SECTION IS 8550' NORTH BY 6300' EAST. FILED IN SHEETS. OUTSIDE DIMENSIONS INCLUDING 2.250" BORDERS ALL AROUND, 25.5" X 33" INSIDE DIMENSIONS 2" X 28.5"
SECTION I

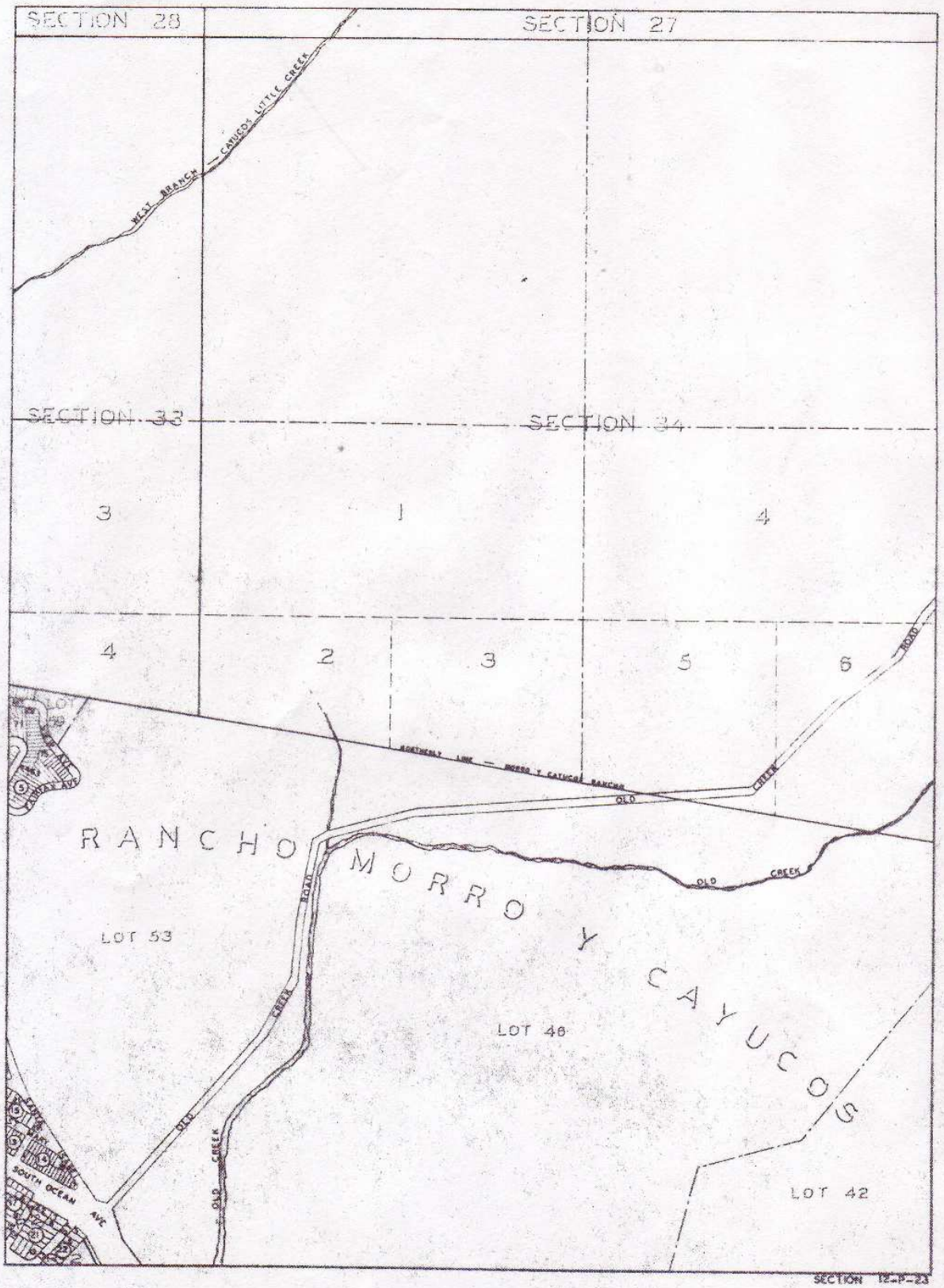

SECTION 28
SECTION 27
WEST BRANCH — CAYUCOS LITTLE CREEK
SECTION 33
SECTION 34
3
1
4
4
2
3
5
6
ROAD
SOUTHERLY LINE — MORRO Y CAYUCOS RANCHO
OLD
CREEK
RANCHO
MORRO
Y
CAYUCOS
OLD
CREEK
ROAD
LOT 53
LOT 48
LOT 42
OLD
CREEK
SOUTH OCEAN AVE
SECTION 12-P-23

EXHIBIT 7

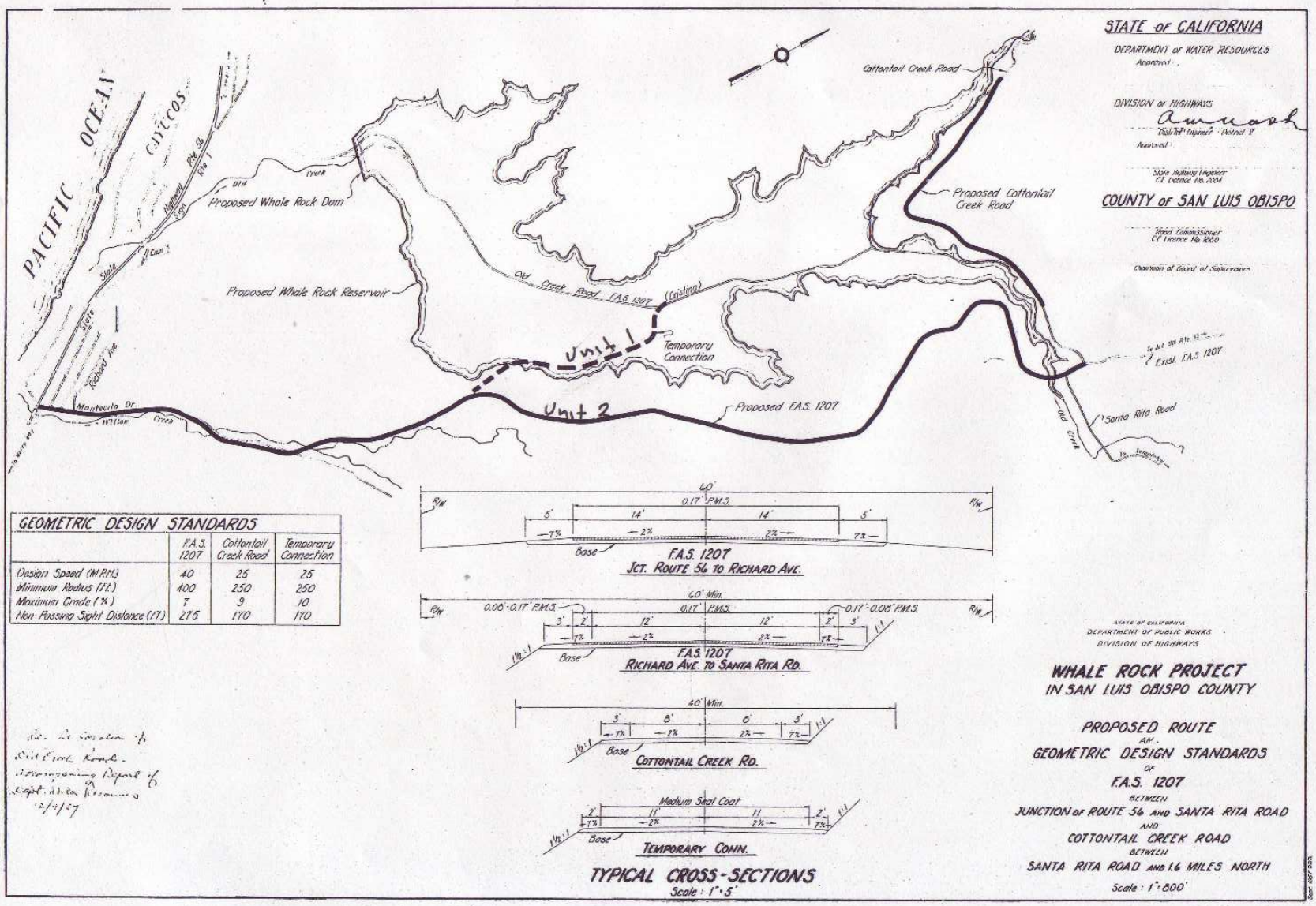

STATE of CALIFORNIA
DEPARTMENT of WATER RESOURCES
Approved
DIVISION of HIGHWAYS
Approved
COUNTY of SAN LUIS OBISPO
Road Commissioner
Chairman of Board of Supervisors
PACIFIC OCEAN
CAYUCOS
Highway Rte 56
Rte 1
Old Creek
Proposed Whale Rock Dam
Proposed Whale Rock Reservoir
Old Creek Road F.A.S. 1207 (Existing)
Unit 1
Temporary Connection
Unit 2
Proposed F.A.S. 1207
Cottontail Creek Road
Proposed Cottontail Creek Road
Exist. F.A.S. 1207
Santa Rita Road
Old Creek
Richard Ave.
Montecito Dr.
Willow Creek
GEOMETRIC DESIGN STANDARDS
F.A.S. 1207 | Cottontail Creek Road | Temporary Connection
Design Speed (M.P.H.) 40 25 25
Minimum Radius (Ft.) 400 250 250
Maximum Grade (%) 7 9 10
Non-Passing Sight Distance (Ft.) 275 170 170
60'
0.17' P.M.S.
R/W
5' 14' 14' 5'
7% 2% 2% 7%
Base
F.A.S. 1207
JCT. ROUTE 56 TO RICHARD AVE.
60' Min.
0.08'-0.17' P.M.S.
0.17' P.M.S.
0.17'-0.08' P.M.S.
3' 2' 12' 12' 2' 3'
7% 2% 2% 7%
1½:1
1:1
Base
F.A.S. 1207
RICHARD AVE. TO SANTA RITA RD.
40' Min.
3' 8' 8' 3'
7% 2% 2% 7%
1½:1
1:1
Base
COTTONTAIL CREEK RD.
Medium Seal Coat
2' 11' 11' 2'
7% 2% 2% 7%
1½:1
1:1
Base
TEMPORARY CONN.
TYPICAL CROSS-SECTIONS
Scale: 1" = 5'
STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS
WHALE ROCK PROJECT
IN SAN LUIS OBISPO COUNTY
PROPOSED ROUTE
AND
GEOMETRIC DESIGN STANDARDS
OF
F.A.S. 1207
BETWEEN
JUNCTION OF ROUTE 56 AND SANTA RITA ROAD
AND
COTTONTAIL CREEK ROAD
BETWEEN
SANTA RITA ROAD AND 1.6 MILES NORTH
Scale: 1" = 800'

EXHIBIT 8

HARVEY O. BANKS
DIRECTOR

GOODWIN J. KNIGHT
GOVERNOR

STATE OF CALIFORNIA
Department of Water Resources

WHALE ROCK PROJECT
P. O. Box 398
Cayucos, Calif.

March 6, 1959

Attention: Mr. Kenneth Beck, County
Road Commissioner

Board of Supervisors
County of San Luis Obispo
Courthouse
San Luis Obispo, California

Gentlemen:

By letter dated February 19, 1959, you were informed that Unit I of the relocation of County Road FAS 1207 around Whale Rock Reservoir was completed. It is now open to public traffic.

Construction work on Whale Rock Dam is now approaching the point where it will be a hazard to public traffic on the portion of the Old Creek Road which has been replaced by the new construction. It is expected that heavy hauling units will start crossing the road during the week of March 9.

Because of these conditions it is requested that the portion of the Old Creek Road between Whale Rock Dam site and the connection with the new construction, a distance of about 1.4 miles, be closed to public traffic.

Very truly yours,

MAX BOOKMAN
District Engineer
Southern California District

By Carl A. Hagelin
Carl A. Hagelin
Project Engineer

EXHIBIT 9

*

HARVEY O. BANKS
DIRECTOR

EDMUND G. BROWN
GOVERNOR

STATE OF CALIFORNIA
Department of Water Resources
LOS ANGELES

ADDRESS REPLY TO
1100 S. GRAND AVENUE LOS ANGELES 15
P. O. BOX 15718 MADISON 9-1515

November 4, 1959

The Board of Supervisors
San Luis Obispo County
Court House
San Luis Obispo, California

Gentlemen:

This is to advise you that construction on the relocation of Unit II of county road FAS 1207 and Cottontail Creek Road is rapidly nearing completion. The State Division of Highways presently estimates that all work on these roads will be completed late in November of this year. In accordance with previous agreements between the State of California and the County of San Luis Obispo, the State desires to transfer control of these relocated roads to the County at the time they are completed.

As you know, your honorable Board did on or about December 26, 1957, approve the proposed exchange of real property and interests in real property situated and located within said certain part or portion of the new existing county roads known as County Road No. 14 (also known as FAS 1207) and County Road No. 24 (also known as Cottontail Creek Road) for a similar right, title, and interest in the relocated portions of the aforesaid roads, which relocation work was to be done by the State of California.

Further, on July 9, 1958, the State Public Works Board, by resolution and pursuant to the provisions of Section 15858 of the Property Acquisition Law of the State of California, approved of the same exchange of property as set forth in the resolution adopted by the Board of Supervisors of the County of San Luis Obispo on December 26, 1957.

Set forth following are the legal descriptions of those properties to be conveyed to the County of San Luis Obispo in accordance with the afore-mentioned agreement. These properties are also shown on the maps being transmitted herewith in duplicate.

RECEIVED
- 1959
A. E. [illegible], County Clerk
BY
DEPUTY CLERK

EXHIBIT 10

WILLIAM E. WARNE
DIRECTOR

EDMUND G. BROWN
GOVERNOR

909 S. BROADWAY, LOS ANGELES, CALIF.
TELEPHONE: MA 0-4107
ADDRESS REPLY TO
P. O. BOX 6598, LOS ANGELES 55, CALIF.

STATE OF CALIFORNIA

Department of Water Resources

LOS ANGELES

September 15, 1961

Mr. and Mrs. Angelo F. Mainini
Star Route, Box 16
San Luis Obispo, California

Re: Portions of Parcels Nos. 2A and 5

Dear Mr. and Mrs. Mainini:

In consideration of your furnishing labor, equipment and materials for maintenance purposes in connection with the Whale Rock Project during the period, September 15, 1961, to December 31, 1962, you are hereby authorized to graze cattle on that portion of the LaMonk property shown crosshatched on the map enclosed herewith, entitled "Whale Rock Reservoir Property Map No. E-1P4-3". This grazing right shall be effective as of the date of this letter and shall extend to December 31, 1962. The conditions of use of these lands for grazing purposes under which this authorization is made shall be identical to those contained in the Final Order of Condemnation filed on May 15, 1959, with respect to Parcels Nos. 3A, 3B, and 3C.

In addition to the afore-mentioned right, you are authorized to remove quarry materials for an identical period of time from the area designated as Parcel 3D in the Final Order of Condemnation. However, the removal of such material shall not interfere with the State's right as conveyed by this document.

If these terms and conditions are acceptable to you, please sign your approval on the appropriate lines below and return this original letter in the enclosed self-addressed, stamped envelope, retaining the carbon copy for your reference.

Sincerely yours,

Herbert A. Howlett

Herbert A. Howlett, District Engineer
Southern District

Enc.

Approved: _____
Angelo F. Mainini

_____
Anna J. Mainini

EXHIBIT 11

ORDINANCE NO. 1500

AN ORDINANCE TO AMEND THE SAN LUIS OBISPO COUNTY CODE, TITLE 22, BY AMENDING CHAPTERS 22.12, 22.14, 22.16, 22.18, 22.20, 22.24, 22.26, 22.28, 22.30, 22.32, 22.38, 22.40, 22.42, 22.44, 22.46, 22.48, 22.54, 22.56, 22.62 and 22.64. Redesignating uses in the various zoning districts as Uses Permitted, Conditional Uses and Departmental Review uses.

The Board of Supervisors of the County of San Luis Obispo, State of California, do ordain as follows:

SECTION 1. That Chapter 22.12 headings be amended to read as follows:

Chapter 22.12

"U" (UNCLASSIFIED) DISTRICTS

Sections:

22.12.010 Regulations for "U" Districts
22.12.020 Uses Permitted
22.12.030 Departmental Review Uses
22.12.040 Building Site Area
22.12.050 Special Requirements

SECTION 2. That Section 22.12.020 Uses Permitted be amended to read as follows:

22.12.020 Uses permitted. Uses permitted in "U" districts shall be as follows:

(1) One family dwelling;
(2) Farm labor quarters or immediate family quarters;
(3) All agricultural uses except hog ranches and turkey ranches with more than one hundred turkeys;
(4) Agricultural buildings and accessory uses;
(5) Breeding, boarding, veterinary establishments and commercial or recreational equestrian establishments;
(6) Storage of petroleum products used on the premises and not for resale;
(7) Public utility or public service buildings, structures for uses related to water, power, gas and telephone; including transmission, storage and generating facilities;
(8) Home occupations, provided that no name plate or sign exceeding two square feet in area shall be displayed in connection therewith;
(9) Public or private recreational uses, other than housing, related to hunting, fishing, riding and hiking, and incidental camping areas if the distance is greater than one thousand feet from the property line or public road;
(10) Aircraft private land strips;
(11) One sign for each property not to exceed forty square feet in area to advertise farm labor employment, products produced or sold on the premises, the sale of the property or to identify the premises or occupants.

SECTION 3. That Section 22.12.030 Conditional Use be amended to read as follows:

22.12.030 Departmental Review Uses. Uses permitted subject to first securing a departmental review approval shall be as follows:

(1) Agribusinesses including packing, processing and sales businesses for which a business license is required;
(2) Schools, libraries, golf courses, parks, community centers or public agencies;

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(3) Oil and gas drilling and production per Planning Commission policy;

(4) All other uses not otherwise prohibited by law when determined as part of the Departmental Review process to be not inconsistent with the County General Plan.

SECTION 4. That Chapter 22.14 headings be amended to read as follows:

Chapter 22.14

A-1 (LIGHT AGRICULTURAL) DISTRICTS

Sections:

22.14.010 Intent
22.14.020 Uses Permitted
22.14.025 Departmental Review Uses
22.14.030 Conditional Use
22.14.040 Building site area
22.14.050 Special requirements

SECTION 5. That Section 22.14.020 Uses Permitted be amended to read as follows:

22.14.020 Uses permitted. Uses permitted shall be as follows:

(1) One single-family dwelling and immediate family quarters;

(2) Light agriculture;

(3) Accessory agricultural buildings, structures and uses, including farm buildings, garages and implement shelters provided that no building or structure used in connection with livestock shall be located nearer than one hundred feet to the front lot line, or nearer than fifty feet to any existing dwelling on any contiguous property, or to any public park or school;

(4) Equestrian establishments including stables, riding academies, or riding schools;

(5) Storage for petroleum products used on the premises and not for resale;

(6) Private or public utility or service buildings, structures and uses, including transmission lines and water supply reservoirs;

(7) One sign for each property not to exceed twenty square feet in area to advertise the products produced or sold on the premises or for sale off the premises on which it is placed or to identify the premises or occupants;

(8) Home occupations, provided that no name plate or sign exceeding two square feet in area shall be displayed in connection therewith.

SECTION 6. That Section 22.14.025 Departmental Review Uses be added to read as follows:

22.14.025 Departmental Review Uses. Uses permitted subject to first securing a departmental review approval shall be as follows:

(1) Animal hospitals, kennels and veterinaries;

(2) Oil and gas drilling and production per Planning Commission policy;

(3) Electric substation;

(4) Rooming or boarding houses and rest homes;

(5) Churches, libraries, museums, elementary, high schools or colleges, golf courses, country clubs, lodge halls, hospitals, sanitariums, public parks, playgrounds, community centers, or other uses by public agencies;

SECTION 7. That Section 22.14.030 Conditional Use be amended to read as follows:

22.14.030 Conditional use. Uses permitted subject to first securing a Conditional Use Permit shall be as follows:

(1) Packing or processing plants for farm products not raised on the premises;
(2) Farm labor camps;
(3) Airports, heliports and landing strips for aircraft.

SECTION 8. That Chapter 22.16 headings be amended to read as follows:

Chapter 22.16

A-2 (EXCLUSIVE AGRICULTURAL) DISTRICTS

Sections:

22.16.010 Intent--Interpretation
22.16.020 Uses Permitted
22.16.025 Departmental Review Uses
22.16.030 Conditional Use
22.16.040 Minimum area required
22.16.050 Special requirements

SECTION 9. That Section 22.16.020 Uses Permitted be amended to read as follows:

22.16.020 Uses permitted. Uses permitted shall be as follows:
(1) All agricultural uses (except the uses indicated in Section 22.16.030 shall not be established until a Conditional Use Permit is first secured);
(2) Agricultural buildings and accessory uses;
(3) Dwelling pertinent to the agricultural use of the property; residence of the owner, owners lessee or lessor of the land upon which agricultural use is conducted; residence of members of the family of the above, or residence of bonafide employees of those mentioned above;
(4) Farm labor quarters;
(5) Feed yards, sales yards for livestock or agricultural products only, commercial stables and riding academies;
(6) Fruit and vegetable packing and processing plants and similar uses including stands for sale of produce grown or produced on the premises;
(7) Signs not to exceed forty square feet in area advertising products for sale on the premises, advertising the sale or lease of property on which displayed, or as a ranch name or name plate;
(8) Animal hospitals, kennels and veterinaries.

SECTION 10. That Section 22.16.025 Departmental Review Uses be added to read as follows:

22.16.025 Departmental Review Uses. Uses permitted subject to first securing a departmental review approval shall be as follows:
(1) Churches, schools, public utility structures, public quasi-public uses where and to the extent that such are necessary to serve such zone;
(2) Labor camps;
(3) Oil and gas drilling per Planning Commission policy and and excavation of natural materials;
(4) Airports, heliports and landing strips for aircraft.

SECTION 11. That Section 22.16.030 Conditional Use be amended to read as follows:

22.16.030 Conditional use. Uses permitted subject to first securing a Conditional Use Permit shall be as follows:
(1) Commercial slaughter houses.

Chapter 22.18

A-3 (UNRESTRICTED AGRICULTURAL) DISTRICTS

SECTION 12. That Section 22.18.020 Uses Permitted be amended to read as follows:

22.18.020 Uses Permitted. Uses permitted shall be as follows:
(1) One-family dwelling and farm labor quarters or immediate family quarters;
(2) All agricultural uses except those enumerated in Sections 22.18.030 and 22.18.040 requiring departmental review approval or a Conditional Use Permit;
(3) Agricultural buildings and accessory uses;
(4) Commercial or recreational equestrian establishments;
(5) Breeding, boarding and veterinary establishments;
(6) Storage of petroleum products used on the premises and not for resale;
(7) Public utility or public service buildings, structures for uses related to water, power, gas and telephone; including transmission distribution, storage and generating facilities;
(8) Public or private recreational uses relating to hunting, fishing, riding and hiking except housing, accessory buildings and other structures;
(9) Camping areas more than one thousand feet from property lines or public roads and related to recreational uses of the property;
(10) Home occupations;
(11) One sign for each property not to exceed forty square feet in area to advertise farm labor employment, products produced or sold on the premises, the sale of property, or to identify the premises or occupants;
(12) Aircraft private land strip.

SECTION 13. That Section 22.18.030 Departmental Review Uses be amended to read as follows:

22.18.030 Departmental Review Uses. Uses permitted subject to first securing a departmental review approval shall be as follows:
(1) Oil and gas drilling and production per Planning Commission policy;
(2) Commercial radio and television towers and related facilities;
(3) Agribusinesses including packing, processing and sales business for which a business license is required except rendering plants, slaughter houses, and tallow works;
(4) Farm labor camps;
(5) Churches, schools, libraries, golf courses, parks, community centers or other public buildings;
(6) Sanitary landfills, waste disposal areas and sewerage facilities;
(7) Feed lots;
(8) Cemeteries;
(9) Rendering plants, slaughter houses, and tallow works;
(10) Camping areas related to recreational uses of the property if less than one thousand feet from property line or public road;
(11) Housing, mobile homes and mobile home parks, accessory buildings and structures established in connection with recreational activities permitted under Section 22.18.020; provided, however, that the number of housing units permitted shall not exceed one per the minimum lot size of the underlying zone;

SECTION 14. That Section 22.18.040 Conditional Uses be amended to read as follows:

22.18.040 Conditional Uses. Uses permitted subject to first securing a Conditional Use Permit shall be as follows:
(1) Hog ranches;
(2) Turkey ranches (more than one hundred turkeys);
(3) Commercial excavation of building or construction materials; and the exploration or extraction of minerals or other natural materials; including such accessory processing facilities as rock crushers and asphalt plants when located on the same property;

(4) Public airports, public heliports and public landing strips for aircraft.

SECTION 15. That Chapter 22.20 headings be amended to read as follows:

Chapter 22.20

RPD (RURAL PLANNED DEVELOPMENT) DISTRICTS

Sections:

22.20.010 Intent
22.20.020 Uses Permitted
22.20.030 Departmental Review Uses
22.20.050 Density and Building Site Area
22.20.060 Special Requirements

SECTION 16. That Section 22.20.020 Uses Permitted be amended to read as follows:

22.20.020 Uses Permitted. Uses permitted shall be as follows:
(1) One single-family dwelling and immediate family quarters and farm labor quarters;
(2) Agricultural uses except hog ranches, turkey ranches (more than 100 turkeys) and cattle feed yards;
(3) Agricultural buildings and uses accessory to other permitted uses, including aircraft private landing strips and heliports;
(4) Public and private parks and recreational areas related to hunting, fishing, hiking, riding horseback; except housing, campgrounds, and accessory buildings and structures associated therewith;
(5) One sign for each property not to exceed twenty (20) square feet in area to advertise the products produced on the premises or for the sale of the property on which it is placed or to identify the premises or occupants;
(6) Storage of petroleum products used on the premises, not for resale;
(7) Home occupations.

SECTION 17. That Section 22.20.030 Departmental Review Uses be amended to read as follows:

22.20.030 Departmental Review Uses. Uses permitted subject to first securing a Departmental Review approval, when in compliance with a Planned Development of the entire property approved by the Planning Commission, as provided by Section 22.20.060:
(1) Additional residential units in excess of those permitted by Section 22.20.020;
(2) Housing, including campgrounds, mobile home parks, recreation vehicle parks, public and private dude ranches and lodges related to recreational use of property, including accessory buildings and structures associated with established recreational activities located on the property;
(3) Oil and gas drilling per Planning Commission policy;
(4) Public airports, public heliports and public landing strips for aircraft;
(5) Quarries, barrow pits and other excavation and mining activities and accessory uses;
(6) Sanitary land fills and waste disposal sites;
(7) Radio and television tower and related facilities;
(8) Farm labor camps, construction camps and forestry conservation camps;
(9) Kennels;
(10) Public utility or public service buildings, structures for uses relating to water, power, gas and telephone;
(11) Churches including parsonages;
(12) Resthomes including caretaker quarters;

(13) Hospitals and convalescent homes;
(14) Day schools;
(15) Mineral baths, spas, and other types of resort facilities;
(16) Other similar or accessory uses determined by the Planning Commission to be particularly suited to and compatible with a unique natural feature or resource;
(17) On-site signs in excess of twenty (20) square feet for any of the above Departmental Review uses;
(18) All other agricultural uses not listed in Section 22.20.020.

SECTION 18. That Section 22.20.040 Conditional Uses be repealed.

SECTION 19. That Chapter 22.24 headings be amended to read as follows:

Chapter 22.24

R-A (SUBURBAN) DISTRICTS

Sections:

22.24.010 Uses Permitted
22.24.015 Departmental Review Uses
22.24.020 Conditional Uses
22.24.030 Site Area
22.24.040 Special Requirements

SECTION 20. That Section 22.24.010 Uses Permitted be amended as follows:

22.24.010 Uses permitted. Uses permitted shall be as follows:
(1) One single-family dwelling;
(2) Truck gardening, orchards, vineyards, other plant culture and greenhouses. Resale of products not grown on the property is prohibited as a permitted use;
(3) The keeping of poultry and animals except swine for the domestic, hobby, or club project, requirements only of the residents of the lot upon which such animals and poultry sales or breeding establishments, dog kennels, and the slaughtering or processing of animals or poultry for the purpose of providing or supplementing income shall be prohibited;
(4) Light agricultural uses on more than ten acres;
(5) The keeping and/or raising of household pets for personal use only;
(6) Accessory buildings and accessory uses, including servants' quarters and non-commercial guest houses;
(7) Temporary signs not to exceed three square feet for advertising for farm labor employees or for the sale of products raised on the property;
(8) Home occupations, provided that no name plate or sign exceeding two square feet in area shall be displayed in connection therewith.

SECTION 21. That Section 22.24.015 Departmental Review Uses be added to read as follows:

22.24.015 Departmental Review Uses. Uses permitted subject for first securing a departmental review approval shall be as follows:
(1) One additional single-family dwelling for each additional area equivalent to the minimum building site area required;
(2) Light agriculture uses on less than ten acres. The raising of hogs, turkeys or fur bearing carniverous animals shall be prohibited on less than ten acres;
(3) Temporary stands for the sale of products grown on the property;
(4) Rest homes accommodating ambulatory guests not in excess of six in number;
(5) Public parks and playgrounds.

SECTION 22. That Section 22.24.020 Conditional Uses be amended to read as follows:

22.24.020 Conditional Uses. Uses permitted subject to first securing a Conditional Use Permit shall be as follows:
(1) Golf courses and country clubs, sign appurtenant thereto;
(2) Schools, libraries and churches.

Chapter 22.26

R-1 (SINGLE FAMILY) DISTRICTS

SECTION 23. That Section 22.26.010 Uses Permitted be amended to read as follows:

22.26.010 Uses permitted. Uses permitted shall be as follows:
(1) One single-family dwelling;
(2) Public parks and public playgrounds;
(3) Nurseries and greenhouses used for the propagating and cultivating of plants for hobby and home use only, provided that any building for such use be placed on the rear half of the lot;
(4) Accessory buildings and accessory uses;
(5) Aviaries for hobby use only, and household pets.

SECTION 24. That Section 22.26.015 Departmental Review Uses be amended to read as follows:

22.26.015 Department Review Uses. Uses permitted subject to first securing a departmental review approval shall be as follows:
(1) Commercial crop and tree farming and truck gardening, provided that no structure shall be erected on said property for the purpose of selling agricultural products;
(2) Schools, libraries;
(3) One additional single-family dwelling for each additional area equivalent to the minimum building site area required;
(4) Home occupations, provided no name plate or sign exceeding two square feet in area shall be displayed in connection therewith.

SECTION 25. That Section 22.26.020 Conditional Uses be amended to read as follows:

22.26.020 Conditional Uses. Uses permitted subject to first securing a Conditional Use Permit shall be as follows:
(1) Golf courses and country clubs;
(2) Public utility buildings and substations;
(3) Rest homes accommodating ambulatory guests not in excess of six in number.

Chapter 22.28

R-2 (LOW DENSITY MULTIPLE RESIDENTIAL) DISTRICTS

SECTION 26. That Section 22.28.010 Uses Permitted be amended to read as follows:

22.28.010 Uses permitted. Uses permitted shall be as follows:
(1) One single-family dwelling;
(2) One duplex;
(3) Public parks and public playgrounds;
(4) Nurseries and greenhouses used for the propagating and cultivating of plants for hobby and home use only, provided that any building for such use be placed on the rear half of the lot;
(5) Accessory buildings and accessory uses;
(6) Aviaries for hobby use only, and household pets.

SECTION 27. That Section 22.28.015 Departmental Review Uses be amended to read as follows:

22.28.015 Departmental Review Uses. Uses permitted subject to first securing a departmental review approval shall be as follows:
(1) Multiple dwelling groups of 3 or less units per building and totaling less than ten units;
(2) Commercial crop and tree farming and truck gardening provided that no structures shall be erected on said property for the purpose of selling agricultural products;
(3) Schools, libraries and churches;
(4) Home occupations, provided no name plate or sign exceeding two square feet in area shall be displayed in connection therewith;
(5) Public utility buildings and substations;
(6) Rest homes accommodating ambulatory guests not in excess of six in number.

SECTION 28. That Section 22.28.020 Conditional Uses be amended to read as follows:

22.28.020 Conditional uses. Uses permitted subject to first securing a Conditional Use Permit shall be as follows:
(1) Multiple family residential uses of more than 3 units in any structure and totaling ten or more units;
(2) Golf courses and country clubs.

Chapter 22.30

R-3 (MEDIUM DENSITY RESIDENTIAL) DISTRICTS

SECTION 29. That Section 22.30.010 Uses Permitted be amended to read as follows:

22.30.010 Uses permitted. Uses permitted shall be as follows:
(1) One-family dwellings;
(2) Multiple family residential uses in one or more structures totaling less than ten units;
(3) Public parks and public playgrounds;
(4) Nurseries and greenhouses used for the propagating and cultivating of plants for hobby and home use only, provided that any building for such use be placed on the rear half of the lot;
(5) Accessory buildings and accessory uses;
(6) Aviaries for hobby use only, and household pets.

SECTION 30. That Section 22.30.015 Departmental Review Uses be amended to read as follows:

22.30.015 Departmental Review Uses. Uses permitted subject to first securing a departmental review approval shall be as follows:
(1) Multiple family residential uses in one or more structures totaling ten through twenty-nine units;
(2) Rooming house and boarding house;
(3) Home occupations, provided that no name plate or sign exceeding two square feet in area shall be displayed in connection therewith;
(4) Commercial crop and tree farming and truck gardening;
(5) Schools, libraries and churches;
(6) Clubs, lodges and fraternity and sorority houses;
(7) Philanthropic and charitable institutions;
(8) Museums and art galleries;
(9) Electric substations and similar uses;
(10) On-site signs for any of the above uses.

SECTION 31. That Section 22.30.020 Conditional Uses be amended to read as follows:

22.30.020 Conditional uses. Uses permitted subject to first securing a Conditional Use Permit shall be as follows:
(1) Multiple family residential uses in one or more structures totaling thirty or more units;
(2) Motels;

(3) Hotels;
(4) Trailer parks;
(5) Hospitals, rest homes, sanitariums, clinics, and other buildings used for the treatment of human ailments;
(6) Golf courses and country clubs.

Chapter 22.32

R-4 (MULTIPLE FAMILY AND PROFESSIONAL) DISTRICTS

SECTION 32. That Section 22.32.010 Uses Permitted be amended to read as follows:

22.32.010 Uses permitted. Uses permitted shall be as follows:
(1) One-family dwellings;
(2) Multiple family residential uses in one or more structures totaling less than ten units;
(3) Public parks and public playgrounds;
(4) Schools, libraries and churches;
(5) Clubs, lodges and fraternity and sorority houses;
(6) Philanthropic and charitable institutions;
(7) Museums and art galleries;
(8) Nurseries and greenhouses used for the propagating and cultivating of plants for hobby and home use only, provided that any building for such use be placed on the rear half of the lot;
(9) Home occupations, provided that no name plate or sign exceeding two square feet in area shall be displayed in connection therewith;
(10) Accessory buildings and accessory uses;
(11) Aviaries for hobby use only, and household pets;
(12) On-site signs which do not exceed the height of the building and with an aggregate area not to exceed twenty square feet.

SECTION 33. That Section 22.32.015 Departmental Review Uses be amended to read as follows:

22.32.015 Departmental Review Uses. Uses permitted subject to first securing a departmental review approval shall be as follows:
(1) Multiple family residential uses in one or more structures totaling ten or more units;
(2) Rooming house and boarding house;
(3) Hotels;
(4) Motels;
(5) Hospitals, rest homes, sanitariums, clinics, and other buildings used for the treatment of human ailments;
(6) Professional offices, personal services and public utility offices;
(7) Any commercial use incidental to and a part of any of the above uses;
(8) On-site signs which exceed the height of the building and with an aggregate area exceeding twenty square feet;
(9) Commercial crop and tree farming.

SECTION 34. That Section 22.32.020 Conditional Uses be amended to read as follows:

22.32.020 Conditional uses. Uses permitted subject to first securing a Conditional Use Permit shall be as follows:
(1) Multiple family residential uses in one or more structures totaling thirty or more units;
(2) Trailer courts;
(3) Mortuaries.

SECTION 35. That Chapter 22.38 headings be amended to read as follows:

Chapter 22.38

C-1-N (NEIGHBORHOOD SHOPPING) DISTRICTS

Sections:

22.38.010 Uses permitted
22.38.015 Departmental Review Uses
22.38.020 Conditional Uses
22.38.030 Building Site Area
22.38.040 Special Requirements

SECTION 36. That Section 22.38.010 Uses Permitted be amended to read as follows:

22.38.010 Uses permitted. Uses permitted shall be as follows provided that aggregate shopping center or retail store floor area shall not exceed 5,000 square feet:

(1) Bakeries;
(2) Banks;
(3) Barber shops;
(4) Bars;
(5) Beauty parlors;
(6) Cleaners (agency only);
(7) Cocktail lounges;
(8) Comfort stations;
(9) Confectionaries;
(10) Food markets;
(11) Hardware stores;
(12) Laundry agencies and laundromats;
(13) Liquor stores;
(14) Music stores;
(15) Notions;
(16) On-site building surface or freestanding signs which do not exceed the height of the building and with an aggregate area not to exceed sixty square feet;
(17) Parking lots;
(18) Public parks, playgrounds and recreation buildings;
(19) Real estate offices;
(20) Restaurants;
(21) Shoe repair shops;
(22) Small appliances and electronic sale or repair (within a building);
(23) Variety stores;
(24) Other uses which the Planning Commission has determined are retail business or services supply daily needs similar to the uses listed above.

SECTION 37. That Section 22.38.015 Departmental Review Uses be added to read as follows:

22.38.015 Departmental Review Uses. Uses permitted subject to first securing a departmental review approval shall be as follows:

(1) Shopping centers or retail stores listed in Section 22.38.010 with 5,000 square feet or more aggregate floor area;
(2) Service stations;
(3) Residences (not on ground floor);
(4) Other retail business or services offices when included in an established neighborhood shopping center or district and determined to be secondary to the continued neighborhood shopping character of the district.

SECTION 38. That Section 22.38.020 Conditional Uses be amended to read as follows:

22.38.020 Conditional Uses. Uses permitted subject to first securing a Conditional Use Permit shall be as follows:

(1) On-site building surface or freestanding signs which exceed the height of the buildings or signs with an aggregate area in excess of sixty square feet;

(2) Residential uses not allowed by Section 22.38.015.

SECTION 39. That Chapter 22.40 headings be amended to read as follows:

Chapter 22.40

C-1-C (COMMUNITY SHOPPING) DISTRICTS

Sections:

22.40.010 Uses Permitted
22.40.015 Departmental Review Uses
22.40.020 Conditional Uses
22.40.030 Building Site Area
22.40.040 Special Requirements

SECTION 40. That Section 22.40.010 Uses Permitted be amended to read as follows:

22.40.010 Uses permitted. Uses permitted shall be as follows provided that aggregate shopping center or individual established floor area shall not exceed 5,000 square feet:

(1) Appliance stores;
(2) Book stores;
(3) Clothing stores (men and women);
(4) Dry goods;
(5) Department stores;
(6) Florists;
(7) Furniture stores (new only, entirely within a building);
(8) Home furnishing (new only, entirely within a building);
(9) Hobby shops;
(10) Offices;
(11) Jewelry shops;
(12) Millinery, dress making and tailor shops;
(13) Newspaper stands;
(14) Nurseries (plant and shrub);
(15) Nurseries (children's);
(16) On-site building surface or freestanding signs which do not exceed the height of the building and with an aggregate area not to exceed sixty square feet;
(17) Pet shops and supplies;
(18) Photographers studios;
(19) Photographic supplies;
(20) Public buildings (libraries, utilities, offices, fire stations, police stations, civic buildings, post offices, and substations);
(21) Shoe stores;
(22) Sporting goods;
(23) Stationery supplies;
(24) Bakeries;
(25) Banks;
(26) Barber shops;
(27) Bars;
(28) Beauty parlors;
(29) Cleaners (agency only);
(30) Cocktail lounges;
(31) Comfort stations;
(32) Confectionaries;
(33) Food markets;
(34) Hardware stores;
(35) Laundry agencies and laundromats;

(36) Liquor stores;
(37) Music stores;
(38) Notions;
(39) Parking lots;
(40) Public parks, playgrounds and recreation buildings;
(41) Residences (not on the ground floor);
(42) Restaurants;
(43) Shoe repair shops;
(44) Small appliances and electronic sale or repair (within a building);
(45) Variety stores;
(46) Other uses which the Planning Commission has determined are retail businesses or services supplying infrequent domestic needs similar to the uses above.

SECTION 41. That Section 22.40.015 Departmental Review Uses be added to read as follows:

22.40.015 Departmental Review Uses. Uses permitted subject to first securing a departmental review approval shall include:
(1) Shopping centers or individual establishments listed in Section 22.40.010 with 5,000 square feet or more aggregate floor area;
(2) Service stations;
(3) Automobile parts (retail, new, enclosed within a building);
(4) Broadcasting stations;
(5) Employment agencies;
(6) Express offices;
(7) Financial institutions (e.g., banks, loan companies, title companies);
(8) Farming shops;
(9) Health studios;
(10) Hotels and motels;
(11) Leather and luggage goods;
(12) Parking lots (commercial);
(13) Plumbing supplies (retail, enclosed within a building);
(14) Porcelain and pottery shops;
(15) Studios (health, recording, art, decorating, medical, optical, etc.);
(16) Telegraph offices;
(17) Theaters.

SECTION 42. That Section 22.40.020 Conditional Uses be amended to read as follows:

22.40.020 Conditional uses. Uses permitted subject to first securing a Conditional Use Permit shall be as follows:
(1) Auditoriums;
(2) Automobile agencies (including normal accessory service and used car sales);
(3) Heliports;
(4) On-site building surface or freestanding signs which exceed the height of the building or signs with an aggregate area in excess of sixty square feet.
(5) Residential uses not allowed by Section 22.40.010.

SECTION 43. That Chapter 22.42 headings be amended to read as follows:

Chapter 22.42

C-1 (GENERAL SHOPPING) DISTRICTS

Sections:

22.42.010 Uses Permitted
22.42.015 Departmental Review Uses
22.42.020 Conditional Uses
22.42.030 Building Site Area
22.42.040 Special Requirements

SECTION 44. That Section 22.42.010 Uses Permitted be amended to read as follows:

22.42.010 Uses permitted. Uses permitted shall be as follows provided that aggregate shopping center or individual establishment floor area shall not exceed 10,000 square feet:

(1) Bakeries;
(2) Banks;
(3) Barber shops;
(4) Bars;
(5) Beauty parlors;
(6) Cleaners (agency only);
(7) Cocktail lounges;
(8) Comfort stations;
(9) Confectionaries;
(10) Food markets;
(11) Hardware stores;
(12) Laundry agencies and laundromats;
(13) Liquor stores;
(14) Music stores;
(15) Notions;
(16) Parking lots;
(17) Public parks, playgrounds and recreation buildings;
(18) Residences (not on ground floor);
(19) Restaurants;
(20) Shoe repair shops;
(21) Small appliances and electronic sale or repair (within a building);
(22) Variety stores;
(23) Appliance stores;
(24) Book stores;
(25) Clothing stores (men and women);
(26) Dry goods;
(27) Department stores;
(28) Florists;
(29) Furniture stores (new only, entirely within a building);
(30) Home furnishing (new only, entirely within a building);
(31) Hobby shops;
(32) Offices;
(33) Jewelry shops;
(34) Millinery, dress making and tailor shops;
(35) Newspaper stands;
(36) Nurseries (plant and shrub);
(37) Nurseries (children's);
(38) On-site signs which do not exceed the height of the building and with an aggregate area not to exceed sixty square feet;
(39) Pet shops and supplies;
(40) Photographers studios;
(41) Photographic supplies;
(42) Public buildings (libraries, utilities, offices, fire stations, police stations, civic buildings, post offices, and sub-stations);
(43) Shoe stores;
(44) Sporting goods;
(45) Stationery supplies;
(46) Auditoriums;
(47) Automobile agencies (including normal accessory service and used car sales);
(48) Automobile parts (retail, new, enclosed within a building);
(49) Broadcasting stations;
(50) Employment agencies;
(51) Express offices;
(52) Financial institutions (e.g., banks, loan companies, title companies);
(53) Farming shops;

(54) Health studios;
(55) Hotels and motels;
(56) Leather and luggage goods;
(57) Parking lots (commercial);
(58) Plumbing supplies (retail, enclosed within a building);
(59) Porcelain and pottery shops;
(60) Studios (health, recording, art, decorating, medical, optical, etc.);
(61) Telegraph offices;
(62) Theaters;
(63) Other retail business uses which the Planning Commission has determined are of the same general character as those enumerated in this section and will not be obnoxious to abutting properties or detrimental to the district in which located.

SECTION 45. That Section 22.42.015 Departmental Review Uses be added to read as follows:

22.42.015 Departmental Review Uses. Uses permitted subject to first securing a departmental review approval shall include:
(1) Shopping centers or individual establishment listed in Section 22.42.010 with 10,000 square feet or more aggregate floor area;
(2) Service stations;
(3) Bowling alleys;
(4) Automobile repair shops;
(5) All residential uses not allowed by Section 22.42.010 and totaling less than 10 units;
(6) Churches, clubs, lodges and fraternities;
(7) Dance halls;
(8) Equipment rentals (within a building);
(9) Secondhand sales;
(10) Skating rinks;
(11) Storage garages.

SECTION 46. That Section 22.42.020 Conditional Uses be amended to read as follows:

22.42.020 Conditional uses. Uses permitted subject to first securing a Conditional Use Permit shall be as follows:
(1) All types of residential uses;
(2) Animal hospitals and kennels;
(3) Hospitals, rest homes and sanitariums;
(4) Mortuaries;
(5) On-site signs which exceed the height of the building or with an aggregate area in excess of sixty square feet and outdoor advertising signs and structures (subject to Planning Commission policies);
(6) Schools;
(7) Other business uses wholly within a building, the main use of which is the retail sale of merchandise or services and which the Planning Commission has determined are normally located within retail shopping areas. The retail use shall be established prior to or simultaneously with any other accessory uses;
(8) Heliports;
(9) Trailer parks.

SECTION 47. That Chapter 22.44 headings be amended to read as follows:

Chapter 22.44

C-2 (COMMERCIAL SERVICE) DISTRICTS

Sections:

22.44.010 Uses Permitted
22.44.015 Departmental Review Uses
22.44.020 Conditional Uses
22.44.030 Building Site Area
22.44.040 Special Requirements

SECTION 48. That Section 22.44.010 Uses Permitted be amended to read as follows:

22.44.010 Uses permitted. Uses permitted shall be as follows provided that aggregate floor area of any establishment shall not exceed 10,000 square feet:

(1) Automobile car wash;
(2) Automobile sales (new or used predominantly within a building);
(3) Banks;
(4) Barber shops;
(5) Beauty parlors;
(6) Bowling alleys;
(7) Cocktail lounges;
(8) Dance halls;
(9) Dressmaking, millinery, shoe and tailor shops;
(10) Institutions: charitable and philanthropic;
(11) Laundry and cleaning agencies and laundromats;
(12) Living quarters appurtenant to any commercial use: on second floor or rear half of same lot;
(13) Messenger and telegraph offices;
(14) Mortuaries and crematories;
(15) Nurseries (plant and shrub);
(16) Offices (professional, business and utility);
(17) Parking lots and garages;
(18) Parks and playgrounds;
(19) Public buildings, public utility buildings and substations;
(20) Restaurants, cafes and food stands;
(21) Service stations;
(22) On-site signs which do not exceed the height of the building and with an aggregate area not to exceed sixty square feet;
(23) Skating rinks;
(24) Storage garages;
(25) Storage lockers;
(26) Theaters: outdoor;
(27) Hardware stores (entirely within a building);
(28) Appliance stores;
(29) Automobile parts (retail, new, enclosed within a building);
(30) Broadcasting stations;
(31) Employment agencies;
(32) Express offices;
(33) Financial institutions (e.g., banks, loan companies, title companies);
(34) Farming shops;
(35) Leather and luggage goods;
(36) Parking lots (commercial);
(37) Plumbing supplies (retail, enclosed within a building);
(38) Porcelain and pottery shops;
(39) Telegraph offices;
(40) Other business uses wholly enclosed in a building whose function is commercial or industrial trade services and whose character has been determined by the Planning Commission to be similar to uses listed above (e.g., auto repair shops, printing establishments, animal hospitals, paint and decorating shops, wholesale businesses, cabinet shops, pet shops, laundries, secondhand sales).

SECTION 49. That Section 22.44.015 Departmental Review Uses be added to read as follows:

22.44.015 Departmental Review Uses. Uses permitted subject to first securing a departmental review approval shall include:

(1) Any commercial or trade service business with aggregate floor area of 10,000 square feet or more or not listed in Section 22.44.010 which is wholly enclosed in a building;
(2) Service stations;
(3) Automobile sales lots;
(4) Mobilehome sales and service;
(5) Any of the following or similar uses if wholly enclosed within an approved wall or fence:

(a) Dog kennels;
(b) Plumbing shops;
(c) Welding shops;
(d) Storage establishments;
(e) Lumber yards;
(f) Tinsmith shops;
(g) Machine shops;
(h) Equipment rentals.

SECTION 50. That Section 22.44.020 Conditional Uses be amended to read as follows:

22.44.020 Conditional uses. Uses permitted subject to first securing a Conditional Use Permit shall be as follows:
(1) Any uses listed in Chapter 22.54 (M-1 Districts) whose function is the manufacture or assembly of clothing or small domestic products if wholly enclosed within a building;
(2) On-site signs which exceed the height of the building or with an aggregate area in excess of sixty square feet and outdoor advertising signs and structures (subject to Planning Commission policies);
(3) Any business uses not otherwise listed in Chapters 22.36-22.48.

Chapter 22.46

CH (HIGHWAY COMMERCIAL) DISTRICTS

SECTION 51. That Section 22.46.020 Departmental Review Uses be amended to read as follows:

22.46.020 Departmental Review Uses. Uses permitted subject to departmental review approval shall be as follows:
(1) Hotels and motels;
(2) Restaurants, including drive-in restaurants;
(3) Accessory structures and uses located on the same site with and necessary for the operation of a permitted use.

SECTION 52. That Section 22.46.030 Departmental Review Uses Related to Planned Developments be amended to read as follows:

22.46.030 Departmental review uses related to planned developments. The following additional uses shall be permitted subject to departmental review approval when an integral part of an incidental to planned developments which include hotels, motels or restaurants as the principal uses:
(1) Banquet rooms and meeting halls;
(2) Barber shops, beauty shops and self-service laundries and dry cleaning establishments;
(3) Bars, cocktail lounges and off-sale liquor shops;
(4) Candy shops, delicatessen shops and soda fountains;
(5) Gift shops, newsstands, photographic supply shops and stenographic services;
(6) Golf driving ranges and miniature, par three and pitch and putt golf courses;
(7) Accessory structures and uses located on the same site with and necessary for the operation of a permitted use;
(8) One one-family dwelling or apartment when accessory to a permitted departmental review or conditional use;
(9) Public and private libraries, art galleries and museums;
(10) Public buildings and grounds;
(11) Publicly owned parks, playgrounds and other recreational facilities;
(12) Roadside rests and traveler's information booths or stands.

SECTION 53. That Section 22.46.040 Service Station be amended to read as follows:

22.46.040 Service station.

(1) Service stations shall be permitted uses subject to departmental review approval when located across a street from, adjacent to or in conjunction with a permitted use;

(2) When not located across a street from, adjacent to or in conjunction with a permitted use, service stations may be permitted subject to the securing of a Conditional Use Permit in each case;

(3) Service stations may operate a towing service, not including the storage of wrecked or abandoned vehicles;

(4) Accessory structures and uses shall be permitted when located on the same site with and necessary for the operation of a service station.

SECTION 54. That Section 22.46.050 Conditional Uses be amended to read as follows:

22.46.050 Conditional uses. The following conditional uses may be permitted subject to securing a Conditional Use Permit:

(1) Recreational vehicle park when part of a planned development including other uses provided above;

(2) Bus depots, heliports and transit stations, provided that buses, helicopters or other transit vehicles shall not be stored on the site and no repair work or servicing of vehicles shall be conducted on the site, except in the case of emergency.

SECTION 55. That Chapter 22.48 headings be amended to read as follows:

Chapter 22.48

CR (RESORT COMMERCIAL) DISTRICTS

Sections:

22.48.010 Purposes
22.48.020 Departmental Review Uses
22.48.030 Conditional Uses
22.48.040 Building Site Area
22.48.050 Special Conditions

SECTION 56. That Section 22.48.020 Departmental Review Uses be amended to read as follows:

22.48.020 Departmental Review Uses. The following uses may be permitted subject to first securing a departmental review approval from the Planning Department:

(1) Hotels, motels and multi-family dwellings;

(2) Antique, china, glassware, jewelry and gift shops;

(3) Art galleries, museums, hobby, art and artists supply stores;

(4) Leather goods, luggage stores, photographic supply and music shops;

(5) Pottery, woodcraft, ceramics or similar creative art production where all articles made are intended for sale on the premises and where such production is limited to an area totaling not more than 250 square feet and confined within a structure;

(6) Restaurants (including drive-in restaurants) and accessory cocktail lounges and incidental entertainment when confined within a building;

(7) Barber and beauty shops, candy stores, soda fountains, cigar and newsstands;

(8) Swimming pools or natatoriums;

(9) Sporting goods stores, recreational equipment sales and rental (except motorized vehicles);

(10) The following provided such establishments do not exceed 2,500 square feet in area:

(a) Bakery goods stores;

(b) Cleaning and laundry agencies, laundromats or self-service laundries;

(c) Clothing stores;

(d) Drug stores;
(e) Food markets, delicatessen stores;
(f) Toy stores;
(g) Banks;
(h) Liquor stores;

(11) Bus depots and transit stations (not including repair facilities);

(12) Manager and caretaker's apartment when accessory to a permitted or conditional use, and occupying the rear portion or second story of a structure;

(13) Recreational facilities, including:
(a) Parks, playgrounds;
(b) Golf courses, driving ranges, par three, pitch and putt and miniature golf courses;
(c) Amusement parks or similar outdoor recreational facilities;
(d) Marinas.

(14) Indoor movie theaters, bowling alleys, pool and billiard halls or similar indoor recreational establishments;

(15) Fraternal organizations, lodges, banquet rooms and meeting halls;

(16) Real estate offices;

(17) Service stations;

(18) Accessory structures and uses located on the same site with, and necessary for the operation of the above, or a previously approved use requiring a Conditional Use Permit;

(19) Other uses which the Planning Commission has determined are of the same general character as those enumerated above.

SECTION 57. That Section 22.48.030 Conditional Uses be amended to read as follows:

22.48.030 Conditional uses. The following conditional uses may be permitted subject to first securing a Conditional Use Permit in each case:

(1) Heliports;

(2) Those uses listed under Item 10 of Departmental Review uses when such an establishment has an area of 2,500 to 5,000 square feet;

(3) Other uses which the Planning Commission has determined are of the same general character as those enumerated above.

SECTION 58. That Chapter 22.54 headings be amended to read as follows:

Chapter 22.54

M-1 (LIGHT INDUSTRIAL) DISTRICTS

Sections:

22.54.010 Uses Permitted
22.54.015 Departmental Review Uses
22.54.020 Conditional Uses
22.54.030 Building Site Area
22.54.040 Special Requirements

SECTION 59. That Section 22.54.010 Uses Permitted be amended to read as follows:

22.54.010 Uses permitted. Uses permitted shall be as follows provided that the maximum floor area for any industrial or commercial establishment shall not exceed 10,000 square feet:

(1) Agriculture, light;

(2) Animal hospitals, kennels and veterinaries;

(3) Automobile tire and tube repairing, battery servicing, automobile lubrication or repair, and automobile laundry or wash rack;

(4) Any of the following, or similar manufacturing, compounding, assembling, processing or treating uses, if conducted wholly within a building:

(a) Agricultural industries such as the packing, canning and processing of agricultural, creamery or dairy products,
(b) Manufacture of food products;
(c) Aircraft factories and plants for manufacture and/or assembly of aircraft parts and miscellaneous instruments;
(d) Automobile assembly plants, general automobile and truck repair, body and fender works, painting, upholstering, and the manufacture of batteries, electric or electrical devices;
(e) Bakeries;
(f) Blacksmith and machine shops;
(g) Carpenter and cabinet shops or furniture manufacturing;
(h) Clothing, garment or textile manufacture;
(i) Cleaning, dyeing, carpet and rug cleaning plants;
(j) Ice and cold storage, bottling plants, frozen food lockers;
(k) Handicraft, printing, lithographing;
(l) Manufacture of ceramics and other manufacturing uses of a similar character;
(m) Wholesale business, storage buildings and warehouses;
(5) On-site signs which do not exceed the height of the building and with an aggregate area not to exceed sixty square feet.

SECTION 60. That Section 22.54.015 Departmental Review Uses be added to read as follows:

22.54.015 Departmental Review Uses. Uses permitted subject to first securing a departmental review approval shall be as follows:
(1) Industrial or commercial establishments listed in Section 22.54.010 with building floor areas of 10,000 square feet or more;
(2) Service stations;
(3) Residential uses accessory or incidental to an approved industrial or commercial establishment;
(4) Mobilehome sales and services;
(5) Any of the following, or similar uses if wholly enclosed within an approved wall, or fence:
(a) Building materials and contractors' storage yards;
(b) Brick, concrete products, tile or terra cotta manufacture;
(c) Draying, crating, or trucking yards or terminals;
(d) Lumber yards;
(e) Petroleum products storage, including the barreling, canning and packing of lubricating oils, greases and petroleum products, with accessory truck or rail loading and shipping facilities;
(f) Stable or riding academy;
(g) Small boat building;
(h) Equipment rental;
(i) Any accessory buildings and structures necessary to such uses located on same lot or parcel of land;
(6) Public and quasi-public uses;
(7) Restaurants, including drive-in restaurants.

SECTION 61. That Section 22.54.020 Conditional Uses be amended to read as follows:

22.54.020 Conditional uses. Uses permitted subject to first securing a Conditional Use Permit shall be as follows:
(1) Oil drilling and the commercial excavation of building or construction materials;
(2) Livestock feed yards;
(3) Auto wrecking, used parts sales and junk yards;
(4) Airports, heliports and landing strips for aircraft;
(5) On-site signs which exceed the height of the building or with an aggregate area in excess of sixty square feet and outdoor advertising signs and structures (subject to Planning Commission policies).

SECTION 62. That Chapter 22.56 headings be amended to read as follows:

Chapter 22.56

M-2 (HEAVY INDUSTRIAL) DISTRICTS

Sections:

22.56.010 Uses Permitted
22.56.015 Departmental Review Uses
22.56.020 Conditional Uses
22.56.030 Building Site Area
22.56.040 Special Requirements

SECTION 63. That Section 22.56.010 Uses Permitted be amended to read as follows:

22.56.010 Uses permitted. Uses permitted shall be as follows:

(1) Any of the following or similar manufacturing, compounding, assembling, processing or treating uses except when such proposed use is within five hundred feet of any property classified other than as an M-1 district, provided that it is unlawful and a public nuisance to enter upon the property for the construction of, or to use any building or improvement for the following permitted uses unless and until plans have been submitted and approved by the Planning Commission and Director of Public Works. The plans shall be approved if drawn so as to establish that the construction and operation of each such plant, or other heavy industrial use, will comply with all state and federal laws and County ordinances in force and effect and applicable to the regulation of obnoxious or offensive noise, smoke, dust, explosives, vibration, odors or flashing lights:

(a) Acetylene gas manufacture or storage;
(b) Ammonia, bleaching powder, or chlorine manufacture;
(c) Asphalt manufacture or refining;
(d) Storing, sorting, collecting or baling of rags, paper, iron or junk in the open;
(e) Blast furnace or coke ovens;
(f) Boiler works;
(g) Chemical manufacture;
(h) Cotton gin or oil mill;
(i) Fish smoking, curing, or canning;
(j) Petroleum refining and petroleum or tar products manufacture;
(k) Oilcloth or linoleum manufacture;
(l) Oil drilling and production of oil, gas or hydrocarbons;
(m) Plastic manufacture;
(n) Wool pulling or scouring;
(o) Tannery, or the curing or storage of raw hides;
(p) Any accessory buildings and structures necessary to such uses located on the same lot or parcel of land;
(q) Livestock feed yards, slaughter houses and reduction works;
(r) Automobile wrecking yards.

(2) On-site signs which do not exceed the height of the building and with an aggregate area not to exceed sixty square feet.

SECTION 64. That Section 22.56.015 Departmental Review Uses be added to read as follows:

22.56.015 Departmental Review Uses. Uses permitted subject too first securing a departmental review approval shall be as follows:

(1) Any use provided for as permitted or departmental review in the M-1 zone, Sections 22.54.010 and 22.54.015.

SECTION 65. That Section 22.56.020 Conditional Uses be amended to read as follows:

22.56.020 Conditional uses. Uses permitted subject to first securing a Conditional Use Permit shall be as follows:
(1) Any use provided for by Conditional Use Permit in the M-1 zone, Section 22.54.020.

SECTION 66. That Chapter 22.62 headings be amended to read as follows:

Chapter 22.62

L (RECREATION) DISTRICTS

Sections:

22.62.010 Uses Permitted
22.62.015 Departmental Review Uses
22.62.020 Conditional Uses
22.62.030 Building Site Area
22.62.040 Special Requirements
22.62.050 Conformity required
22.62.060 Building Height Limit
22.62.070 Yards

SECTION 67. That Section 22.62.010 Uses Permitted be amended to read as follows:

22.62.010 Uses permitted. Uses permitted shall be as follows:
(1) Light agricultural uses;
(2) Single-family residence;
(3) Public parks and playgrounds.

SECTION 68. That Section 22.62.015 Departmental Review Uses be added to read as follows:

22.62.015 Departmental Review Uses. Uses permitted as follows may be approved by departmental review if in accordance of Development Plan approved by the Planning Commission:
(1) Light industrial uses related to recreational developments;
(2) All public and commercial recreational uses including but not limited to baseball parks, golf courses, public parks and playgrounds, indoor and outdoor theaters;
(3) Mineral baths and other types of resort facilities;
(4) Equestrian establishments including stables, riding academies, pack stations, riding schools and riding amusements;
(5) All light agricultural uses;
(6) Accessory uses or buildings, appurtenant to any approved use;
(7) On-site sign of not over 20 square feet;
(8) Residential uses totaling less than 10 units.

SECTION 69. That Section 22.62.020 Conditional Uses be amended to read as follows:

22.62.020 Conditional uses. Uses permitted subject to first securing a Conditional Use Permit if provided by an approved Development Plan shall be as follows:
(1) Residential uses of 10 units or more and including motels, hotels, lodges, boarding houses and guest ranches;
(2) Retail indoor and outdoor sales, rental and service establishments and offices;
(3) Churches and schools (public and parochial schools accredited to the State school system;
(4) Institutional uses including but not limited to clubs, and fraternal organizations;
(5) Hospitals, clinics, rest homes, sanitariums and other buildings used for the treatment of human ailments;
(6) Areas for campgrounds, trailer courts, campsites and vacation trailers;

(7) Airports, heliports, landing strips for aircraft, and float plan anchorages;
(8) On-site signs in excess of 20 square feet;
(9) Temporary campgrounds, provided that no permanent buildings are constructed.

SECTION 70. That Chapter 22.64 headings be amended to read as follows:

Chapter 22.64

T (TRAILER) DISTRICTS

Sections:

22.64.010 Regulations for "T" (trailer) districts
22.64.020 Uses Permitted
22.64.025 Departmental Review Uses
22.64.040 Trailer Site Area
22.64.050 Special Requirements
22.64.060 Building Height Limit
22.64.070 Yards

SECTION 71. That Section 22.64.020 Uses Permitted be amended to read as follows:

22.64.020 Uses permitted. Uses permitted shall be as follows:
(1) One independent trailer coach bearing a tag of approval of the California Division of Housing, or equivalent;
(2) Public parks and public playgrounds;
(3) Nurseries and green houses used for the propagating and cultivating of plants for hobby and home use only;
(4) Not more than two accessory structures limited to the following:
(a) Garages, carports, utility rooms, recreational rooms, storage rooms and cabanas;
(b) Swimming pools and related structures;
(c) Patios and other outdoor recreational uses;
(5) The raising of household or domesticated pets;
(6) Cooperative, corporate or community recreational, utility and/or sanitary facilities. (prior code S11-452.1)

SECTION 72. That Section 22.64.025 Departmental Review Uses be added to read as follows:

22.64.025 Departmental Review Uses. Uses permitted subject to first securing a departmental review approval shall be as follows:
(1) Commercial establishments operated primarily for the purpose of rendering service to permanent trailer coach residents comprising retail stores, offices and personal service establishments, i.e., barbers, beauty shops, etc.;
(2) Crop and tree farming and truck gardening;
(3) Schools and libraries;
(4) Golf courses and country clubs.

SECTION 73. That Section 22.64.030 Conditional Uses be repealed.

SECTION 74. This Ordinance shall be in full force and effect days after its passage, and before the expiration of fifteen (15) days after its passage, of this Ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the Ordinance in the Telegram-Tribune a newspaper of general circulation published in the County of San Luis Obispo, State of California.

Introduced at a Regular Meeting of the Board of Supervisors held on the 7th day of April, 1975, and passed and adopted by the Board of Supervisors of the County of San Luis Obispo, State of California on the 14th day of April, 1975, by the following roll call vote, to-wit:

AYES: Supervisors Kurt P. Kupper, Hans Heilmann, M. E. Willeford, Howard D. Mankins, and Chairman Richard J. Krejsa

NOES: None

ABSENT: None

Richard J. Krejsa
Chairman of the Board of Supervisors
of the County of San Luis Obispo
State of California

ATTEST:

Misbeth Wollam
County Clerk & Ex-Officio
Clerk of the Board of Supervisors
County of San Luis Obispo
State of California

(SEAL)

NEGATIVE DECLARATION
(NO E.I.R. REQUIRED)
BD. OF S. ACTION DATED 1/13/75
BY [illegible]

"Ordinance Code Revisions Approved as to Form and Certification"
ROBERT [illegible] Attorney
County of San Luis Obispo
By: Robert J. Schuum, Deputy
Date: 4/2/75

The undersigned Deputy Clerk of the Board of Supervisors certifies that pursuant to Section 25103 of the Government Code delivery of this document has been made on April 18, 1975.

MISBETH WOLLAM
County Clerk and Ex-Officio Clerk
of the Board of Supervisors
By Lillian L. Stewart
Deputy Clerk.

EXHIBIT 12

For County Use Only

Site No. D5-6
USGS Quad
Mineral
Status

INVENTORY OF MINES
(Preliminary Owner/Operator Questionnaire)

MINE NAME CONICOS PIT

MINE PROPERTY OWNERSHIP

- Surface Owner — Name: MAININI; Address: RT 2 BOX 416; Phone: 543-8006
- Mineral Owner (If Mineral Rights severed from Surface Rights) — Name: ; Address: ; Phone:
- Mineral Lease Owner — Name: ; Phone:
- Mine Operator — Name: ; Address: ; Phone:
- Operator Contact Person — Name: MAININI; Address: ; Phone:

MINE PROPERTY DESCRIPTION/STATUS

- Total Acreage Mine Parcel: 22.5 AC
- Approximate Acreage of Mine Site: 10 AC
- On-Site Processing Plant: Yes ___ No ✓
- Approximate Acreage, Plant and/or Processing Area: —
- Type of Mining Operation (Open pit bank, Quarry, Underground, Dredging, Other): PIT BANK
- Mine Status (Active, Intermittently Active, Abandoned): ACTIVE
- If Intermittently Active or Abandoned, date of last Mining and/or Processing Activity:

EXHIBIT 13

CERTIFICATION OF VESTED MINING RIGHT
(Application Form)

I. APPLICANT NAME AND ADDRESS: Angelo Mainini

Phone: 543-8006

II. MINE PROPERTY OWNERSHIP

A. Surface Owner
Name: Angelo Mainini
Address: RT 2 Box 416
SLO.
Phone: 543-8006

B. Mineral Owner (If Mineral Rights Severed from Surface Rights)
Name:
Address:
Phone:

C. Mine Lease Owner
Name:
Address:
Phone:

D. Mine Operator
Name: Mainini
Address: RT 2 Box 416
Phone: 543-8006

E. Operator Contact Person
Name: Mainini
Address: RT 2 Box 416
San Luis Obispo
Phone: 543-8006

III. DESCRIPTION OF MINING PROPERTY

A. This mine is known as the Cayucos Pit Mine.

B. Provide below a brief description of the general location of the mine. (Example: Three miles northeast of San Luis Obispo on Stage Coach Road; ½ mile north of intersection with Hwy 101; west side of road.)

1½ Miles of Highway 1 on Cypress Road
Cayucos, Calif

CERTIFICATION OF VESTED MINING RIGHT
Application Form - Page 2

C. Provide below a legal description of the parcel(s) on which the mine is located; including Assessor's Parcel Number(s). Use additional pages, if necessary.

Section 35 Twp T22S Range R10E, M.D.M.
Parcel No. 46-201-13-000

IV. DESCRIPTION OF MINE

NOTE: Information in this section should be as of the date of application.

A. Mineral commodity(ies) mined and produced:

Rock

B. Acreage of area affected by the mine site: 10 acres.

C. Acreage of area affected by the plant and stockpiles:

— acres.

D. Approximate depth of the deepest portion of the mine from natural grade: _____ feet. OPEN PIT BANK

E. Approximate volume or tonnage of ore and overburden removed during the entire lifetime of the mine:

[redacted]

V. HISTORY OF MINE ACTIVITY AND OWNERSHIP

NOTE: Before completing this section refer to Attachment I, "History of Mining," for the desired format. Also, terms relating to "Mine Status" shall have the following definitions:

Active Operation - A surface mine that is 1) operated continuously so that not more than 12 months separates operating periods, and is 2) maintained diligently during periods of inactivity.

CERTIFICATION OF VESTED MINING RIGHT
Application Form - Page 3

Intermittent Operation - A surface mine that is 1) operated only periodically with one or more years between operating periods, either because needs for the minerals produced at such time are supplied from stockpiles, or because market conditions require only an intermittent supply of these minerals, and is 2) maintained diligently during periods of inactivity.

Abandoned Operation - A surface mine that is deactivated and not maintained diligently in the expectation of reopening it.

Diligent Maintenance - Maintenance of the mine proper, roads, processing plant (if such exists), buildings and other appurtanances in the expectation of reactivation when conditions justify.

A. The mine was first opened in the year _____.

B. History from date of opening to the present:

Period	Status	Production During Period Tons/Yards	Mine Owner and Mine Operator, If Different
1958-61	ACTIVE	EXCAVATION LOOKING FOR ROCK FACING.	[redacted]
1960 - PRESENT	ACTIVE	R. ROCK	MAININI SELLS to VARIOUS OPERATORS

[SEE ATTACHMENTS]

Use additional pages, if necessary.

CERTIFICATION OF VESTED MINING RIGHT
Application Form - Page 4

C. What was the status of the mine on January 1, 1976?

ACTIVE
(Active, Intermittently Active, Abandoned)

D. Was the mine actually producing a mineral commodity on January 1, 1976? Yes ✓ No ____

E. If the mine was "active" or "intermittently active" on January 1, 1976 but not in actual production (producing a mineral commodity), provide with this application evidence that the mine was and has been maintained diligently on and since that date.

VI. DECLARATION OF LEGAL ESTABLISHMENT AND LEGAL MAINTENANCE OF MINING OPERATION

A. Provide with this application verification that the mine was legally established and opened on the date entered in Section V-A or was legally reestablished and reopened after the last period of "abandonment." Verification should include County-issued permits, copies of receipts, bills of lading or other documentation.

B. Provide with this application verification that the mine has been in compliance with all County regulations relating to mining after it was opened initially or reopened after the last period of "abandonment." See Attachment II for a "Chronology of San Luis Obispo County Code Requirements for Surface Mining Permits."

VII. IDENTIFICATION OF THE EXTENT OF MINE SITE DISTURBANCE SUBJECT TO RECLAMATION

A. Provide with this application the following information:

1. Maps, photos or other documentation to show the extent (including depth) of the mining, processing, and otherwise disturbed area (associated with the mining activity) as of January 1, 1976.

2. Maps, photos or other documentation to show all portions (including new areas) of the mining, processing, and disturbed area which have been utilized in connection with mining/processing activities since January 1, 1976.

April 26, 1979

This Quarry has been operated in accordance with the County regulations and ordinances since it was opened in 1958.

Angelo Maccini
Anna J. Maccini

Attachment I

SAMPLE MINING HISTORY

PERIOD	STATUS	PRODUCTION DURING PERIOD (YDS/TONS)	MINE OWNER AND OPERATOR
1953 - 1961	Active	1,200,000 tons Sand and Gravel	Owner: Old Joe P. O. Box ____ Atascadero, CA Operator: Same
1962 - 1967	Intermittently Active	150,000 tons Sand and Gravel	Owner: Same as above Operator: Same as above
1968 - 1970	Abandoned	---	Owner: Same as above Operator: Same as above
1971 - 1975	Active	1,000,000 tons Sand and Gravel	Owner: Uncle Fred 21 Somewhere St. Morro Bay, CA Operator: Acme Sand Co. P. O. Box ____ Morro Bay, CA
1975 - 1977	Intermittently Active	50,000 tons Sand and Gravel	Owner: Same as above Operator: Same as above
1978 - Present	Intermittently Active	25,000 tons	Owner: Sad Sam 63 Lower Ave. San Mateo, CA Operator: Acme Sand Co P. O. Box ____ Morro Bay, CA

lmh/032679

Attachment II

CHRONOLOGY OF SAN LUIS OBISPO
COUNTY CODE REQUIREMENTS FOR SURFACE MINING PERMITS

Prior to 1942 - No requirements.

8/05/42 - Ordinance 101: Mineral extraction allowed in A-1 district only. Conditional Use Permit (CUP) required for any operation within 1,000 feet of a public road; no permit required for operations further than 1,000 feet from public roads.

3/18/53 - Ordinance 258: Mineral extraction allowed in A-1 district only. CUP required for operations within 1,000 feet of a public road in the western part of the County (as shown on the map adopted with County Ordinance 258); Notice of Intent required in east County within 1,000 feet of public roads. No permits required for operations further than 1,000 feet from roads.

5/06/59 - Ordinance 427: Mineral extraction allowed in U district only. CUP required for commercial excavation of building and construction materials within 1,000 feet of roads anywhere in County; CUP required for extraction of minerals other than building and construction materials in entire west County; Notice of Intent required for mineral extraction in east County.

2/16/70 - Chapter 11: Mineral extraction allowed in U, A-2 and A-3 districts. In U zone, Notice of Intent required for east County and CUP required in west. In A-2, CUP required in west County, no permit or notice required in east. In A-3, CUP required in west, Notice of Intent required in east.

5/14/75 - Ordinance 1500: Mineral extraction allowed in U, A-2 and A-3. U and A-2 require Departmental Review anywhere in County. A-3 requires CUP anywhere in County.

The above descriptions are meant to be brief and concise. If you have any questions regarding the applicable ordinance(s), please feel free to contact the County Planning Department.

lmh/032679

EXHIBIT 14

M800403:2

March 31, 1980

Angelo Mainini
Rt 2, Box 416
San Luis Obispo, CA. 93401

RE: CERTIFICATION OF VESTED RIGHTS

Dear Mr. Mainini:

Your application for Certification of Vested Mining Rights has been authorized as complete and satisfactory by our office. This Vested Right recognizes the existing right to continue surface mining on the subject property in accordance with all county ordinances governing surface mine activity. Failure to comply with applicable county laws may result in a revocation of this certification.

Sincerely,

STEVE DEVENCENZI
Reclamation Plan Review

SD/mc

SY

EXHIBIT 15

COUNTY OF SAN LUIS OBISPO
PLANNING DEPARTMENT

RECLAMATION PLAN APPLICATION

Return to Courthouse Annex, Room 102, San Luis Obispo CA 93401 (805) 549-5600

APPLICANT AND GENERAL INFORMATION

(1) Applicant: A. Mainini et ux.

(2) Mailing Address: Route 2, Box 416, San Luis Obispo, CA 93401

Telephone: (805) 543-8006

(3) Type of Ownership:
Individual (X)
Corporation ( )
Partnership ( )
Other ( )

(4) Status of Application:
Original Application (X)
Amendment ( )

(5) Mine Name: Whale Rock Pit

(6) Date Mine (is to be) Opened: Operating

(7) Estimated Life of Operation: 10 years

(8) Conditional Use Permit Number: None required

(9) Assessor's Parcel Number(s): 46-201-13

(10) USGS Quadrangle: Morro Bay North

MINE INFORMATION

(11) Raw Materials Mined: Red rock

(12) Yield (In Tons or Cu. Yds./Year): 8,000 cu. yds.

(13) Type of Mine:
Borrow Pit (X)
Gravel Bar Skimming ( )
Stream Bed Skimming ( )
Underground ( )
Sand/Gravel Pit ( )
Quarry ( )
Clay Pit ( )
Other (Specify) ( )

(14) Geologic Group, Formation and Member: unknown

(15) Has Exploratory or Development Drilling been Utilized for the Operation? Yes ___ No X

(16) On-Site Processing? Yes ___ No X

(17) Total Acreage Affected by Mining after January 1, 1976:
Mining 1 acre
Waste Disposal None
Processing none
Settling Ponds None

(18) The Operation is (or will be):
Continuously Active ( )
Temporarily Deactivated ( )
Undeveloped ( )
Intermittently Active (X)
Abandoned ( )
Other (specify) ( )

(19) Total Acreage Affected by Mining prior to January 1, 1976 and not Reaffected after that Date: 6 acres

(20) Drainage: Swale

(21) Tributary to: Willow Creek

(22) Will Mining Progress in Separate Phases? Yes ___ No X

(23) Will Groundwater be Encountered During Mining (Including any Perched, Regional, or Artesian Flow)? Yes ___ No X

(24) Is Ongoing, Phased Reclamation Proposed? Yes ___ No X

(25) Is Soil Salvage and Replacement Proposed? Yes X No ___

(26) Will Water be Utilized for Mining or Processing? Yes ___ No X

(27) Will Settling Basins be Utilized? Yes ___ No X

(28) Will Water be Discharged from the Affected Area? Yes ___ No X

(29) Will the Operation Involve Relocation, Blockage or Alteration of any Water Course or Stream? Yes ___ No X

(30) Highest and Best Use of Affected Land Prior to Mining: Grazing
Wasteland

(31) Proposed Use Following Reclamation: Grazing

OFFICE USE ONLY

COSTS AND GUARANTEES OF RECLAMATION

(32) Total Acreage Included in Proposed Reclamation Plan: 6 acres

(33) Check: Supplemental "B" Included (X) Previously Filed ( )

(34) Estimated Costs of Total Reclamation or, If Phased Reclamation, Costs for each Phase (Attach Schedule). Express Costs in Today's Dollars: $500.00

(35) Proposed Type(s) of Guarantee of Reclamation:
Performance Bond (X) Cash Deposit ( )
Certificate of Deposit (X) Lien ( )

(36) Acres of Affected Area Previously Covered by Guarantee of Reclamation: None

(37) Type of Guarantee: None

SUPPORTING DOCUMENTS

(38) Check:

( )*	Notarized Statements/ Possessory Interest in Lands	(X)*	Reclamation Plan Map/Cross Sections
(X)*	7½ Min. USGS Quadrangle	(X)*	Typical Soil Profile
(X)*	Site Geologic Map/Cross Sections	(X)*	Diagram of Mineral Processing System — No processing
(X)*	Development and Mining Plan/ Cross Sections	(X)*	Reclamation Narrative
		( )	Other Documents-List

* These Supporting Documents are Required

VERIFICATION

(39) Documents Prepared By: Charles E. Ogle (40) Telephone: (805) 772-7353

(41) Name and Address of Responsible Person to be Contacted: Mr. and Mrs. Angelo Mainini (42) Telephone: (805) 543-8006

(43) Print or Type Name to be Signed: (44) Date: April 2, 1980

I, ANGELO MAININI and ANNA MAININI state under penalty of perjury that ~~I~~ are the applicant) ~~(as an officer or official of the applicant)~~ That the documents, and statements submitted as part of this application are true and correct to the best of my knowledge and belief, and that ~~I~~ we hereby accept the responsibility for reclaiming the mined lands described herein in the manner described herein and attached, forming the Reclamation Plan for the Mine (Mine, Millsite or Project)

Angelo Mainini
Signature

Anna Mainini
Signature

Owners
Title

Signed in the County of: San Luis Obispo

Charles E. Ogle

Affidavit:
State of California]
County Of: San Luis Obispo ss.

I, CHARLES E. OGLE a Notary Public in and for the State of California, do hereby certify that on the 2nd day of April, 1980, before me personally appeared ANGELO MAININI and ANNA MAININI and subscribed and swore this instrument. Witness my hand and seal this 2nd day of April, 1980.

CHARLES E. OGLE
NOTARY PUBLIC
SAN LUIS OBISPO COUNTY
CALIFORNIA
My Commission Expires Nov. 18, 1981

NOTE: Instructions for completing this form are contained in the County Planning Department publication, Reclamation Plan Guidelines. Assistance in completing the form will be provided upon request by the Planning Department staff.

COUNTY OF SAN LUIS OBISPO
PLANNING DEPARTMENT

RECLAMATION PLAN APPLICATION SUPPLEMENTALS

Return to Courthouse Annex, Room 102, San Luis Obispo CA 93401 (805) 549-5600

A: OWNER, OPERATOR, & AGENT

A-1. APPLICANT

NAME A. Maininieux.
ADDRESS
TELEPHONE

A-2. APPLICANT CONTACT PERSON

NAME Same as above A-1
ADDRESS P O Box 120
TELEPHONE

A-3. APPLICANT LIST NAMES, TITLES AND ADDRESSES OF ALL PARTNERS IN THE CASE OF A PARTNERSHIP OR ALL OFFICERS IN THE CASE OF A CORPORATION.

None

A-4. LIST ALL NAMES UNDER WHICH THE APPLICANT HAS PREVIOUSLY OPERATED MINES IN THE COUNTY OF SAN LUIS OBISPO.

None

A-5. NAME(S) AND ADDRESS(ES) OF (ALL) OWNER(S) OF SURFACE RIGHTS.

Same as Above A-1

A-6. NAME(S) AND ADDRESS(ES) OF (ALL) OWNER(S) OF MINERAL RIGHTS.

Same as above A-1

OFFICE USE ONLY

MAP NUMBER: GENERAL PLAN:
DATE RECEIVED: FILE NUMBER:
RECEIPT NO: BY:

A: CONTINUED

A-7. NAME AND ADDRESS OF LESSEE

None

A-8. OPERATOR

NAME A. Mainni et ux.

ADDRESS

TELEPHONE

A-9. AGENT OF PROCESS (PERSON DESIGNATED BY OPERATOR AS HIS AGENT FOR THE SERVICE OF PROCESS).

NAME Same as above

ADDRESS

TELEPHONE

A-10. PROVIDE EVIDENCE THAT ALL OWNERS OF A POSSESSORY INTEREST IN THE LAND HAVE BEEN NOTIFIED OF THE PROPOSED MINING USE(S) OR POTENTIAL USE(S). (ATTACH COPY(IES) OF NOTARIZED STATEMENT(S) OF ACKNOWLEDGEMENT.)

B: CONSENT OF LANDOWNER N/A

We the undersigned, the owners of land located _____

_____,

Assessor's Parcel Number(s) _____,

upon which _____
(Name of Operator)

is to conduct an open pit mining operation, and for which application for approval of a Reclamation Plan is being made, and of which application this consent is a part, do hereby irrevocably grant to the operator, the State of California, County of San Luis Obispo or any of its authorized agents, the right to enter upon the land affected by the operator within a period of five (5) years after the operation is completed or abandoned only for the purpose of backfilling, planting and reclamation, or for inspection and evaluation as to the satisfactory completion of such measurers in accordance with the provisions of the Surface Mining and Reclamation Act of 1975 and San Luis Obispo County Code, Chapter 22.81, as amended.

In witness whereof we have hereunto set our hands this _____

day of _____, 19___.

_____
(Signature of Landowner)

_____
(Signature of Landowner)

Affidavit:
State Of California }SS.
County Of: }

I, _____ a Notary Public in and for the State of California, do hereby certify that on the _____day of _____ 197_ before me personally appeared _____ and subscribed and swore this instrument.

Witness my hand and seal this ___ day of _____ 197_.

(SEAL)

INSTRUCTIONS:
1. If the land is owned by one or more persons, all owners must sign.
2. File one (1) copy for each landowner.
3. If owned by an estate, authority for signing must be established.

C: LOCATION OF MINING SITE

C-1. ASSESSOR'S PARCEL NUMBER(S) AND LEGAL DESCRIPTION OF THE PARCEL(S) ON WHICH THE MINING SITE IS (IS TO BE) LOCATED. INCLUDE TOTAL ACREAGE OF EACH PARCEL.

Sec. 35 T28S R10E MDM
APN 46-201-13

C-2. THE MINING SITE IS LOCATED ON THE Morro Bay North USGS 7½ MINUTE QUADRANGLE. ATTACH COPY OF APPROPRIATE QUADRANGLE WITH THE MINING SITE AND THE PARCEL(S) ON WHICH THE SITE IS LOCATED ACCURATELY PLOTTED.

C-3. DESCRIBE THE ACCESS ROUTE TO THE MINING SITE.

Private driveway to Cypress Mtn. Road
EAST OF P G & E SUBSTATION

C-4. LIST NAMES AND ADDRESSES OF ALL ADJACENT PROPERTY OWNERS, WITHIN 300 FEET OF EXTERNAL BOUNDARIES OF THE PARCEL ON WHICH THE MINING SITE IS LOCATED.

None

D: GEOLOGY, SOILS, HYDROLOGY & ENVIRONMENT

D-1. MINERAL (TO BE) MINED. ~~Marked~~ rock.

D-2. BRIEF DESCRIPTION OF THE REGIONAL GEOLOGIC SETTING.

Foothills of Santa Lucia
Franciscan Formation

D: CONTINUED

D-3. DETAILED GEOLOGIC DESCRIPTION OF MINERAL DEPOSIT (TO BE) MINED.

Redrock

D-4. HAS EXPLORATORY OR DEVELOPMENT DRILLING BEEN UTILIZED ON THE MINING SITE? YES____ NO X

IF YES COMPLETE SUPPLEMENTAL "E" - "LOGS OF REPRESENTATIVE TEST BORINGS."

D-5. USING THE MINE SITE MAP OR AERIAL PHOTOGRAPH AS A BASE, PREPARE A DETAILED SITE GEOLOGIC MAP WITH TWO INTERSECTING GEOLOGIC CROSS SECTIONS (ONE PERPENDICULAR TO THE AVERAGE STRIKE), TO SHOW THE FOLLOWING INFORMATION WITHIN THE CURRENT AND DESIGNATED FUTURE MINING AND OVER-BURDEN DISPOSAL AREAS.

a. The known surface and sub-surface extent and thickness of the mineral to be mined.
[redacted] feet

b. The extent and thickness of overburden (or waste rock).
[redacted]

c. Detailed description of all basic soil types to be encountered on the mining site.
[redacted] and clay loam

d.* Geologic formation contacts.

e.* Detailed description of all basic rock types to be encountered on the mine site.

f.* Location and description (with strike and dip measurements) of rock outcrops within 200 feet of mining or proposed mining area(s).

g.* Faults and type.

h.* Additional field measurements sufficient to determine the basic rock structure.

i.* Strike and dip of the principle rock joints and fracture patterns.

j.* Delineation of any major rock units which have poor resistance to natural weathering.

k. Delineation on the cross sections of the location of the average and seasonal high ground water table(s). None

l. Any other geologic information necessary to describe the mineral deposit AND PROVIDE THE ENGINEERING GEOLOGIC BASIS FOR THE PROPOSED MINING AND RECLAMATION PLANS.

*For rock operations only

D-6. ATTACH A DESCRIPTION OF THE TYPICAL SOIL PROFILE(S) (FROM GROUND SURFACE TO A MINIMUM DEPTH OF TEN FEET) ENCOUNTERED ON THE SITE. IF MORE THAN ONE PROFILE, SHOW AREAL EXTENT OF EACH ON GEOLOGIC MAP.

D: CONTINUED

D-7. WHAT IS THE DIRECTION OF GROUNDWATER MOVEMENT IN THE AREA AFFECTED BY THE MINING OR PROCESSING OPERATIONS?

Down

D-8. DESCRIBE THE ENVIRONMENTAL SETTING OF THE MINING SITE. INCLUDE TOPOGRAPHY, VEGETATION, SURFACE WATER MOVEMENT AND STREAMS, FLOODING, EXISTING ADJACENT LAND USES, AVERAGE ANNUAL RAINFALL, AQUATIC AND TERRESTRIAL WILDLIFE AND OTHER FACTORS PERTAINING TO POTENTIAL OR ACTUAL ENVIRONMENTAL IMPACTS AND THEIR MITIGATION.

1. Topography - hilly 20 to 30% maximum slope
2. Vegetation - grasses and forbs
3. Surface - none SMALL DRAINAGE SWALES ON S.E. & N.W.
4. Flooding - none
5. Land use - grazing
6. Rainfall - 20 inches
7. ~~Surface - none~~ ENVIRONMENTAL IMPACTS - NO NEGATIVE IMPACTS ANTICIPATED

AM

(If additional space is necessary, Attach additional sheets)

F: MINERAL PROCESSING & WASTE DISPOSAL

F-1. ATTACH A DIAGRAMMATIC SKETCH OF THE ENTIRE MINERAL PROCESSING SYSTEM.
Material bulldozed and stockpiled to recycle. AM

F-2. WILL ANY WASTE MATERIAL RESULT FROM THE PROCESSING OPERATIONS?
YES_____ NO X IF YES, HOW WILL THIS MATERIAL BE DISPOSED OF?

F-3. FOR WET PROCESSING OPERATIONS:

A. Estimate quantity (gallons per day) and quality of water required by the (proposed) processing operation, specifying (proposed) sources of this water, methods of its conveyance to the property, and the quantity and method of disposal of used and/or surplus water.

B. Submit a diagrammatic flow chart of the process water handling system and attach a narrative explanation of the system.

C. Type of collection basins used:

( ) Concrete ( ) Wood ( ) Steel ( ) Earthen

D. For Earthen basins only, explain how the bottom and sides will be made impervious and the slopes stabilized to prevent erosion.

E. Will sludge be removed from the settling basins? Yes___ No___ If yes, describe the method and frequency of sludge removal and disposal.

F. If there is (to be) any discharge from the process water system, submit specifications on the basin capacities, minimum retention times, flow rates, analysis of sludge material including settling curves on suspended and total solids in ppm and turbidity in JTU and any other data pertinent to evaluation of the system.

(If additional space is necessary, attach additional sheets.)

G: DEVELOPMENT OF THE MINE

G-1. USING THE MINE SITE MAP OR PHOTOGRAPH AS A BASE, PROVIDE A DETAILED MINE DEVELOPMENT PLAN MAP AND CROSS SECTIONS CLEARLY DETAILING THE FOLLOWING:

a. The accurate perimeter and total acreage of the area covered by this Reclamation Plan Approval Application. See aerial

b. The perimeter and acreage(s) of areas designated as current or future (specify) for mining, processing, stockpiling, overburden disposal or storage, waste disposal, settling ponds, water storage, and/or any other use relevant to the operation. see aerial

c. The directions in which mining will progress, the anticipated heights of any rock or soil faces or cuts and the anticipated depths of mine excavation and development. See Reclamation Treatment

d. Depiction of separate mining phases, if applicable. These phases should be integrated with concurrent or phased reclamation as described in Supplemental "K".

e. Any other information relevant to an understanding of Applicant's mining plans.

G-2. DESCRIBE THE DEVELOPMENT OF THE MINING OPERATION, INCLUDING TIMETABLE FOR PHASING AND CONCURRENT RECLAMATION AS DETAILED IN SUPPLEMENTAL "K".

Product mined as needed. Reclamation progresses as material is removed. As rock removed, top soil returned to natural grade.

(If additional space is necessary, attach additional sheets.)

G-3. DESCRIBE THE METHOD OF MINING.

Dozer and skip loader

G: CONTINUED

G-4. DESCRIBE METHOD OF SOIL SALVAGE AND STORAGE FOR FUTURE MINE RECLAMATION.

Piled to one side and dozed to grade later.

Self?

G-5. DESCRIBE METHOD OF REMOVING, HANDLING AND STORING OVERBURDEN.

Dozed into stockpiles to be spread upon reclamation.

G-6. WHAT WILL BE DONE WITH NON-USABLE MINERAL (IMPURE, OVERSIZE, ETC.) ENCOUNTERED DURING MINING?

None

(If additional space is necessary, attach additional sheets.)

H: STREAMS

H-1. WILL THIS OPERATION INVOLVE THE RELOCATION, BLOCKAGE, AND/OR ALTERATION OF ANY WATERCOURSE OR STREAM?

YES____ NO X

IF YES, WHAT IS THE AREA OF THE WATERSHED ABOVE THE OPERATION?

Where?

H: CONTINUED

H-2. IF YES TO (H-1), HAVE YOU OBTAINED A PERMIT FROM THE CALIFORNIA DEPARTMENT OF FISH AND GAME TO DO THIS?

YES_____ NO_____

IF YES, PERMIT # N/A

H-3. WILL ANY MINING AND/OR THE PLACING OF SPOIL BE WITHIN 100' OF ANY WATER-COURSE OR STREAM?

YES X NO ~~X~~

IF YES, WHAT MEASURES WILL BE TAKEN TO PREVENT THIS MATERIAL FROM ENTERING THE STREAM OR WATERCOURSE BY EROSION, SILTATION, OR SLIDING.

NONE ~~UPSTREAM RESEVOUR RETAINS~~
~~[illegible] LOOSE MATERIAL~~
~~[illegible] AREA IS REMOVED.~~ am

H-4. HAVE PROVISIONS BEEN MADE TO PREVENT THE POSSIBLE BREAKTHROUGH OF ANY STREAM INTO THE OPERATION? YES_____ NO X

IF YES WHAT ARE THEY?

I: WATER, EROSION & SEDIMENTATION CONTROL

I-1. SURFACE WATER

A. How will surface water be handled in order to prevent its entrance into the actual mining operation site?

None - material porous

CONTINUED

B. How will storm water and runoff be handled within and from the affected area to control erosion and sedimentation of adjacent areas?

No runoff.

No runoff. No controls anticipated as necessary.

C. Will the method outlined in (b) result in a discharge from the operation? Yes ____ No X ____ If yes, will the water be passed through collection basins for settling and neutralization (if necessary) prior to discharging? Yes ____ No ____. If no, describe in detail proposed methods for handling and monitoring the effluent to ensure the discharge standards of the receiving stream at this point are met.

No runoff

D. If the discharge(s) in (c) requires treatment, how will this be accomplished?

No runoff

E. If your operation is upstream from a public or private water supply or if the stream is subject to recreational use, what other steps will be taken to protect these uses?

No runoff

(If additional space is necessary, attach additional sheets.)

I: CONTINUED

I-2. GROUND WATER

A. What is the highest groundwater elevation in this area? unknown

B. What is the direction of groundwater movement in the affected area?

Down

C. In consolidated material, what are the orientations of the major fractures or joints sets?

D. Will groundwater be encountered during the course of mining (including any perched, regional, or artesian flow)? Yes ____ No X . If yes, how will this water be handled?

E. Will the method explained in (D) result in discharge from the operation? Yes ____ No X . If yes, will the water be passed through collection basins for settling and neutralization (if necessary) prior to discharging? Yes ____ No ____ . If no, describe in detail methods for handling and monitoring the effluent to ensure the discharge standards of the receiving stream at this point are met.

F. If the discharge in (F) requires treatment, how will this be accomplished?

G. If quarry or pit dewatering is proposed, assess the impact it will have on the ground-water levels and quality in surrounding areas.

(If additional space is necessary, attach additional sheets.)

K-2. RECLAMATION NARRATIVE

(a) [redacted] backfilling [redacted] Grading occurs as minerals removed [redacted] dozer. FACE TO BE SLOPED (MAX 1:1)

(b) So[redacted] ANGLE OF CUT WITH NO STABILIZATION [redacted]

(c) None

(d) [redacted] WHING DRAINAGE WILL BE RESTORED

(e) ~~None - no structures or equipment stored off-site.~~ ALL RESIDUAL STRUCTURES, EQUIPMENT AND REFUSE WILL BE REMOVED

(f) None

(g) None affected

(h) All residual hazards removed

(i) Area naturally revegetates with native plants. Assisted by seeding adapted species. (5 lbs per acre) am

Uh ?

K: CONTINUED

RECLAMATION NARRATIVE INSTRUCTIONS:

K-2. ATTACH A "RECLAMATION NARRATIVE" DESCRIBING THE PROPOSED METHODS OF RECLAMATION, THEIR PHASING AND TIMING, TO BE USED IN BRINGING THE RECLAMATION OF THE AFFECTED AREA TO ITS END STATE. ALSO, DESCRIBE HOW RECLAMATION WILL BE INTEGRATED WITH THE MINING PLAN (SUPPLEMENTAL "G"). INCLUDE IN THE DISCUSSION THOSE OF THE FOLLOWING TOPICS WHICH ARE APPLICABLE TO THE PARTICULAR MINE BEING RECLAIMED:

a. Backfilling, grading, and free treatments.

b. Stabilization of slopes.

c. Stabilization of permanent waste dumps, tailings, settling ponds, etc.

d. Rehabilitation of pre-mining drainage.

e. Removal, disposal, or utilization of residual equipment, structures, refuse, etc.

f. Control of contaminants, (if applicable) especially with regard to surface runoff and groundwater.

g. Treatment of streambeds and streambanks to control erosion and sedimentation.

h. Removal or minimization of residual hazards.

i. Resoiling, revegetation with evidence that proposed (and specified) plants can survive given the site topography, soil and climate, and given the time of year for revegetation.

j. All other aspects of the proposed reclamation plan.

K-3. IF THIS PLAN DOES NOT PROVIDE FOR REVEGETATION ON ALL OR PART OF THE AREA, DESCRIBE IN DETAIL ALTERNATE PROCEDURES PROPOSED TO PREVENT SOIL EROSION AND/OR SILTATION.

K-4. PREPARE A DETAILED COST ESTIMATE, IN TODAY'S DOLLARS, FOR EACH PHASE OF THE PROPOSED RECLAMATION PLAN. COSTS SHOULD BE EXPRESSED AS TOTALS AND AS DOLLARS PER ACRE.

K: CONTINUED

K-5. DESCRIBE THE ULTIMATE PHYSICAL CONDITIONS OF THE SITE AND SPECIFY PROPOSED USE(S) AND POTENTIAL USE(S) OF THE MINED LANDS AS RECLAIMED.

Rehabilitated for grazing

K-6. DESCRIBE HOW RECLAMATION OF THIS SITE, IN THIS MANNER, MAY AFFECT FUTURE MINING AT THIS SITE AND IN THE SURROUNDING AREA.

No [redacted] limited surface deposit that when [redacted] land returns to grazing.

(If additional space is necessary attach additional sheets.)

NOTE: Instructions for completing this form are contained in the County Planning Department publication, Reclamation Plan Guidelines. Assistance in completing the form will be provided upon request by the Planning Department staff.

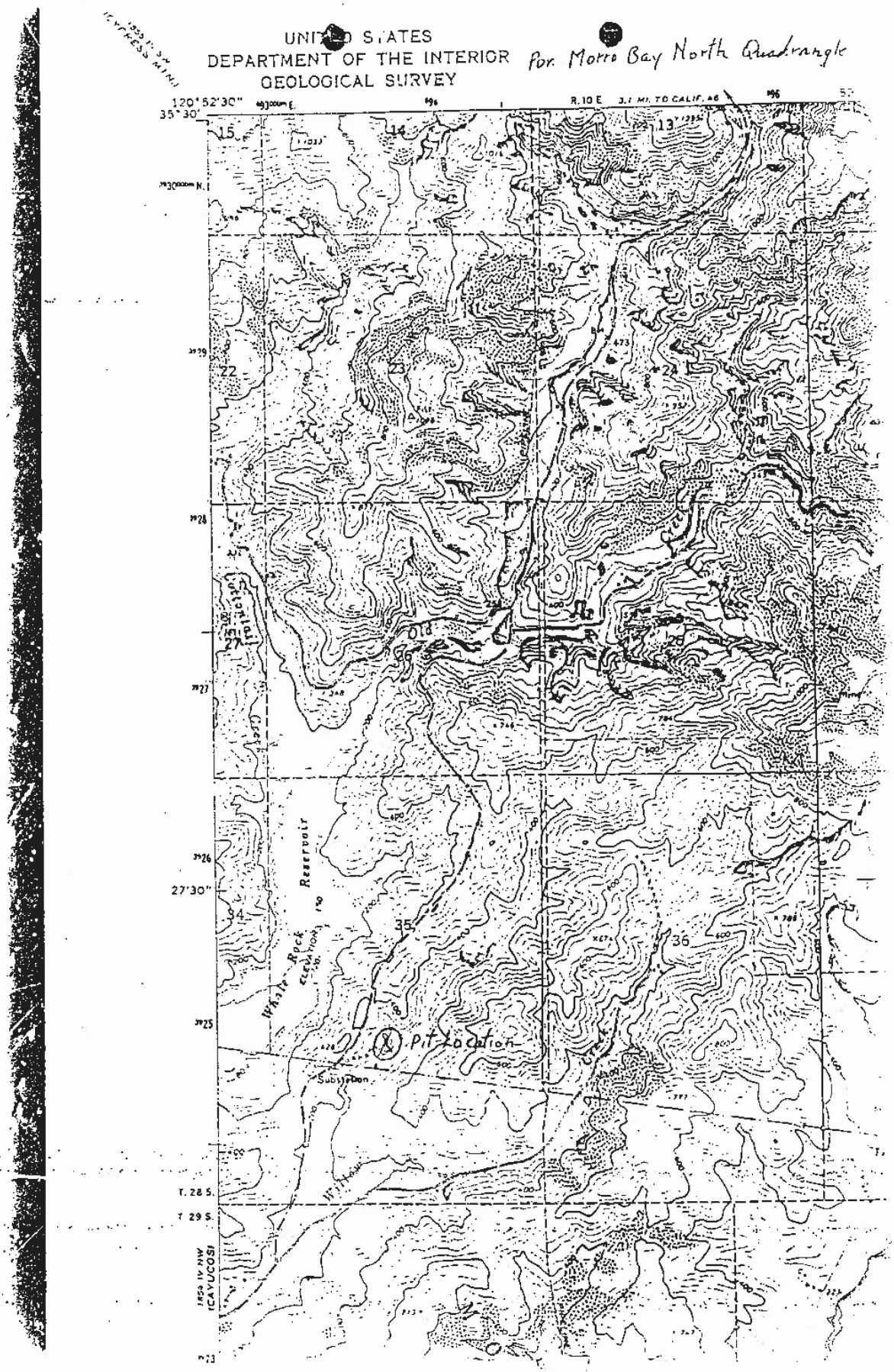
Mainini Pit
at Whale Rock (Cayucos)

Typical Soil Profile

Organized Red Rock clay loam 6' to 12' depth

Red Rock 2' to 20' [illegible] variable

Bar rock


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
For Morro Bay North Quadrangle
120°52'30"
35°30'
R. 10 E.
3.1 MI. TO CALIF. 46
Old
Reservoir
Waste Rock
Pit Location
Subdivision
T. 28 S.
T. 29 S.

MINERAL PRODUCTION

- Mineral Commodities Produced: RED ROCK
- Current Production Per Year (tons or yds.): 3000 YDS

MINING ACTIVITY AFTER JANUARY 1, 1976

- Has the Mine and/or the Processing Plant been active since January 1, 1976? Yes ✓ No ___
- Approximate total production since January 1, 1976 (tons or yds.): 9000 YD
- Approximate acreage utilized by Mining/Processing Operations since January 1, 1976
  - Mining: 10 AC
  - Processing: ___

FUTURE MINING PLANS

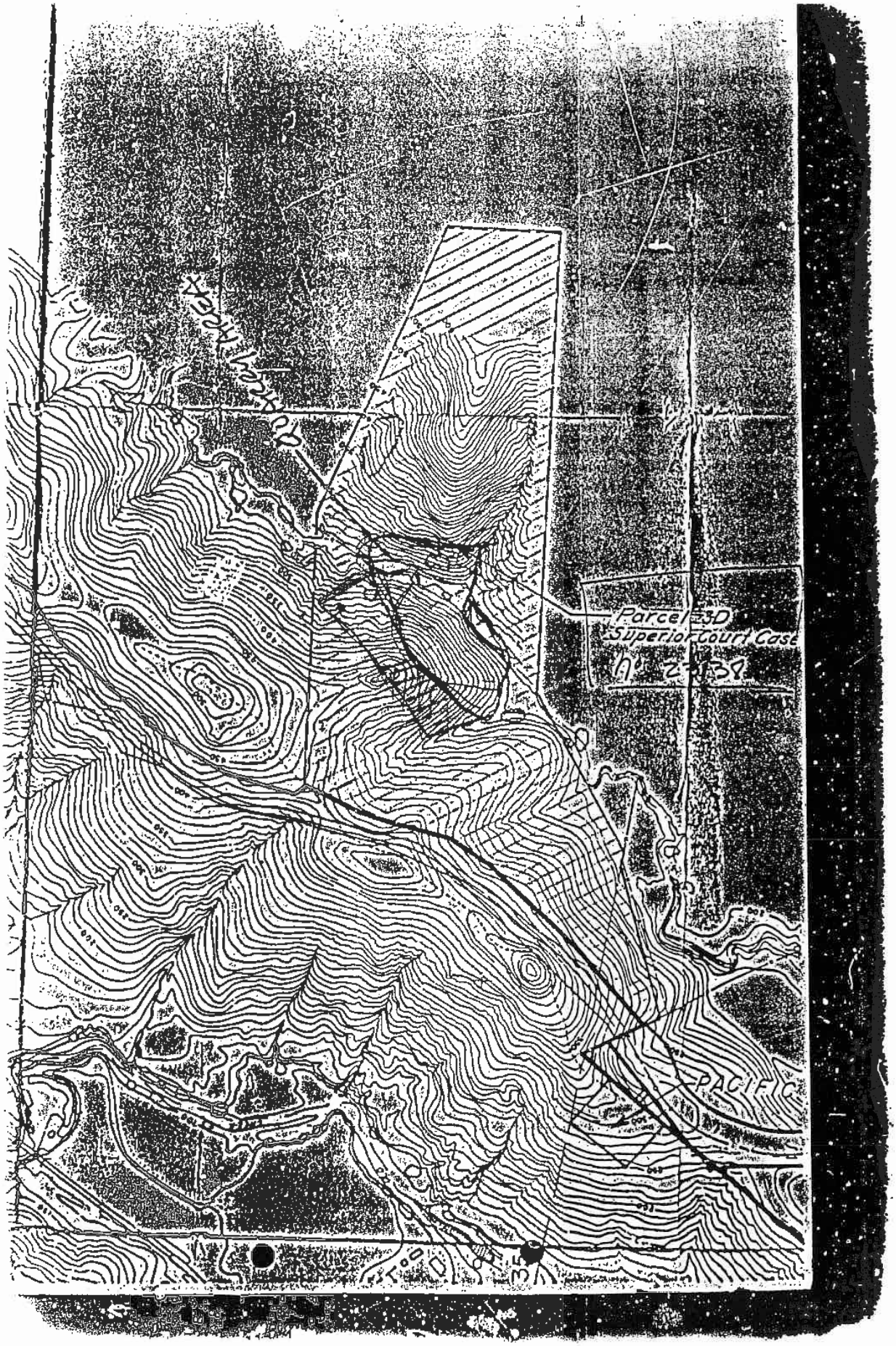
Briefly describe of plans for future Mining and/or Mineral Processing activities:

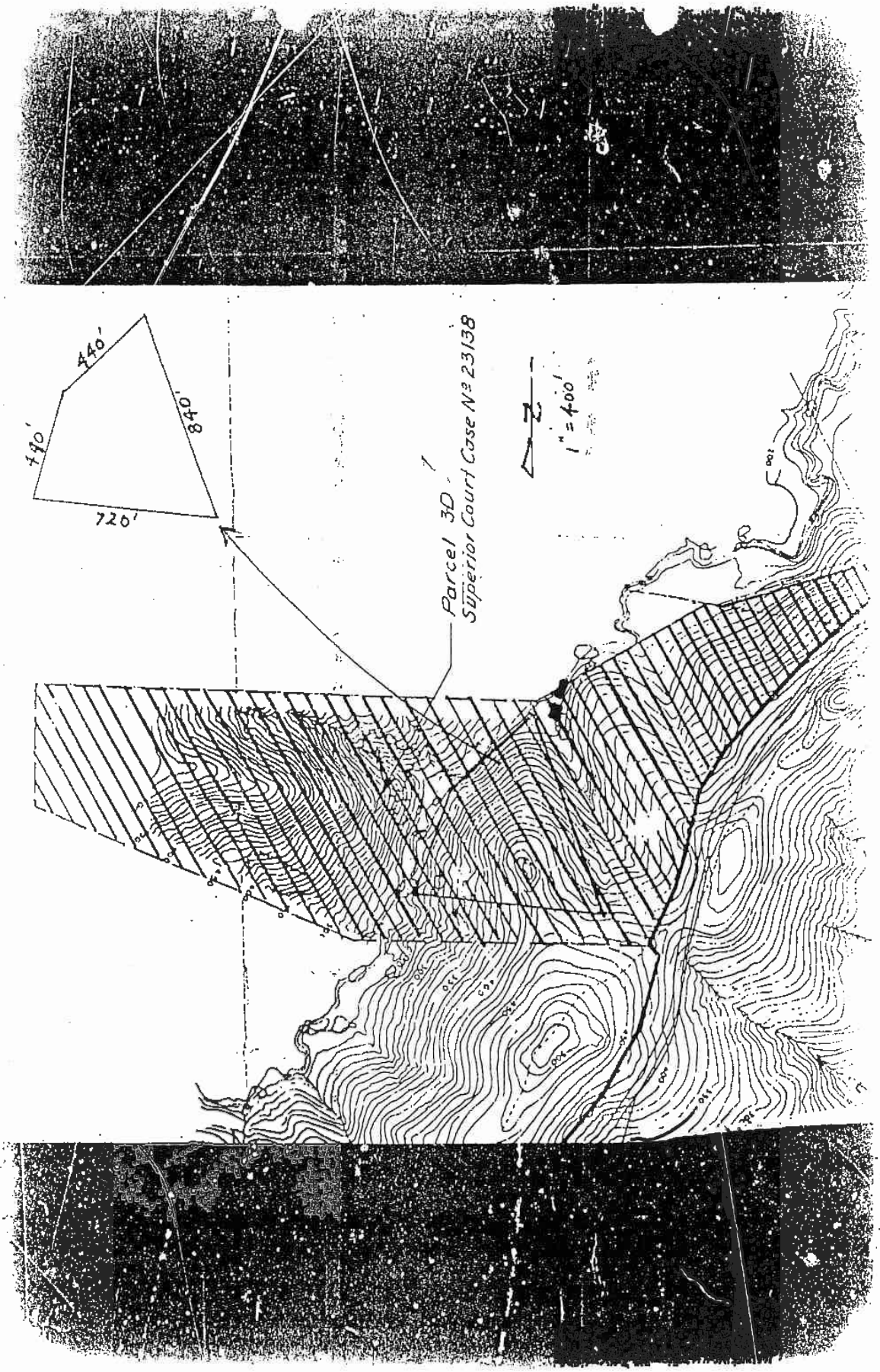
MORE OF SAME.

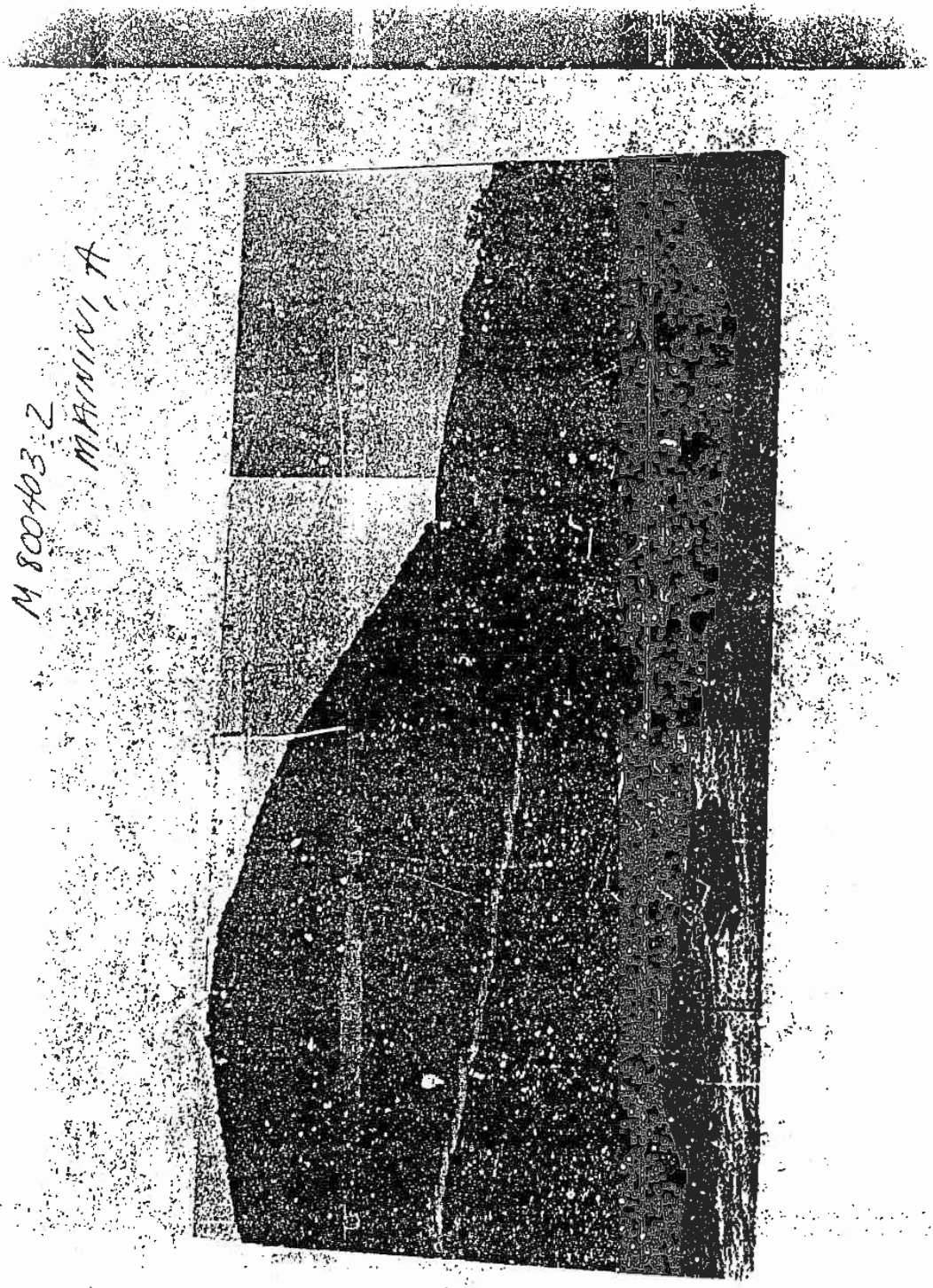
REMARKS AND ADDITIONAL INFORMATION

QUESTIONNAIRE COMPLETED BY (Print Name Under Signature): SAD
OFFICE INTERVIEW
DATE: 4-24-79
PHONE: ___

SITE VISIT 4-10-79


Parcel 23D
Superior Court Case
PACIFIC


440'
840'
770'
720'
Parcel 3D
Superior Court Case No 23138
N
1" = 400'


M 800403:2
MANNI, A

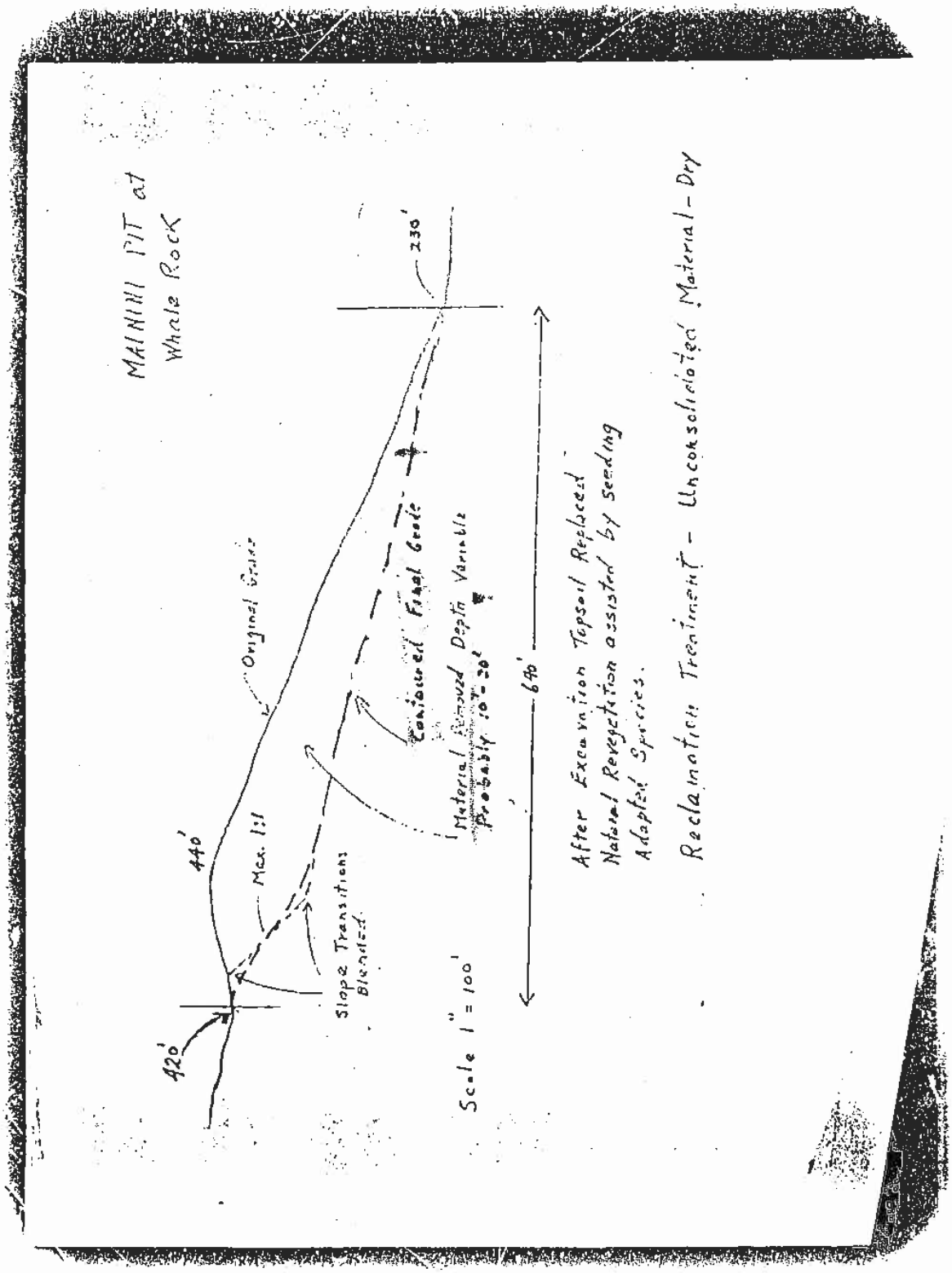

MAINIMI PIT at
Whale Rock
230'
Original Grade
Contoured Final Grade
Material Removed Depth Variable
Probably 10'-20'
640'
440'
Max. 1:1
Slope Transitions
Blended
420'
Scale 1" = 100'
After Excavation Topsoil Replaced
Natural Revegetation assisted by seeding
Adapted Species.
Reclamation Treatment - Unconsolidated Material - Dry

EXHIBIT 16

State of California
DEPARTMENT OF CONSERVATION
MINING OPERATION ANNUAL REPORT

MRRC-2 Page-1 (New 5/91)

FOR MRRC USE ONLY
MRRC ID#

MINE NAME: Whale Rock Pit

Mine Reporting Fee Remittance

Please check the appropriate box below and enclose the proper annual fee. FOR FISCAL YEAR 1991—92 ONLY, each active mining operation must remit a fee that is based on the **total acreage covered by each reclamation plan**. Please see the instructions for more information.

- ☐ Idle Mine, regardless of size — ENCLOSE ···$100.00
- ☐ Active Mine, one acre or less in size — ENCLOSE ···$50.00
- ☐ Active Mine, total of 40 acres or more subject to the reclamation plan — ENCLOSE ···$2,000.00
- ☒ Active Mine, total of 1 to 40 acres subject to the reclamation plan: Acreage covered by reclamation plan: 10 X $50.00 = 500.00 — ENCLOSE $ 500.00
- ☐ New Mine, permitted but not yet in operation — ENCLOSE ···$100.00
- ☐ I claim exemption as a governmental agency under Government Code Section 6103-6103.11

I. Operation Name: Negranti Construction
Former Name(s) (if applicable):

Site Contact Person	Business Street Address	Mailing Address (if different)
Jon Negranti	1424 Old Crk Rd.	PO Box 198
City: Cayucos	State/ZIP Code: Ca. 93430	Telephone: 805-995-3357

I(a) ☐ No longer in operation with no intent to resume operation. If checked, complete only items I(b), II, III, IV, V, VI, VII, and XIV.

1(b) ☐ Yes ☒ No Reclamation Completed. If yes, date financial assurance(s) released

Ptr: Carl Negranti
Gen Ptr: Jon Negranti

Owner's Name	Mailing Address	City
	PO Box 198	Cayucos
State/ZIP Code: Ca. 93430	Country (if other than USA):	Telephone: 805-995-3357

Was this operation purchased during previous calendar year?
☐ Yes ☒ No If yes, date of purchase

III. Designated Agent's Name: Negranti Construction
Mailing Address: PO Box 198

City	ZIP Code	Telephone
Cayucos	93430	805-995-3357

IV. Landowner: Angelo Hainini
Assessor's Parcel #: 46-201-024

Mailing Address	Telephone
Rt. 2, Box 416	805-543-8006
City/State/ZIP Code: San Luis Obispo, Ca. 93406	Country (if other than USA):

☐ NO CHANGES FROM LAST REPORTING PERIOD

V. Lead Agency (city, county, BCDC): County of San Luis Obispo

Reclamation Plan (Check one) ☒ Approved on 3/31/80 (date) ☐ Pending. Submitted on (date)

☒ Check if applicable: Copy of approved Reclamation Plan and amendments (with any conditions) attached with proof of approval.

DISTRIBUTION : White — State Canary — Lead Agency Pink — Operator

State of California
DEPARTMENT OF CONSERVATION
MINING OPERATION ANNUAL REPORT

MRRC-2 Page-3 (New 5/91)

FOR MRRC USE ONLY
MRRC ID#

MINE NAME: Whale Rock Pit

XIII. $ 14,822 (Combined parcel property) Current total assessed value of mining operation as established by County Assessor's Office

XIV. * MINERAL PRODUCTION FOR CALENDAR YEAR 1990

THE REQUIRED MINERAL PRODUCTION INFORMATION IS PROPRIETARY AND WILL BE KEPT CONFIDENTIAL. IT WILL NOT SHOW ON THE LEAD AGENCY RECORD. SEE INSTRUCTIONS (EXHIBIT B) FOR MINERAL PRODUCTS AND UNITS OF MEASURE.

IF NO MINERALS PRODUCED, CHECK HERE ☐ AND DO NOT COMPLETE TABLE.

Commodity	Total Mineral Production	Units of Measure
Sand + Gravel	5781	tons

SUBMITTED BY:

Your Name (Please print) KIM BLANTON
Your Address NEGRANTI CONST.
BOX 198
City/State/ZIP CAYUCOS, CA. 93430
Your Telephone Number (805) 995-3357

☐ OWNER ☐ LESSOR ☐ LESSEE ☐ AGENT ☐ MANAGER ☐ SITE CONTACT PERSON OR

☒ OTHER PERSON (specify title) Bookkeeper OR

☐ GOVERNMENT AGENCY REPRESENTATIVE (specify title)

I certify that the information submitted herein is complete and accurate (failure to submit complete and accurate requisite information may result in an administrative penalty as provided for in Public Resources Code Section 2774.1).

SIGNATURE OF SUBMITTER Kim Blanton DATE 6/28/91

Please mail to: **DEPARTMENT OF CONSERVATION**
Mine Reporting and Reclamation Compliance Unit
620-C Bercut Drive
Sacramento, CA 95814

DISTRIBUTION : White — State Canary — Lead Agency Pink — Operator

State of California
DEPARTMENT OF CONSERVATION
MINING OPERATION ANNUAL REPORT

FOR MRRC USE ONLY
MRRC ID# _____

MRRC-2 Page -2 (New 5/91)

MINE NAME: Whale Rock Pit

IF THE MINING OPERATION INVOLVES NONCONTIGUOUS PLOTS OF LAND, INFORMATION REQUESTED IN ITEMS VI THROUGH XII MUST BE PROVIDED FOR EACH NONCONTIGUOUS PLOT.

VI. Latitude	Longitude	¼Sect, Sect, Township, Range, Base Meridian	Quad Name	County

ATTACH NAMED U.S. GEOLOGICAL SURVEY MAP—7.5' or 15' QUAD—SHOWING BOUNDARIES OF EACH NONCONTIGUOUS PLOT

VII. TYPE CODE 9 **SEE INSTRUCTIONS (EXHIBIT A) FOR TYPE CODE**

VIII. STATUS OF MINING ACTIVITIES ON THIS PLOT OF LAND

☒ Active ☐ Idle If seasonal or other than full time, typically active FROM _____ TO _____

☐ No longer in operation with no intent to resume.

IX. PLEASE CHECK ALL THAT APPLY

☐ Permitted: _____ Acres & Permit # _____

☒ Vested: Acres disturbed prior to January 1, 1976 _____ ☐ Federal Lands: _____ Acres & Permit/ID # _____

X. Number of Acres Subject To Reclamation Plan 10

FORMULA: (a) + (b) - (c) = (d)

a. 1 Approximate **cumulative unreclaimed** disturbed acreage at beginning of previous calendar year

b. 2 Approximate total acreage **newly disturbed** during previous calendar year

c. 0 Approximate total disturbed acreage **reclaimed** during previous calendar year

d. 3 Approximate **total unreclaimed** disturbed acreage remaining at end of calendar year

☒ Reclamation not started

☐ Reclamation in progress (attach updated reclamation plan map indicating progress)

☐ Reclamation completed

XI.

☐ Financial assurances approved by lead agency. If checked, attach copy.

☐ Financial assurances pending appeal.

☐ Yes ☐ No PROOF OF FINANCIAL ASSURANCES ATTACHED

Indicate current financial assurances below:

Amount	Type	Date Posted	Expiration Date or Renewal Date (if applicable)

XII.

☐ Yes ☐ No Inspection completed by the lead agency, or agent, within the past calendar year. If yes, please attach a copy of reclamation inspection reports. If inspection report is not attached, please give reason:

DISTRIBUTION : White — State Canary — Lead Agency Pink — Operator

EXHIBIT 17

UNITED STATES
DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT

STATE OF CALIFORNIA
DEPARTMENT OF CONSERVATION
MINE REPORTING & RECLAMATION COMPLIANCE

SURFACE MINING INSPECTION REPORT

Form MRRC-1 Page 1 (New 5/91)

Instructions for completing this form are on the reverse side. Attach notices of violation and orders to comply for all observed non-compliance.

I. Mining Operation Name	CA Mine ID #
WHALE ROCK QUARRY	

II. Lead Agency Name		
SAN LUIS OBISPO COUNTY		
Inspector: RICHARD MURPHY		Telephone: (805) 549-5136
Title: ASSOCIATE PLANNER	Organization: DEPARTMENT OF PLANNING AND BUILDING	
Mailing Address: 1129 PACIFIC STREET		
City: SAN LUIS OBISPO	State: CA	ZIP: 93401

III. BLM ID #	Resource Area	
Contact Person		Telephone
Mailing Address		
City	State	ZIP

IV. Mine Operator		
NEGRANTI CONSTRUCTION		
Contact Person: JOHN NEGRANTI		Telephone: (805) 995-3357
Mailing Address: 1424 OLD CREEK ROAD		
City: CAYUCOS	State: CA	ZIP: 93430

V. Date Inspection Began	Time Inspection Began	Duration of Inspection
MAY 20, 1992	10:00 (AM) PM	1 HOUR, 45 MINUTES
Reason for Inspection Code(s): ROUTINE INSPECTION	Date Inspection Ended: MAY 20, 1992	Weather Code(s): CLOUDY
Reinspection Code(s)	Joint Inspection Agency Code(s)	Post-inspection Agency Code(s)

DISTRIBUTION: White - Operator; Green - State (by Lead Agency); Canary - BLM (if required); Pink - Lead Agency; Goldenrod - State (by Operator)

UNITED STATES
DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT

STATE OF CALIFORNIA
DEPARTMENT OF CONSERVATION
MINE REPORTING & RECLAMATION COMPLIANCE

SURFACE MINING INSPECTION REPORT

Form MRRC-1 Page 2 (New 5/91)

VI. Does the operation have:	P	NR	YES	NO	ND
An approved Reclamation Plan?		X			
A permit to mine?		X			
Approved financial assurances?	X				
		NR	YES	NO	ND
Has the operator filed a Mining Operation Annual Report (MRRC-2)?					
FOR BLM USE		OK	VN	NA	NI
Approved Plan of Operations*					
Cyanide Management					
Other					

Is the operation in compliance with provisions of the approved reclamation plan with respect to:	OK	VN	NA	NI
Wildlife Habitat		X		
Revegetation	X			
Agricultural Land	X			
Stream Protection		X		
Tailings and Mine Waste Management			X	
Building, Structure and Equipment Removal	X			
Topsoil Salvage, Maintenance, and Redistribution	X			
Backfilling, Regrading, Slope Stability, and Recontouring	X			
Drainage, Diversion Structures, Waterways, and Erosion		X		
Other				

VII. Comments/Description of Violations and Corrective Measures Required
(Note: Please indicate if you have attached notices of violations and correction orders in lieu of description on this form.)

THE OPERATOR HAS BEEN PUT ON NOTICE TO REVIEW AND UPDATE FINANCIAL SSURANCES TO REFLECT NEW STATE REQUIREMENTS.

RECLAMATION PLAN DOES NOT ADDRESS RIPARIAN HABITAT AND STREAM PROTECTION. STATE DEPARTMENT OF FISH AND GAME IS REQUIRING A STREAM ALTERATION PERMIT.

NO PHASED REVEGETATION OCCURRING AS PROPOSED IN RECLAMATION PLAN.

OPERATOR HAS BEEN PUT ON NOTICE TO MODIGY RECLAMATIONPLAN TO ADDRESS STREAM ALTERATION, ON SITE STORAGE OF CONCRETE AND OTHER CONSTRUCTION MATERIALS, AND RECLAMATION OF NORTH-EASTERN PIT.

VIII. Number of Violations	Inspector's Signature	Date Signed
3	Richard [illegible]	6/25/92

DISTRIBUTION: White - Operator; Green - State (by Lead Agency); Canary - BLM (if required); Pink - Lead Agency; Goldenrod - State (by Operator)

EXHIBIT 18

91-38-0006	SUISUN BAY MIDDLE GROUND SHOAL TLS39	HANSON AGGREGATES MID-PACIFIC, INC.	SMGB - STATE
91-38-0007	SUISUN BAY MARINE MIDDLEGROUND TLS39	JERICO PRODUCTS, INC.	SMGB - STATE
91-38-0011	MARINE OYSTER SHELL MINING	MORRIS TUG & BARGE, INC.	SMGB - STATE
91-39-0002	VERNALIS	GRANITE CONSTRUCTION COMPANY	SAN JOAQUIN - COUNTY
91-39-0006	TRACY ROCK PLANT	TEICHERT AGGREGATES	SAN JOAQUIN - COUNTY
91-39-0007	PEREIRA	TEICHERT AGGREGATES	TRACY - CITY
91-39-0008	TRACY PIT	GRANITE CONSTRUCTION COMPANY	SAN JOAQUIN - COUNTY
91-39-0009	RME PIT	GRANITE CONSTRUCTION COMPANY	SAN JOAQUIN - COUNTY
91-39-0010	VALLEY ROCK	WEST COAST AGGREGATES, INC.	SAN JOAQUIN - COUNTY
91-39-0011	KASSON ROAD PIT	F.T.G. CONSTRUCTION MATERIALS, INC.	SAN JOAQUIN - COUNTY
91-39-0014	KERLINGER - HUCK	CEMEX	SAN JOAQUIN - COUNTY
91-39-0015	KERLINGER - RHODES	RMC CEMEX	SAN JOAQUIN - COUNTY
91-39-0018	FEATHERSTONE RANCH	GEORGE REED, INC.	SAN JOAQUIN - COUNTY
91-39-0020	KRC AGGREGATE, INC.	KRC AGGREGATE, INC.	SAN JOAQUIN - COUNTY
91-39-0021	VERNALIS	TEICHERT AGGREGATES	SAN JOAQUIN - COUNTY
91-39-0022	MOSSDALE-BROWN SAND	BROWN SAND, INC.	SAN JOAQUIN - COUNTY
91-39-0029	DSS COMPANY VERNALIS PLANT	DSS COMPANY	SAN JOAQUIN - COUNTY
91-39-0031	MOFFATT	A.A. AND BOB ALLEN, INC.	SAN JOAQUIN - COUNTY
91-39-0032	MCGAH & PETERSON	GRANITE CONSTRUCTION COMPANY	SAN JOAQUIN - COUNTY
91-39-0034	MERRITT RANCH	GEORGE REED, INC.	SAN JOAQUIN - COUNTY
91-39-0036	REED/CLEMENTS PIT	GEORGE REED, INC.	SAN JOAQUIN - COUNTY
91-39-0037	ROSE PROPERTY	GRANITE CONSTRUCTION COMPANY	SAN JOAQUIN - COUNTY
91-39-0038	BELLINO PIT	GEORGE REED, INC.	SAN JOAQUIN - COUNTY
91-39-0040	HENDRICK PIT	GEORGE REED, INC.	SAN JOAQUIN - COUNTY
91-39-0041	VERNALLIS WEST & EAST PROPERTIES	TEICHERT AGGREGATES	SAN JOAQUIN - COUNTY
91-40-0001	MILLHOLLIN PIT	GLENN MILLHOLLIN	ATASCADERO - CITY
91-40-0002	HARTZELL RANCH	HARTZELL RANCH	SAN LUIS OBISPO - COUNTY
91-40-0003	SANTA MARGARITA	HANSON AGGREGATES	SAN LUIS OBISPO - COUNTY
91-40-0004	TROESH RECYCLING, INC	TROESH RECYCLING. INC.	SAN LUIS OBISPO - COUNTY
91-40-0005	HARTZELL RANCH RED ROCK PIT	HARTZELL RANCH	SAN LUIS OBISPO - COUNTY
91-40-0007	GUERRA PIT	WEYRICK CO., INC.	SAN LUIS OBISPO - COUNTY
91-40-0009	CAMBRIA PIT	WINSOR CONSTRUCTION, INC.	SAN LUIS OBISPO - COUNTY
91-40-0010	WHALE ROCK PIT	NEGRANTI CONSTRUCTION	SAN LUIS OBISPO - COUNTY
91-40-0013	ROCKY CANYON	CALPORTLAND CONSTRUCTION	SAN LUIS OBISPO - COUNTY

EXHIBIT 19

RECLAMATION PLAN APPLICATION

San Luis Obispo County Department of Planning and Building

NOTE: Instructions for completing this form are contained in the county Department of Planning and Building publication, Reclamation Plan Guidelines. The numbers in parentheses are used in the Guidelines to show which portion of this form is being explained. If additional space is necessary to complete this application, attach additional sheets.

GENERAL INFORMATION

(1) Mine Name: Whale Rock Quarry **(2)** CA Mine ID# 91-40-0010

(3) Existing Land Use Permit Number: _____

(4) Estimated Life of Operation: 100 years **(5)** Date of Mine Opening: Prior 1962

(6) If public ownership (BLM or USFS), has Plan of Operations been prepared? N/A

❑ Yes ❑ No If **YES**, attach evidence.

MINE INFORMATION

(7) Raw Materials Mined: Gabbro **(8)** Yield (in tons or cu. yds./year): 150,000

(9) Type of Mine: Borrow Pit ❑ Stream Bed Skimming ❑ Quarry ☒ Underground ❑

Clay Pit ❑ Other (Specify) ❑ _____

(10) Geologic Group, Formation and Member: Franciscan Melange

(11) On-site processing? ☒ Yes ❑ No

(12) Total acreage affected by mining :

Mining: 80 Waste disposal: None

Processing: 10 Settling ponds: None

Roads: 2 Support Facilities: 1

Stockpiles: 5 Total acreage in plan: 98

(13) The operation is (or will be): Continuously active ☒ Intermittently active ❑ Idle ❑

Abandoned ❑ Undeveloped ❑ Other (specify) ❑ _____

(14) Total acreage affected by mining prior to January 1, 1976 and not mined after that date: _____

(15) Drainage: Existing **(16)** Tributary to: Willow Creek

(17) Will mining progress in separate phases? ❑ Yes ☒ No

(18) Will groundwater be encountered during mining (including any perched, regional or artesian flow)?

❑ Yes ☒ No

(19) is ~~soil salvage~~ overburden and replacement proposed? ☒ Yes ❑ No

(20) Will water be used for mining or processing? ☒ Yes ❑ No Dust control only

(21) Will settling basins be used? ☒ Yes ❑ No Storm run-off only

(22) Will water be discharged from the affected area? ☒ Yes ❑ No ✓ ✓ ✓

If YES, has a Storm Water Pollution Prevention Plan be prepared for the Regional Water Quality Control Board approval? ❑ Yes ❑ No Pending

(23) Will the operation involve relocation, blockage or alteration of any water course or stream? ❑ Yes ☒ No

If YES, has the Department of Fish and Game been notified. ❑ Yes ❑ No

(24) Use of site prior to mining and will the use continue during mining: None- Heavy Brush

(25) Proposed use following reclamation: None

(26) Total acreage included in proposed reclamation plan: 80

(27) Estimated costs of reclamation for the first year of operation (attach financial assurance cost estimate worksheet). Express costs in today's dollars: 1st year of operation = None
At end of mining operations - $28,404

COSTS AND GUARANTEES OF RECLAMATION

(28) Proposed type(s) of guarantee of reclamation:

Performance bond ❑ Letter of Credit ❑

Certificate of Deposit ☒ Other (Specify) ❑ _____

(29) Acres of affected area previously covered by guarantee of reclamation: 10

REQUIRED SUPPORTING DOCUMENTS

(30) Please make sure you have attached the following items to this application:

- ❑ Notarized statements/possessory interest in lands
- ❑ 7 ½ min. USGS Quadrangle
- ❑ Site Geologic map/cross sections
- ❑ Development and Mining Plan/Cross Sections
- ❑ For pit and hill side mines, drawings showing before and after contours.
- ❑ Revegetation Plan or alternate proposal
- ❑ Reclamation plan map/cross sections
- ❑ Typical soil profile
- ❑ Diagram of Mineral Processing
- ❑ Reclamation narrative
- ❑ Reclamation Plan Application Supplements **(A through J)**
- ❑ Financial Assurance Cost Estimate
- ❑ Other documents-list

VERIFICATION

(31) Documents prepared by: ☒ Applicant ❑ Other (32) Telephone: (805)995-3357

If Other, provide name, address, and number and type of license:

Name _____

Mailing Address _____ City _____ Zip _____

License Number: _____

(33) Print or type name to be signed on line below

I, Jon Negranti state under penalty of perjury that I (am the applicant) (am an officer or official of the applicant). That the documents, and statements submitted as part of this application are true and correct to the best of my knowledge and belief, and that I hereby accept the responsibility for reclaiming the mined lands described herein in the manner described herein and attached, forming the reclamation plan for the Whale Rock Quarry
(mine or project)

Signature_____ Date 6/27, 20 06

Affidavit
State of California)
County of) SS

I, _____,
a Notary Public in and for the State of California,
do hereby certify that on the _____ day of
_____, 20_____, before me personally
appeared _____
and subscribed and swore this instrument.
Witness my hand and seal this _____ day of
_____, 20_____.

_____
Title

Signed in the County of:

_____

INSTRUCTIONS:

1. There must be signed by an individual on his or her own behave or a company officer (title of officer must be provided) for an incorporated company accepting responsibility. Any signature for a partnership or trust must be accompanied by proof of authorization to sign on behave of the partnership or trust.

2. A Notary Public must witness the signature.

RECLAMATION PLAN APPLICATION SUPPLEMENTS

San Luis Obispo County Department of Planning and Building

SUPPLEMENT A: OWNERS, OPERATOR & AGENT

(A-1)

Operator Name Jon Negranti Daytime Phone: 995-3357

Mailing Address PO Box 198 City Cayucos Zip: 93430

Agent of Process Name Jon Negranti Daytime Phone: 995-3357

(person designated by operator as his agent for the service of process)

Mailing Address PO Box 198 City Cayucos Zip: 93430

(A-2) List names, titles and addresses of all partners in the case of a partnership or all officers in the case of a corporation

Name Jon Negranti Title: President

Mailing Address PO Box 198 City Cayucos Zip: 93430

Name Anna Negranti Title: Secretary

Mailing Address PO Box 198 City Cayucos Zip: 93430

Name _____ Title: _____

Mailing Address _____ City _____ Zip: _____

(A-3) List all names under which the applicant has previously operated mines in the County of San Luis Obispo Negranti & Sons Negranti Construction

(A-4) Names and addresses of all owners of surface rights

Name Mainini Family Limited Partnership Title: Partnership

Mailing Address 1524 Eto Circle City San Luis Obispo Zip: 93405

Name _____ Title: _____

Mailing Address _____ City _____ Zip: _____

Name _____ Title: _____

Mailing Address _____ City _____ Zip: _____

(A-5) Names and addresses of all owners of mineral rights

Name Same as A-4

Mailing Address _____ City _____ Zip: _____

Name _____

Mailing Address _____ City _____ Zip: _____

(A-6) Name and address of lessee

Name Same as A-1

Mailing Address _____ City _____ Zip: _____

(A-7) Provide evidence that all owners of a possessory interest in the land have been notified of the proposed mining use(s) or potential use(s). (Attach copy(ies) of notarized statement(s) of acknowledgment.)

SUPPLEMENT B: CONSENT OF LANDOWNER FOR INSPECTIONS & RECLAMATION

We the undersigned, the owners of land located at 1424 Old Creek Road Cayucos, CA 93430

Assessor's Parcel Number(s) 046-201-028, upon which Jon Negranti is to conduct a mining operation, and for which application Jon Negranti (Name of Operator)for approval of a Reclamation Plan is being made, and of which application this consent is a part, do hereby irrevocably grant to the operator, the State of California, County of San Luis Obispo or any of its authorized agents, the right to enter upon the land affected by the operator for annual Surface Mining and Reclamation Act (SMARA) inspections and for the purpose of backfilling, planting and reclamation, or for inspection and evaluation as to the satisfactory completion of such measures in accordance with the provisions of the Surface Mining and Reclamation Act of 1975 and San Luis Obispo County Code, Section 22.08.180 or Section 23.08.180, as amended.

_____ (Signature of Landowner)

_____, 20 06. (Date)

Affidavit:
State of California)
County of) SS

I, _____, a Notary Public in and for the State of California, do hereby certify that on the _____ day of _____, 20_____, before me personally appeared _____ and subscribed and swore this instrument. Witness my hand and seal this _____ day of _____, 20 _____

_____
Title

Signed in the County of:
_____

INSTRUCTIONS:

1. If the land is owned by one or more persons, all owners must sign.
2. File one (1) copy for each landowner.
3. If owned by an estate, authority for signing must be established.
4. A Notary Public must witness the signature.

SUPPLEMENT C: MINE LOCATION AND ACCESS

(C-1) The mining site is located on the Morro Bay North United States Geographic Survey (USGS) 7 ½ minute quadrangle. Attach copy of appropriate quadrangle with the mining site and the parcel(s) on which the site is located accurately plotted.

(C-2) Longitude and Latitude: 120° 52' x 35° 27'

(C-3) Describe the access route to the mining site and indicate the number of truck trips per day, week, months or year.

Access Route: Old Creek Road

Truck trips per day: _____ Truck trips per week: _____

Truck trips per month: _____ Truck trips per year: _____

SUPPLEMENT D: GEOLOGY, SOILS, HYDROLOGY & ENVIRONMENT

(D-1) Mineral or product (to be) mined Gabbro & Franciscan Shale

(D-2) Brief description of the regional geologic setting Franciscan Melange

(D-3) Detailed geologic description of mineral deposit (to be) mined Franciscan Shale over Gabbro Diabase

(D-4) Using the mine site map or aerial photograph as a base, prepare a detailed geologic site map with two or more intersecting geologic stratigraphic cross sections (one perpendicular to the average site), to show the following information within the current and designated future mining and overburden disposal areas.

a. The known surface and sub-surface extent and thickness of the mineral deposit to be mined.

b. Extent and thickness of overburden (or waste rock).

c. Detailed description of basic soil types to be encountered on the mining site.

d.✱ Geologic formations.

e.✱ Detailed description of all rock types to be encountered on the mine site.

f.✱ Description (with strike and dip measurements) of bedrock within 200 feet of mining or proposed mining area(s).

g. Faults with location and relative movement.

h.✱ Additional field measurements sufficient to determine the basic rock structure and fabric.

i.✱ Orientation of the principle rock structure and fabric.

j.✱ Delineation of any rock units that can be easily weathered.

k. Delineation on the cross sections of the elevation of the average and seasonal high ground table(s).

l. Any other geologic information necessary to describe the mineral deposit and the geologic engineering basis for the proposed mining and

reclamation plans.

*For hard rock operations only

(D-5) Has exploratory or development drilling been used on the mining site? ❑ Yes ☒ No

If **YES**, show the location, by number, of all test holes on the "geologic site map" attached to the application. Also, for each test hole, show in feet and decimals the thickness and rock unit for each stratum overlying the mineralized zones or economic mineral deposit if the zone is discontinuous, also describe the intervening strata. Attach the report that includes the technical data for each hole that includes a table showing unit and thickness and the amount of overburden and commercial mineral deposit.

(D-6) Attach a description of the typical soil profile(s) (from ground surface to a minimum depth of ten feet) encountered on the site. If more than one profile, show extent of each on an aerial photograph overlay.

(D-7) What is the direction of groundwater flow in the area affected by the mining or processing operations?

None - No groundwater

(D-8) Describe the environmental setting of the mining site using the Environmental Description Form.

SUPPLEMENT E: MINERAL PROCESSING & WASTE DISPOSAL

(E-1) Attach a diagrammatic sketch of the entire mineral processing system.

(E-2) Indicate if there will be any waste material result from the processing operations and how much volume. ❑ Yes ☒ No

If **YES**, how will this material be disposed of? _____

(E-3) FOR WET PROCESSING OPERATIONS: No Wet Processing, Dust Control Only

a. Estimate quantity (gallons per day) and quality of water required by the (proposed) processing operation, specifying (proposed) sources of this water, methods of its conveyance to the property, and the quantity and method of disposal and used and/or surplus water.

b. Submit a diagrammatic flow chart of the process water handling system and attach a narrative explanation of the system.

c. Type of collection basins used: Concrete ❑ Wood ❑ Steel ❑ Earthen ❑

Size of basins: _____ Attach calculations for basin sizing (storm interval/intensity)

d. For earthen basins only, explain how the bottom and sides will be made impervious and the slopes stabilized to prevent erosion. _____

e. Will sludge be removed from the settling basins? ❑ Yes ❑ No

If **YES**, describe the method and frequency of sludge removal and disposal. _____

f. Is there is any discharge from the process water system? ❑ Yes ☒ No

If **YES**, submit a Regional Water Quality Control Board approval for the project

SUPPLEMENT F: DEVELOPMENT OF THE MINE

(F-1) Using the mine site map or aerial photograph as a base, provide a detailed mine development plan map and cross sections clearly detailing the following:

a. The accurate perimeter and total acreage of the area covered by this Reclamation Plan Application.

b. The perimeter and acreage(s) of each area designated for current or future (specify) mining, processing, stockpiling, overburden disposal or storage, waste disposal, settling ponds, water storage, and/or any other use relevant to the operation.

c. The directions in which mining will progress, the anticipated height of any rock or soil faces or cuts and the anticipated depth of mine excavation and development. Reference benchmarks used to determine depth of excavation.

d. Depiction of separate mining phases, if applicable. These phases should be integrated with concurrent or phased reclamation as described in Supplement "J".

e. Indicate location of reference benchmarks used to determine depth of excavation.

f. Any other information relevant to an understanding of Applicant's mining plans.

(F-2) Describe the development of the mining operation, including timetable for phasing and concurrent reclamation as detailed in Supplement "J".

Mining will Start at East End & proceed westward. Reclamation will start after all mining has ended.

(If additional space is necessary, attach additional sheets.)

(F-3) Describe the method of mining.

Drill, Blast, Push with bulldozer and excavate with excavator, and haul with Dump Trucks

(If additional space is necessary, attach additional sheets.)

(F-4) Describe method of soil salvage and storage for future mine reclamation. Show location(s) on plan map and identify in field. Indicate volume and describe how soil stockpile(s) will be protected from erosion.

Over burden will be removed and stockpiled for use during Reclamation.

(If additional space is necessary, attach additional sheets.)

(F-5) Describe method of removing, handling and storing topsoil.

Remove over burden with an excavator and bulldozer, load into trucks and haul to stockpile site.

(If additional space is necessary, attach additional sheets.)

(F-6) What will be done with non-usable material (impure, oversize, etc.) encountered during mining? If it is permanently placed, indicate what the compaction will be (in percent) and how it will it be obtained.

None

(If additional space is necessary, attach additional sheets.)

SUPPLEMENT G: STREAMS

(G-1) Will this operation involve the relocation, blockage, and/or alteration of any watercourse or stream?

❑ Yes ☒ No

If **YES**, what is the drainage area of the watershed above the operation? _____

(G-2) If YES to (G-1)

a. Have you obtained a streambed alteration agreement from the California Department of Fish and Game ? ❑ Yes ☒ No

If **YES**, Agreement # _____ and Expiration Date _____ **(Attach a copy)**

b. Have you contacted the Regional Water Quality Control Board and Army Corps of Engineers regarding their requirements?

❑ Yes ☒ No If **YES**, attach evidence of approvals obtained

(G-3) Will any mining and/or the placing of spoil be:

a. Within 10 feet of any watercourse or stream? ❑ Yes ☒ No

b. 100 Year Floodplain? ❑ Yes ☒ No

If **YES**, what measures will be taken to prevent this material from entering the stream or watercourse by erosion, siltation, or sliding?

(G-4) Have provisions been made to prevent the possible redirection of any stream into the operation? ❑ Yes ☒ No

If **YES**, what are they and if structures have been placed, are they engineered? _____

(G-5). If the stream supports sensitive species or resource (ex. Red legged frog, indigenous fishery), what steps will be taken to protect these species? No sensitive species or indigenous Fish, Dry most of year.

(If additional space is necessary, attach additional sheets.)

SUPPLEMENT H: WATER, EROSION & SEDIMENTATION CONTROL

(H-1) SURFACE WATER

a. How will surface water be handled in order to prevent its entrance into the actual excavation/mining area? Will be sloped away from mining area

b. If there is off-site discharge, has a Storm Water Pollution Prevention Plan been prepared for the Regional Water Quality Control Board and their approval obtained? ❑ Yes ❑ No Pending

If **YES**, attach evidence of the approval.

(H-2) GROUNDWATER

a. What is the highest groundwater elevation in this area? 60' below surface Date: _____

b. What is the direction of groundwater movement in the affected area? West

c. In consolidated material, what are the orientations of the major fractures or joints sets? N/A

d. Will groundwater be encountered during the course of mining (including any perched, regional or artesian flow)? ❑ Yes ☒ No

If **YES**, how will this water be handled? _____

e. Will the method explained in d. (above) result in discharge from the operation? ❑ Yes ☒ No

If **YES**, attach evidence of a Regional Water Quality Control Board approval.

(H-3) DATA TO BE SUBMITTED FOR SETTLING BASINS

a. Surface Water Erosion Control

1. Maximum total surface area to be drained by the basin(s) None acres.
2. Maximum disturbed area to be drained by the basin(s) None acres.
3. Minimum retention time None hours.
4. Basin sizing based on: storm? ☒ interval? ❑ intensity? ❑
5. Discharge Point protected from erosion? ❑ Yes ☒ No

If **YES**, attach figure showing basin and related facilities design including erosion protected discharge point.

6. Attach calculations verifying at least adequate capacity for a 1 hour/20 year storm event.
7. Has the Regional Water Quality Control Board approved the surface water erosion control plans? ❑ Yes ❑ No Pending

If **YES**, attach evidence of approval.

b. Quarry Dewatering

1. The maximum anticipated discharge is Ø GPM; _____ MGD.
2. Minimum retention time in the pit sump or settling basin(s) Ø hours.
3. Will the method outlined in (H-2d. above) result in a discharge from the operation? ❑ Yes ☒ No

If **YES**, show location of collection basins for settling and neutralization on the mining plan. Also, attach evidence of a Regional Water Quality Control Board and Army Corps of Engineer's approval.

c. ~~Sludge~~ Silt

1. Will ~~sludge~~ be removed from the settling basins? ☒ Yes ☐ No

If **YES**, describe the method and frequency of sludge removal and disposal. If there is a potential for hazardous material to be located in the basins it must be tested by a state certified laboratory and appropriate treatment established. (Locate disposal site(s) on the Mine Development Plan).

Excavator will load excess Silt into Trucks to be stockpiled in overburden stockpile

2. If sludge is not to be removed, describe method to be used to reclaim settling basins after reaching their design capacity. N/A

3. Attach both cross-section and plan views of the proposed settling basin(s) (or pit sump) and specify the length, width, depth, slope ratios and ~~sludge~~ silt storage capacity.

SUPPLEMENT I: PUBLIC & PRIVATE WATER SUPPLY INFORMATION

(I-1) List all public water supplies within three (3) miles of the closest discharge point of the proposed mining operation. Key and locate each public source on the USGS quadrangle.

KEY	NAME	ADDRESS	TYPE OF SUPPLY
	None		

(I-2) List all private sources of water supply on and within 1,000 feet of the mining area. Key and locate each source on the USGS quadrangle or mine development plan map.

KEY	NAME	ADDRESS	TYPE OF SUPPLY
	None		

SUPPLEMENT J: MINE RECLAMATION PROPOSAL

RECLAMATION PLAN MAP INSTRUCTIONS

(J-1) Using the mine site map or aerial photograph as a base, provide a detailed reclamation plan map and cross sections to show the following:

a. The areas covered by the plan.

b. Mining and reclamation phase boundaries.

c. Location of all drainage features, including ditches, ponds, berms, dikes, stream diversions, and natural drainages.

d. Indicate the finished grade and profiles after reclamation.

e. Areas to be revegetated, mulched, resoiled decompacted or fertilized.

f. All other pertinent reclamation information that is discussed in J-2 and can be shown graphically.

RECLAMATION NARRATIVE INSTRUCTIONS:

(J-2) Attach a "reclamation narrative" describing the proposed methods of reclamation, their phasing and timing, to be used in bringing the reclamation of the affected area to its end state. Also, describe how reclamation will be integrated with the mining plan (Supplement "F"). Include in the discussion those of the following topics which are applicable to the particular mine being reclaimed:

a. Backfilling, grading, and slope treatments.

b. Stabilization of all slopes. Include mined area, permanent waste dumps, tailings, settling ponds, etc. (Provide geotechnical stability analysis if final slope approaches the critical gradient.)

c. Removal, disposal, or utilization of residual equipment, structures, refuse, etc.

d. Control of contaminants, (if applicable) especially with regard to surface runoff and groundwater.

e. Removal or minimization of residual hazards.

f. Treatment of streambeds and streambanks to control erosion and sedimentation.

g. Rehabilitation of pre-mining drainage.

h. Resoiling, revegetation with evidence that proposed (and specified) plants can survive given the site topography, soil and climate, and given the time of year for revegetation. List species to be planted.

i. Indicate surface preparation, plant installation and seed application rate and method,

j. Provide revegetation performance standards if native species will be used. If reclamation is to agricultural use, provide anticipated yields, crops, etc. (See CCR Section 3707 State mining & Geology Board Reclamation Regulations)

i. All other aspects of the proposed reclamation plan.

(J-3) If this plan does not provide for revegetation on all or part of the area, describe in detail alternate procedures proposed to prevent soil erosion and/or siltation.

Solid Hard Rock

(J-4) Prepare a detailed cost estimate, based on the financial assurance guidelines adopted by the state mining and geology board in today's dollars, for the first year of disturbance and removal of equipment and stockpiles. (The financial assurance cost estimate worksheet developed by the office of mine reclamation can be used.)

See Attached

(J-5) Describe the ultimate physical conditions of the site and specify proposed use(s) and potential use(s) of the mined lands as reclaimed.

Before - Heavy Brush - No Use
After - Hard Rock Face - No Use

(J-6) Describe how reclamation of this site, in this manner, may affect future mining at this site and in the surrounding area.

No effect.

WHALE ROCK QUARRY
RECLAMATION NARRATIVE

The Final Reclamation of the Quarry Expansion is to build a series of benches into the hard rock face at the end of mining activities in that area of the quarry.

During mining the benches will be built and removed as we progress into the hill side. The last series of benches are to remain as part of the reclamation. Each bench will have a safety berm on its outer edge built from stockpiled overburden that will be seeded with the San Luis Obispo County Standard Mix for Erosion Control.

The final slopes will be hard rock and will not need any stabilization, except for the safety berms that will be seeded.

There are no waste dumps, tailings or residual hazards in this operation. All mined materials are usable and sellable.

All heavy equipment, crushing equipment and support equipment will be moved off site during or at the completion of reclamation.

WHALE ROCK QUARRY
BIOLOGY OF THE QUARRY EXPANSION AREA

The Quarry Expansion Area is covered in heavy brush. The heavy brush consists mainly of sage brush and coyote brush with black sage and some poison oak. Seasonal monkey flowers, lupines, and California poppies are also present.

WHALE ROCK QUARRY
VISUAL SCREENING OF THE QUARRY EXPANSION AREA

The Quarry Expansion Area will be mined on the side away from the views from Old Creek Road first, minimize the visual impact from Old Creek Road. This will allow the hill side to become a screen for the mining area.

EXHIBIT 20

Initial Study Summary – Environmental Checklist

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

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

(ver 3.3)Using Form

Project Title & No. Mainini Family Conditional Use Permit ED09-117 (DRC2007-00016)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

☒ Aesthetics	☒ Geology and Soils	☐ Recreation
☒ Agricultural Resources	☒ Hazards/Hazardous Materials	☒ Transportation/Circulation
☒ Air Quality	☒ Noise	☒ Wastewater
☒ Biological Resources	☒ Population/Housing	☒ Water
☒ Cultural Resources	☒ Public Services/Utilities	☐ Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☒ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

John McKenzie

Prepared by (Print) Signature Date

Ellen Carroll,
Environmental Coordinator

Reviewed by (Print) Signature (for) Date

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 200, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Jon Negranti (on property owned by the Mainini Family) for a conditional use permit to allow for the expansion of mining area and update reclamation plan. The project is located at 1424 Old Creek Rd. Cayucos approximately 2 miles east of Highway 1. It is approximately 1.3 miles north east of the community of Cayucos, in the Adelaida planning area.

The application for the proposed 37.2 acre expansion excavation area identifies the removal of up to 150,000 cubic yards per year for 100 years. The existing 7.2 acre processing area would remain to process the proposed expansion area. The final grading plan proposes the following: elevation between final floor and top of cut is about 455 feet. Final slopes will be 1:1 where a 10-foot wide bench would be found at each 60 feet of vertical drop.

ASSESSOR PARCEL NUMBER(S): 046-201-028

Latitude: 35° 27' 8.166"N degrees Longitude: 120° 51' 38.377"W SUPERVISORIAL DISTRICT # 2

B. EXISTING SETTING

PLANNING AREA: Adelaida, Rural

LAND USE CATEGORY: Agriculture

COMBINING DESIGNATION(S): Geologic Study

EXISTING USES: Surface mine, agricultural uses, undeveloped, stock pond

TOPOGRAPHY: Nearly level to very steeply sloping

VEGETATION: Grasses , scattered oaks , riparian

PARCEL SIZE: 225 acres

SURROUNDING LAND USE CATEGORIES AND USES:

North: Agriculture; scattered single-family residence(s)	*East:* Agriculture; sparsely scattered single-family residence(s)
South: Agriculture; agricultural uses	*West:* Recreation; Whale Rock Reservoir; undeveloped

C. ENVIRONMENTAL ANALYSIS

History. The existing active surface mine was formerly established with a Reclamation Plan permit (M:80403:1, also refered to as 'Whale Rock Pit [#10]), which has recognized the existing 7.8 acre excavation footprint. Blasting has historically occurred as often as 24 times a year. The existing materail being excavated includes greenstone/serpentinite, metavolcanic and graywacke of the Franciscan Complex, also refered to as 'red rock', which is processed primarily as base material for construction and road work. The existing Reclamation Plan approved up to 8,000 cubic yards of material to be removed per year. This area was originally used for excavation of materials for the Whale Rock Reservoir in the 1960s.

COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST

1.	**AESTHETICS** - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a)	***Create an aesthetically incompatible site open to public view?***	☒	☐	☐	☐
b)	***Introduce a use within a scenic view open to public view?***	☒	☐	☐	☐
c)	***Change the visual character of an area?***	☒	☐	☐	☐
d)	***Create glare or night lighting, which may affect surrounding areas?***	☐	☐	☒	☐
e)	***Impact unique geological or physical features?***	☐	☐	☒	☐
f)	***Other:_____***	☐	☐	☐	☐

Setting – Project Site. The proposed project is adjacent to a Sensitive Resource Area (SRA) designation: Whale Rock Reservoir Watershed. This SRA overly is intended to preserve the watershed and maintain the visual qualities for the users of this reservoir. The reservoir is used for the following: a potable water source for several water purveyors, including the City of San Luis Obispo; flood control for the community of Cayucos, numerous trails for hikers, and fishing for small-motored boats.

The project is approximately ½ mile east of the Cayucos Fringe Viewshed, which is intended to protect views from Highway 1. The project is not visible from Highway 1. The study used to establish this viewshed evaluated prominent ridgelines in the general area, and identified the expansion area as one of those prominently visible area.

The existing 15 acre surface mine is primarily on the north-facing slope of a small valley bisected by an unnamed tributary to Willow Creek. The existing mine includes an approximate 7.8-acre extraction area and an approximate 7.2-acre processing area. The top of the existing working face is about at the 400-foot elevation above mean sea level (MSL), with the working floor at about at the 244-foot MSL contour (156-foot tall working face). The ancillary components of the mining operation (e.g., sorting equipment, vehicle storage, office, etc.) are located adjacent to the working floor level. The quarry originally was created as part of constructing the Whale Rock Reservoir. Due to the existing topography in relation to the public road (Old Creek), the existing working face of the mine is only partially visible, as well as the ancillary activities in the processing area.

At the northeastern edge and above the mining operation is a large stock pond. The balance of the property is used for grazing cattle. No residences exist on the property.

The balance of the property is also in a relatively natural state comprised primarily of non-native grasses, chaparral, scattered oaks, and riparian vegetation along portions of the unnamed tributary. Topography can be characterized as generally moderately to very steeply sloping foothills. Surrounding uses can be described as sparsely scattered homes on large lots with one or more of the following components: grazing, crop production, and/or undeveloped in a natural condition with similar vegetation as described for the subject property.

Overall, the visual character is considered rural and this rural quality considered as moderate to high.

Public vantage. The proposed expansion will be highly visible for an approximate 1.5 mile section of Old Creek Road. This large cut could also be visible from more distant sections of Old Creek Road, as well as other public roads to the north and east.

County LUO/LUE

The County's Land Use Element (Framework for Planning) includes the following General Goals intended, in part, to maintain certain visual qualities for the county:

….

7. Encourage an urban environment that is an orderly arrangement of buildings, structures and open space appropriate to the size and scale of development for each community.
8. Maintain a distinction between urban and rural development by providing for rural uses outside of urban and village areas which are predominately agriculture, low-intensity recreation, residential and open space uses, which will preserve and enhance the pattern of identifiable communities.
9. Identify important agricultural, natural and other rural areas between cities and communities and work with landowners to maintain their rural character.
10. Encourage the protection of agricultural land for the production of food, fiber, and other agricultural commodities.

Impact. The currently proposed 37.2-acre expansion area will result in a final benched cut face starting at the MSL contour of 290 feet to the 745-foot contour (an approximate 455 foot tall cut face). The grading plan for the final exposed face would include a 10-foot wide bench every 60 vertical feet with a resulting slope of 1:1 for the cut face. The geologic report indicates the final slopes may be more varied depending on the material encountered, where they could be as flat as 3:1. The final floor will be no less than a 2% slope to the valley floor tributary. The gently sloping final floor will comprise approximately 1/3 of the overall excavation footprint area.

The applicant has expressed interest in reducing the final 'top of cut' 100 vertical feet below the current application, which would reduce the visual impacts and the ultimate amount proposed for extraction.

The project would continue to use the existing 7.2-acre processing area for the proposed excavation expansion area. As proposed, the project will potentially be within the "primary cone of vision" (i.e., within 45 degrees viewing from the steering wheel outward) as viewed from both directions on Old Creek Road for up to an approximate 1.5 mile distance (northeastern traffic). The applicant has expressed a willingness to phase the project, where the westernmost lateral ridge would be left intact within the excavation area until the last phase. The amount of time for each phase has not been specified. The application has requested 100 years to excavate this expansion area. This would reduce visual impacts for northern traffic by at least ½ (3/4 of a mile) until this last phase was initiated. The applicant is also proposing a windrow of trees (20-foot spacing of four evergreen tree species [5-gallon containers]) for an approximate 2,000 foot segment along Old Creek Road. Drip irrigation would be used until trees are successfully established.

Mitigation/Action Required. The project proposes a substantial cut (up to 455 feet) in a relatively undeveloped, rural area that is within view of Old Creek Road for up to 1.5 miles. While landscaping is proposed, it is unknown if the proposed landscaping will survive or thrive in the areas proposed for planting, nor if ongoing maintenance over the next 100 years will result in a successful screening effort. Also, given that trees are not naturally found in this area, it may be indicative of natural elements not conducive to the long-term establishment of trees (e.g., wind, salty air, low water availability, poorer soil conditions, etc.). Due to the potentially significant impacts to public views, a visual simulation from key viewing points on Old Creek Road shall be prepared by qualified persons and shall include, but not be limited to, the following:

1. Development of ratings and recommendations for the assignment of aesthetic values to protect views from Old Creek Road and to identify other, if any, potentially significant key viewing areas.
2. Recommendation and discussion of adequate and feasible mitigation measures, if any, to ensure that visual resources are adequately protected for the life of the project.

2. AGRICULTURAL RESOURCES - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Convert prime agricultural land to non-agricultural use?	☐	☐	☐	☒
b) Impair agricultural use of other property or result in conversion to other uses?	☐	☐	☒	☐
c) Conflict with existing zoning or Williamson Act program?	☐	☐	☒	☐
d) Other: _____	☐	☐	☐	☐

Setting. Project Elements. The following area-specific elements relate to the property's importance for agricultural production:

Land Use Category: Agriculture

State Classification: Not prime farmland with a small section of Prime Farmland if irrigated

Historic/Existing Commercial Crops: None except grazing

In Agricultural Preserve? No

Under Williamson Act contract? Yes

The soil type(s) and characteristics on the subject property include:

Lodo clay loam (50 - 75 % slope). This very steeply sloping, shallow fine loamy soil is considered very poorly drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock. The soil is considered Class VII without irrigation and Class is not rated when irrigated.

Diablo and Cibo clays (30 - 50 % slope).

Diablo. This steeply sloping clayey soil is considered very poorly drained. The soil has moderate erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, slow percolation. The soil is considered Class VI without irrigation and Class is not rated when irrigated.

Cibo. This steeply sloping clayey soil is considered very poorly drained. The soil has moderate erodibility and high shrink-swell characteristics, as well as having potential septic system

constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class VI without irrigation and Class is not rated when irrigated.

Cropley clay (2 - 9 % slope). This gently sloping clayey soil is considered very poorly drained. The soil has moderate erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class III without irrigation and Class II when irrigated. This soil is on the property but outside of the proposed expansion area.

Storie Index. The California Revised Storie Index is a method of rating soils used mainly for irrigated agriculture based on crop productivity data (UCANR, 2008). The Storie Index assesses the productivity of a soil from the following four characteristics: Factor A, degree of soil profile development; Factor B, texture of the surface layer; Factor C, slope; and Factor X, manageable features, including drainage, microrelief, fertility, acidity, erosion, and salt content. A score ranging from 0 to 100 percent is determined for each factor, and the scores are then multiplied together to derive an index rating. For simplification, Storie Index ratings have been combined into six grade classes as follows: Grade 1 (excellent), 100 to 80; Grade 2 (good), 79 to 60; Grade 3 (fair), 59 to 40; Grade 4 (poor), 39 to 20; Grade 5 (very poor), 19 to 10; and Grade 6 (nonagricultural), less than 10. (NRCS, 2010a) The project's Storie Index ranges from 4 to 31.

Farmland Classification Definitions. Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses (the land could be cropland, pastureland, rangeland, forest land, or other land, but not urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.

Farmland of statewide importance is land, in addition to prime and unique farmlands, that is of statewide importance for the production of food, feed, fiber, forage, and oil seed crops. Criteria for defining and delineating this land are to be determined by the appropriate state agency or agencies. Generally, additional farmlands of statewide importance include those that are nearly prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some may produce as high a yield as prime farmlands if conditions are favorable.

The Not Prime Farmland designation primarily consists of Class 6 and 7 soils, which are characterized by severe limitations that make them generally unsuitable for cultivation and restrict their use mainly to grazing, pasture, and rangeland.

All of the proposed expansion area is rated as Not Prime Farmland.

California Land Conservation Act of 1965 and Agricultural Preserves. Also known as the Williamson Act, this legislation encourages and enables local governments to enter into contracts with private landowners to restrict specific parcels of land to agricultural or related open space use, which in turn protect agricultural and open space lands from urban development. In return, landowners receive property tax assessments that are much lower than normal because they are based upon farming uses rather than full market value. Local governments receive a subsidy for forgone property tax revenues from the state via the Open Space Subvention Act of 1971.

The County's agricultural preserve program was created to implement the California Land Conservation Act of 1965. The state has traditionally reimbursed participating counties with subvention funds for this foregone tax revenue from contracted properties.

Lands that enter into the County's agricultural preserve program are subject to zoning restrictions

including parcel size restrictions ranging from 40 acres for prime land and 100 acres for non-prime land. A Williamson Act contract is a legal contract between a landowner and a land-regulating agency under the Williamson Act (i.e., the County). Under Williamson Act contract, the property owner agrees not to develop the property for a period of 10 to 20 years. The contract automatically renews each year for a new 10-year period unless the owner files a Notice of Non-renewal to indicate his or her intention to terminate the contract at the end of the current 10-year period. Williamson Act contracts may also be terminated by a public agency if the property under contract is being acquired for another purpose in the public's interest under eminent domain or other public acquisition procedures.

Existing Surface Mine. The existing active surface mine was formerly established with a Reclamation Plan permit (M:80403:1, also refered to as 'Whale Rock Pit [#10]), which has recognized the existing 7.8 acre excavation footprint. Prior to this, the mine has been active and was established to provide material for the Whale Rock Reservoir constructed between 1958 and 1961. More recently, blasting has historically occurred as often as 24 times a year. The existing material being excavated includes greenstone/serpentinite, metavolcanic and graywacke of the Franciscan Complex, also refered to as 'red rock'.

The ongoing mining activities preceded the establishment of the Williamson Act contract. Cattle grazing is the basis for the contract. No exclusionary fences have been installed to keep the cattle out and therefore occasionally wander through the operation. Surface mines are an allowed use under the LUO's "Agriculture" land use designation.

Impact. The currently proposed 37.2-acre expansion area will result in a final benched cut face starting at the MSL contour of 290 feet to the 745-foot contour (an approximate 455 foot tall cut face). The final exposed face would include a 10-foot wide bench every 60 vertical feet with a resulting slope of 1:1 for the cut face. The final floor will be no less than a 2% slope to the valley floor Willow Creek tributary. The gently sloping final floor will comprise approximately 1/3 of the overall excavation footprint area.

The applicant has expressed interest in reducing the final 'top of cut' 100 vertical feet below the current application, which would reduce the visual impacts and the ultimate amount proposed for extraction.

According to the NRCS, the Not Prime Farmland designation accounts for the entire 37.2 acres of the site. The NRCS also rate the quality of soils. The California Storie Index rating is based on the assessment of soil productivity, and all of the project site is considered Grade 4 (poor) or worse. The Land Capability Classification rates the soil as unsuitable for agriculture (Class VI or VII). At a project specific level, the loss of 32.7 acres (on a 160-acre parcel) from intermittent grazing does not significantly diminish the existing agricultural operation for the property. In addition, approximately 10 acres will ultimately be relatively level at the end of the process, which would be potentially more conducive for grazing then under current conditions.

The project was taken before the Agricultural Preserve Review Committee (APRC) to provide guidance to staff on agricultural compatibility. The APRC had the following initial comments: a straw vote was taken with regards to the project's consistency with the three principles of compatibility and a majority of the group agreed that it appeared compatible. At such time that the environmental determination is made, it will be returned to the APRC for a final action on it meeting the three principles of compatibility.

Upon consideration of the above conditions, the conversion of these lands as a result of the proposed aggregate mine operations would be considered less than significant on agricultural resources and no mitigation would be required, nor would the existing use significantly conflict with the current on-site grazing practices.

Mitigation/Action Required. While no potentially significant impacts to agricultural resources, are expected, the agricultural resource analysis should include, but not be limited to, the following:

1. Consultation with the County Agricultural Commissioner's Office, County Planning & Building (Ag Preserve Program), and the California Department of Food and Agriculture.
2. A brief description of the existing and historical agricultural setting, uses and practices.

3. A brief description of the agricultural suitability of the site, including soil types, soil capabilities, and the productivity of agricultural soils, based on historic agricultural uses.
4. Identification and description of current and potential future water sources suitable for agricultural uses (see Water Resources).
5. Evaluation of the potential adverse impacts to the agricultural capability of adjacent or near by lands currently enrolled in the Williamson Act contract Program.
6. If applicable, develop mitigation measures for potentially significant impacts to agricultural resources.

3. AIR QUALITY - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	☐	☒	☐	☐
b) Expose any sensitive receptor to substantial air pollutant concentrations?	☐	☒	☐	☐
c) Create or subject individuals to objectionable odors?	☐	☐	☒	☐
d) Be inconsistent with the District's Clean Air Plan?	☐	☐	☒	☐
e) Other: Greenhouse Gas Emission	☐	☐	☒	☐

Setting. The following provides a summary of historic and existing air quality conditions that relate to the project's potential impacts to or from the existing or projected air quality.

Non-Attainment. The County is within the South Central Coast Air Basin, which is currently considered by the state as being in "non-attainment" (exceeding acceptable thresholds) for particulate matter(PM_{10} , or fugitive dust) and ozone.

The Air Pollution Control District (APCD) estimates that vehicles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides (NOx) and reactive organic gasses (ROG) pollutants (vehicle emission components) are common contributors towards this chemical transformation into ozone. Dust, or particulate matter less than ten microns (PM_{10}), that becomes airborne and finds its way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone.

APCD Program. To address these impacts APCD has developed a program (CEQA Air Quality Handbook) to establish impact thresholds and mitigation measures to address most project-related air quality impacts.

Local Air Quality. The project is nearest to the Morro Bay Air Quality Monitoring Station. Based on the latest air monitoring station information, the trend in air quality in the general area is unchanged with readings for PM10 and ozone consistently below the State thresholds.

Naturally Occurring Asbestos. Asbestos is a term used for several types of naturally occurring fibrous minerals found in many parts of California. When rock containing asbestos is broken or crushed, asbestos fibers may be released and become airborne. Exposure to asbestos fibers may result in health issues such as lung cancer, mesothelioma (a rare cancer of the thin membranes lining the lungs, chest and abdominal cavity), and asbestosis (a non-cancerous lung disease that causes scarring of the lungs; CARB, 2009). Sources of asbestos emissions include rock quarrying activities where ultramafic or serpen¬tine rock is present.

The applicant retained a geologist to obtain samples to check for NOA (Preliminary Engineering Geology Investigation Negranti Material Mine (GeoSolutions, Inc.; 6/27/07)). Of the five samples taken one was found to include NOA. The geologist has identified mitigation measures to offset potential impacts.

Referral. As required by Section 22.10.030 of the County's LUO, the proposed project was referred to the County of San Luis Obispo Air Pollution Control District (APCD) for review and determination of any air quality impacts potentially resulting during both the project's construction and operational phases.

The project proposes to disturb soils that have been given a wind erodibility rating of 4, which is considered moderate. A section within the parcel has been given a wind erodibility rating of 6, which is considered moderately high.

Impact. As proposed, the project will result in the disturbance of up to approximately 150,000 cubic yards per year. Based on a 313 day working year (Sundays off), the project will generate the following amounts of air pollution:

Project Impacts	Reactive Organic Gasses + Nitrogen Oxides	Fugitive Particulate Matter	Diesel Particulate Matter	Carbon Monoxide
Operations	54.5 lbs/day or 8.5 tons/year	69 tons/year	2.35 lbs/day	146 lbs/day
Thresholds	25 lbs/day or 25 tons/year	25 tons/year	1.25 lbs/day	550 lbs/day

As shown in this table, the project will result in both vehicle emissions (which helps create low atmospheric level ozone) and the creation of dust during operation. One or more of the thresholds for the above pollutants has been exceeded, which would warrant measures to mitigate for air pollutants. It is expected that these vehicle emissions would be evenly spread throughout the day.

Also, based on APCD's CEQA Handbook (2009), due to the project resulting in 4 acres (or more) of disturbance, sufficient fugitive dust will be generated during construction to warrant incorporation of dust control measures.

The existing operation is permitted to extract 8,000 cubic yards per year of material, which provides employment for four individuals. Increasing the average daily output 19-fold will result in increased employment, which would be expected at a comparable rate is existing conditions. These additional employees and associated vehicle trips would be expected during a.m. and p.m. peak hour periods.

Greenhouse Gas Emissions

This section describes effects on climate change/greenhouse gas that would be caused by implementa¬tion of the Proposed Project. The following discussion addresses existing environmental conditions in the affected area, identifies and analyzes environmental impacts, and recommends measures to reduce or avoid adverse impacts anticipated from project construction and operation. In addition, existing laws and regulations relevant to climate change/greenhouse gas are described. In

some cases, compliance with these existing laws and regulations would serve to reduce or avoid certain impacts that might otherwise occur without the implementation of the project.

The study area for climate change and the analysis of greenhouse gas (GHG) emissions is broad because climate change is influenced by world-wide emissions and their global effects. However, the study area is also limited by the CEQA Guidelines [Section 15064(d)], which directs lead agencies to consider an “indirect physical change” only if that change is a reasonably foreseeable impact which may be caused by the project. This analysis limits discussion to those physical changes to the environment that are not specu¬lative and are reasonably foreseeable.

The baseline against which to compare potential impacts of the Proposed Project includes the natural and anthropogenic drivers of global climate change, including world-wide GHG emissions from human activities that have grown more than 70 percent between 1970 and 2004 (IPCC, 2007). The State of Cali¬fornia is leading the nation in managing GHG emissions

Approach to Impact Assessment

Determining significance follows available guidelines from State or local air quality management agencies, where available. However, only recent developments in statewide or local guidance exists for setting climate change thresholds of significance for large projects, and there is no legally adopted threshold for what emission levels constitute a significant amount. Rules and policies being developed by the CARB and guidelines from the SLO County APCD are used in this analysis although they are evolving in response to the serious threat of climate change effects and subsequent legislation.

For operational emissions caused by the project, the SLO County APCD has not yet established signifi¬cance thresholds for greenhouse gas emissions from project operations. Nonetheless, GHGs from all projects subject to CEQA must still be quantified and mitigated to the extent feasible. The California Office of Planning and Research has provided the following direction for the assessment and mitigation of GHG emissions (APCD, 2009):

- 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 associ¬ated with vehicular traffic, energy consumption, water usage and construction activities;
- 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 with¬out careful evaluation. All available information and analysis should be provided for any project that may significantly contribute new GHG emissions, either individually or cumulatively, directly or indi¬rectly (e.g., transportation impacts); and
- 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 eliminat¬ing all GHG emissions from a project; the CEQA standard is to mitigate to a level that is “less than significant.”

In the absence of quantitative significance thresholds in CEQA guidance, this analysis turns to other pro¬grams. For example, the CARB Mandatory Reporting program requirements are triggered for sources of GHG emissions exceeding 2,500 metric tonnes per year. AB32 requires California agencies to take actions that will reduce GHG emissions by 2020 to the levels of 1990, and then substantially further reduce emissions by 2050.

Mine operations, processing and eventual reclamation would occur over a period of 100 years during which heavy equipment and other motor vehicle use would create GHG emissions. Use of fossil fuels for mining activities and vehicles serving the mine would result in GHG emissions at levels less than the level of 2,500 metric tonnes per year triggering CARB Mandatory Reporting. These emissions would be lower than those attributable to using aggregate material from a more distant source, which would cause

sub¬stan¬tially higher transportation fuel use. As a result, the GHG emissions caused by aggregate mine operation would be less than significant.

The applicant is proposing to plant at least 100 trees along Old Creek Road, which will help offset CO2 emissions.

Mitigation/Action Required.

Based on the project's previously identified air quality impacts, there are a number of measures available reduce air quality impacts. If these are incorporated into the project, air quality impacts would be less than significant . The following provides a general description of these measures:

Fugitive Dust (PM_{10}). To minimize nuisance dust impacts, the following measures would be applied to offset fugitive dust, including reducing the amount of disturbed area where possible, the use of water trucks or sprinkler systems to water down airborne dust, daily spraying of dirt stock-pile areas, paving of applicable surfaces as soon as possible after grading, laying of building pads as soon as possible.

Naturally-Occurring Asbestos (NOA). Prior to grading or site disturbance, the following measures would be applied to offset NOA impacts: comply with the measures recommended by the Engineering Geology Reort. Also, the applicant will need to comply with Asbestos Air Toxin Control Measures for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements include, but are not limited to implementation of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program.

Vehicle Emissions. To reduce vehicle emissions, including diesel particulate matter, the following measures would be applied to offset vehicle emissions, such as: use of green building materials (materials which are resource efficient, recycled, and sustainable) available locally if possible; use of clean engine technologies (e.g., alternative fuel, electrification) engines that are not subject to regulations; use of vanpool, shuttle, mini bus service (alternative fueled preferred); implementation of a "No Idling" program for heavy-duty diesel vehicles, which includes signage, citations, etc.; installation of electrical hookups at loading docks and the connection of trucks equipped with electrical hookups to eliminate the need to operate diesel-powered TRUs at the loading docks; if not required by other regulations (ARB's on-road or offroad diesel), restrict operation to trucks with 2007 model year engines or newer trucks; if not required by other regulations (ARB's on-road or offroad diesel), require or provide incentives to use diesel particulate filters for truck engines.

Due to the project's potential impacts to air quality and that San Luis Obispo County has been designated non-attainment for PM10 (fine particulate) and ozone precursors, the following additional efforts are needed:

1. Consultation with the SLO County Air Pollution Control District.
2. Discussion of federal and/or state nonattainment ambient air quality standard area for any criteria air pollutant. Discussion of County air quality policies relative to development, using thresholds of significance derived from the adopted Clean Air Plan.
3. As applicable, provide summary of the thresholds and air quality constraints for the proposed development.
4. Conduct air modeling utilizing latest software (e.g., URBEMIS, etc.) to generate emission impacts (e.g., PM10, ozone precursors, etc.). Greenhouse gas emission analysis (e.g., CO2, CH4, etc.), and shall apply APCD CEQA handbook methodologies.
5. Recommendation and discussion of adequate and feasible mitigation measures, as applicable, to address significant air quality impacts.

4. BIOLOGICAL RESOURCES - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a loss of unique or special status species or their habitats?	☐	☒	☐	☐
b) Reduce the extent, diversity or quality of native or other important vegetation?	☐	☒	☐	☐
c) Impact wetland or riparian habitat?	☐	☒	☐	☐
d) Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☐

Setting. The following are existing elements on or near the proposed project relating to potential biological concerns:

Name and distance from blue line creek(s): An unnamed "blue line" tributary to the Willow Creek courses through the subject property. Willow Creek is approximately 500 feet southeast of the proposed project.

Combining Designations: The proposed project is adjacent to a Sensitive Resource Area designation: Whale Rock Reservoir Watershed. The project is within an adjacent watershed to Whale Rock Reservoir.

Habitat(s): Non-native grassland, chaparral, riparian.

The Natural Diversity Database (or other biological references used by the County) identified the following species potentially existing within approximately one mile of the proposed project:

Southwestern pond turtle *(Emys (or Clemmys) marmorata pallida)* has been found about less than 1/10th of a mile to the south east and within one mile to the east, south, north and northwest within Willow Creek. Southwestern pond turtle is a federal and California Species of Special Concern. This is an aquatic turtle that uses upland habitat seasonally. They occur in ponds, streams, lakes, ditches, and marshes. The species prefers slow-water aquatic habitat with available basking sites nearby. Hatchlings require shallow water habitat with relatively dense submergent vegetation for foraging.

Tidewater goby *(Eucyclogobius newberryi)* has been found about one mile to the south west at the mouth of Willow Creek as it enters the Pacific Ocean. They are considered federally endangered and a California Species of Special Concern. This species is found in brackish water habitats along the California coast. Microhabitats include shallow lagoons and lower stream reaches. The goby needs fairly still but not stagnant water with high oxygen levels. Suitable habitat within these streams range from the mouths to approximately 1.5 to 2.0 miles upstream. The project is almost two miles from the mouth of Willow Creek. Tidewater goby is threatened by various factors including water quality degradation and low instream flows caused by water diversions and periodic drought.

California red-legged frog *(Rana aurora draytonii)* habitat may exist on the subject property. California red-legged frog is considered federally threatened. This species typically inhabits freshwater shorelines with extensive vegetation. The frog requires 11 to 20 weeks of permanent water for larval development.

Serpentine rock outcrops exist on the property. Serpentine soils are generally known to support several rare and endangered plants under certain conditions. After field inspection and review of the biological report, there is no evidence of natural surface moisture on the subject property. Therefore, these sensitive serpentine-based plants are not expected.

The following are state and federal regulations that may apply and require issuance of subsequent permits by other agencies:

Section 1600-1607 of the Fish and Game Code. The California Department of Fish and Game (CDFG) is responsible for conserving, protecting, and managing California's fish, wildlife, and native plant resources. To meet this responsibility, the law requires any person, state or local government agency, or public utility proposing a project that may impact a river, stream, or lake to notify the CDFG before beginning the project. If the CDFG determines that the proposed project may adversely affect existing fish and wildlife resources, a Lake or Streambed Alteration Agreement is required. A Streambed Alteration Agreement lists the CDFG conditions of approval relative to the proposed project, and serves as an agreement between an applicant and the CDFG for a term of not more than five years for the performance of activities subject to this section.

Project activities proposed within or adjacent to streambeds, banks, channels or associated riparian resources, may fall under the jurisdiction of the CDFG; therefore, any impacts to jurisdictional areas will be regulated under Section 1600-1607 provisions.

Section 401 of the Clean Water Act. Section 401 of the Clean Water Act (CWA) and its provisions ensure that federally permitted activities comply with the federal CWA and state water quality laws. Section 401 is implemented through a review process that is conducted by the Regional Water Quality Control Board (RWQCB) or the County, and is triggered by the Section 404 permitting process. The RWQCB or the County certify, via the 401 process, that a proposed project complies with applicable effluent limitations, water quality standards, and other conditions of California law. Evaluating the effects of the proposed project on both water quality and quantity (runoff) falls under the jurisdiction of the RWQCB or the County.

The project proposes to disturb more than one acre. Therefore, prior to work beginning, the project will be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) that has been approved by the Regional Water Quality Control Board or County. This Plan will include measures to reduce potential sedimentation, erosion and drainage impacts to existing downstream water sources.

Biological Reports. The applicant retained a biologist, Dr. V.L. Holland, to evaluate the site for sensitive plants. His report was peer reviewed by the County with a revised report submitted based on comments received. Field work was conducted in May, 2007. The following is a brief summary of his findings. The general habitats encountered include grasslands, coastal scrub and oak woodlands with additional references to rock outcrops and drainage channels. One rare plant was encountered during the field work, which was the San Luis Obispo county morning glory (*Calystegia subacaulis* ssp. *episcopalis*), which was identified as a common component of a 2.5 acre area of grassland within the proposed excavation area. One drainage area that supports riparian vegetation will be removed. Four coast live oaks are proposed for removal. The report also recognizes the importance of the on-site native grassland and riparian habitats.

Dr. Holland has also prepared a supplemental “Restoration, Revegetation, and Monitoring Plan for Whale Rock Quarry Expansion Site” to address impacts to the above mentioned sensitive species. Also, the intent of this plan is 1) to stabilize the soil along the drainage to help control soil erosion and keep drainage debris-free, 2) to restore habitats and maintain natural flood plain areas which would support riparian habitat reestablishment, 3) construct the drainage using sound hydrologic principals, 4) to allow

surrounding native plants to reestablish in disturbed areas, 5) to control exotic invasive species in restoration areas, and 6) to develop a creek maintenance program.

The applicant has also retained Padre Associates to prepare a "Herpetological Survey Report for the Negranti Rock Quarry" (May, 2009). The County has requested this report be submitted for review.

Impact. The project will result in the disturbance of about 37.2 acres. Based on the existing and surrounding habitats, the potential for project impacts to the sensitive species/ habitats listed above from the CNDDB, along with the field visit and biological reports, can be summarized as follows:

1. San Luis Obispo County morning glory (Calystegia subacaulis ssp. episcopalis) was identified as a common component of a 2.5 acre area of grassland within the excavation area;
2. Small riparian areas are proposed for removal;
3. Four Coast Live oaks are proposed for removal;
4. Native grassland areas will be removed.
5. Sediment could be transported downstream where sensitive aquatic wildlife may exist and be adversely impacted.

The "Restoration, Revegetation, and Monitoring Plan for Whale Rock Quarry Expansion Site" report identifies a range of measures as stated above to address the biological impacts.

Upon receipt of the herpetology report, additional impacts may occur to the sensitive reptiles and amphibians identified above.

Mitigation/Action Required. Potentially significant impacts to biological resources shall be summarized by a qualified biologist. The biological resource analysis should include, but not be limited to, the following:

1. Consultation with the State Department of Fish and Game and the United States Fish and Wildlife Service.
2. Consultation with the California Native Plant Society, the Audubon Society, and other conservation organizations as appropriate.
3. Peer review of biological reports submitted, including the proposed restoration plan.
9. Discussion of feasible mitigation measures, if any, which could be included in the project to minimize potential adverse biological impacts to less than significant levels.

5. CULTURAL RESOURCES - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Disturb pre-historic resources?	☐	☐	☒	☐
b) Disturb historic resources?	☐	☐	☐	☒
c) Disturb paleontological resources?	☐	☐	☒	☐
d) Other:_____	☐	☐	☐	☐

Setting. The project is located in an area historically occupied by the Salinan and Obispeno Chumash. No historic structures are present and no paleontological resources are known to exist in the area. The project is within 300 feet of a blue line intermittent tributary to Willow Creek. Potential for the presence or regular activities of the Native American increases in close proximity to reliable water sources.

The area proposed for disturbance is on one side of a moderately to steeply sloping valley.

Regulations. Per Section 22.10.040 of the County's Land Use Ordinance (Inland), the following measure is in place to help reduce impacts to archeological resources, should they be encountered:

In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:

A. Construction activities shall cease, and the Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.

B. In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department so proper disposition may be accomplished.

History. San Luis Obispo County is within the territory historically occupied by the Native American Group known as the Obispeño Chumash, the northernmost faction of California (Gibson, 1990; Greenwood, 1978; Kroeber, 1953). The archaeological record indicated that sedentary populations occupied the coastal regions of California more than 9,000 years ago. Chumash peoples have adapted to the changing environmental and social conditions and are now a large complex society. Aboriginal society began to disintegrate soon after Spanish contact in 1769 A.D., primarily due to the introduction of epidemic European diseases and the consequent high mortality rate.

Several chronological frameworks have been developed for the Chumash region including Rogers (1929), Wallace (1955), Harrison (1964), Warren (1968), and King (1981). King has divided the prehistory of the Chumash region into three periods: Early (8000 to 3350 B.P.), Middle (3350 to 800 B.P.), and Late (800 to 150 B.P.). King's chronology is based on stylistic changes in beads and ornaments from burial assemblages. The artifact types, which indicate temporal affiliation, are seldom found in quantity outside of cemeteries, limiting the usefulness of the chronology for dating components at other kinds of sites. However, the chronology can be tied to absolute dates through radiocarbon methods. Dates for the beginning and end of each of King's periods are based on radiocarbon dates from burial assemblages (King 1981).

King's Early Period (8,000 to 3,350 B.P.) begins with the peak of a warm, dry climatic period known as the Altithermal. The Chumash used large flake and core tools, milling stones, and hand stones. Mortars and pestles, which indicate the pounding of acorns, were used after the peak of the Altithermal (Glassow, Wilcoxon, and Erlandson 1988: 8). Evidence for the pursuit of sea mammals and broadening of diet is likely related to a population increase associated with the easing of Altithermal conditions (Glassow, Wilcoxon, and Erlandson 1988). Evidence useful for reconstructing settlement patterns during the Early Period is extremely limited. Based on these limited data, King (1981) suggests that Early Period sites varied from locations along the Santa Barbara Channel on the crests of hills away from the ocean and knolls adjacent to sloughs. All Early Period sites investigated appear to be base camps, although temporary camps also likely existed.

During the Middle Period (3350 to 800 B.P.), increasing sedentism and emphasis on marine resources are indicated by the appearance of coastal villages occupied during a large part of the year. Circular shell fishhooks were added to the bone gorges and compound hooks used during the Early Period (Tartaglia 1976). The plank canoe, which made ocean fishing and travel safer and more efficient, came into use about 1500 B.P. (Arnold 1987: 7). Use of the plank canoe also promoted trade and exchange between the mainland and the islands. Contracting- stemmed and corner-notched dart points, used with spear throwers, indicate hunting of land animals. Increasing status differentiation is seen in differences in the amounts of beads and other ornaments associated with burials (Martz 1987).

Full cultural development of the Chumash, one of the most economically and socially complex hunter-gatherer groups in North America (Arnold 1987:4), occurred during the Late Period (800 to 150 B.P., or approximately A.D. 1200 to 1850). Marine fishing and trading constituted the principal economic pursuits. Differentiation in social status developed to a point at which village chiefs inherited their rank and probably controlled trade and redistribution. Only certain high-ranking lineages built and operated

plank canoes. Trade and redistribution of goods from different environmental zones was facilitated by the use of shell bead "money," made almost exclusively on the Channel Islands where a specialized industry of producing microdrills (used to make shell beads) from local chert emerged (Arnold 1987: 247). Coastal Chumash villages featured circular houses made of willow poles and thatch, with a hearth located in the center of the floor. Each village also contained a sweathouse, sacred council area, dance floor, and cemetery (Rogers 1929).

During the Late Period, terrestrial animals were hunted with the bow and arrow (in addition to snares and traps), indicated by smaller projectile points weighing less than 3.5 grams (Fenenga 1953). Acorns continued as a valuable food source, processed with stone mortars and pestles. As a storable food, acorns played an important role in increasing sedentism and developing social complexity (see Johnson and Earle 1987). Fashioned by specialists, shell ornaments and beads were used to reinforce status differences as well as provide a standard of exchange.

When the mission period began in A.D. 1769, the Chumash occupied coastal areas from Malibu Canyon to Morro Bay and inland areas as far as the western edge of the southern San Joaquin Valley (Grant 1978a). The overall Chumash ethno-linguistic group included several dialectical subdivisions corresponding to territories around missions established by the Spanish, who assigned names to these groups. These subdivisions included the Ventureño near Mission San Buenaventura, the Barbareño near Mission Santa Barbara, the Ynezeño near Mission Santa Ynez, the Purismeño near Mission La Purísima, and the Obispeño near Mission San Luis Obispo. These missions were founded between 1772 and 1804. The Cuyama, Emigdiano, and Castac Chumash lived further inland where no missions were built. Similarly, the Island Chumash inhabited the mission-less northern Channel Islands.

Prehistoric marriage patterns and post mission settlement patterns have also identified Salinan people living in the northern portions of San Luis Obispo County (Gibson 1998), with some information that they may have also been in the Cayucos area.

The Chumash and Salinan way of life was forever altered with Spanish colonization. As the Spanish compelled many Chumash to live within the mission compounds, they were transformed from hunters and gatherers into agricultural laborers and exposed to European diseases to which they had no resistance. As a result of sickness and poor treatment, large numbers of Chumash perished under the Spanish regime. By the end of the Mission Period in 1834, the Chumash and Salinan population had been decimated by disease and low birth rates. The native population at Mission San Luis Obispo, for example, plummeted from 919 individuals in 1803 to just 170 by 1838 (Greenwood 1978: 521). Population loss as a result of disease and economic deprivation continued into the next century.

Nearby Completed Reports. Within ¼ mile of the subject property, one archaeological surface survey was prepared, which showed no resources being encountered.

Impact. The proposed development will result in the ground disturbance of approximately 37.2 acres on a moderate to very steeply sloping hill. The tributary at the edge of the proposed excavation footprint is intermittent with only seasonal water. With these two factors in mind, the potential for encountering archaeological resources is considered very low. During the County's field investigation no evidence of cultural materials was noted on the property. Impacts to historical or paleontological resources are not expected.

Mitigation/Conclusion. No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary above what is already required by the County's LUO.

6. GEOLOGY AND SOILS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?	☐	☒	☐	☐
b) Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone"?	☐	☐	☐	☒
c) Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?	☐	☒	☐	☐
d) Change rates of soil absorption, or amount or direction of surface runoff?	☐	☒	☐	☐
e) Include structures located on expansive soils?	☐	☐	☐	☒
f) Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?	☐	☒	☐	☐
g) Involve activities within the 100-year flood zone?	☐	☐	☒	☐
h*) Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?*	☐	☐	☒	☐
i) Preclude the future extraction of valuable mineral resources?	☐	☐	☐	☒
j) Other:_____	☐	☐	☐	☐

Setting

GEOLOGY - The following relates to the project's geologic aspects or conditions:

Topography: Gently sloping to very steeply sloping with blue line intermittent tributary along western edge of project limits

Within County's Geologic Study Area?: Yes

Landslide Risk Potential: Low to high

Liquefaction Potential: Low to moderate

Nearby potentially active faults?: No Distance? Not applicable

Area known to contain serpentine or ultramafic rock or soils?: Yes

Shrink/Swell potential of soil: Moderate to high

Other notable geologic features? None

The project is within the Geologic Study area designation, and is subject to the preparation of a geological report per the County's Land Use Ordinance [LUO section 22.14.070 (c), to evaluate the area's geological stability. [A geological report was conducted for the project (Preliminary Engineering Geology Investigation Negranti Material Mine (GeoSolutions, Inc.; 6/27/07)). This report has received a peer review by the County.

Landslide Hazards

Slope instability may result from natural processes, such as the erosion of the toe of a slope by a stream, or by ground shaking caused by an earthquake. Slopes can also be modified artificially by grading, or by the addition of water or structures to a slope. Development on a slope can substantially increase the frequency and extent of potential slope failures. Steep, unstable slopes in weak soil/bedrock units that have a record of previous slope failure typically characterize areas susceptible to landslides. There are numerous factors that effect the stability of a slope, including: slope height and steepness, material composition, material strength, structural geologic relationships, ground water level, and level of seismic shaking.

Landslides occur when a portion of a hillside becomes too weak to support its own weight. Some landslides move slowly and cause damage gradually, whereas others move so rapidly that they can destroy property and take lives suddenly and unexpectedly. Gravity is the force driving landslide movement. Factors that allow the force of gravity to overcome the resistance of earth material to landslide movement include: saturation by water, steepening of slopes caused by erosion or construction, freeze/thaw cycles, earthquake shaking, and volcanic eruptions.

Landslides are generally classified into slides, falls and flows. Slides move as large bodies by slipping along one or more failure surfaces. Falls of rock or soil originate on cliff faces or steep slopes. Flows are landslides that behave like fluids. Mudflows involve wet mud and debris, and earthflows involve wet, claylike material.

Areas that are generally prone to landslide hazards include: previous landslide locations, the bases of steep slopes, the bases of drainage channels, and developed hillsides where leach-field septic systems are used. Areas that are typically considered safe from landslides include areas that have not moved in the past; relatively flat-lying areas away from sudden changes in slope; and areas at the top or along ridges, set back from the tops of slopes.

The Geology Report prepared for the site evaluated a number of factors relating to potential landslide risks. The report identified areas of high stability as well as areas more susceptible to landslide failure (mélange units).

Liquefaction

Moderate groundshaking may occur at the aggregate mine during the life of the project. Local strong to severe groundshaking could result in failure of steep natural or artificial slopes. Consequently, damage to mining equipment and injury or death to workers is could potentially occur during an earthquake within the mine where steep slopes along actively mined faces are present. Although it is impossible to completely prevent the possibility of some free face failures at the mine during an earthquake, implementation of OSHA regulations related to mine safety, Title 8, Chapter 4 Division of Industrial Safety, Subchapter 17 Mine Safety Orders, which include regulation regarding ground control (Article 12) and safety of workers near the free face would minimize the potential that workers could be injured or killed by seismically induced ground failure.

DRAINAGE – The following relates to the project's drainage aspects:

Within the 100-year Flood Hazard designation? No

Closest creek? Unnamed tributary to Willow Creek Distance? On property

Soil drainage characteristics: Very poorly drained

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – Soil type, amount of disturbance and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the the project's soil erodibility is as follows:

Soil erodibility: Low to moderate

When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.090) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts.

Grading of one or more acres

Clean Water Act. The Clean Water Act has established a regulatory system for the management of storm water discharges from construction, industrial and municipal sources. The California State Water Resources Control Board (SWRCB) has adopted a National Pollutant Discharge Elimination System (NPDES) Storm Water General Permit that requires the implementation of a Storm Water Pollution Prevention Plan (SWPPP) for discharges regulated under the SWRCB program. Currently, construction sites of one acre and greater may need to prepare and implement a SWPPP which focuses on controlling storm water runoff. Municipal and industrial sources are also regulated under separate NPDES general permits. The Regional Water Quality Control Board and County are the local extensions of the SWRCB, who currently monitors these SWPPPs.

A Storm Water Pollution Prevention Plan (SWPPP) must include a site description, including a map that identifies sources of stormwater discharges on the site, anticipated drainage patterns after major grad¬ing, areas where major structural and nonstructural measures will be employed, surface waters, includ¬ing wetlands, and locations of discharge points to surface waters. The SWPPP also describes measures that will be employed, including at least protection of existing vegetation wherever possible, plus stabili¬zation of disturbed areas of site as quickly as practicable, but no more than 14 days after construction activity has ceased.

Division of Occupational Safety and Health (DOSH) (Cal/OSHA). The Division of Occupational Safety and Health, better known as Cal/OSHA, is the regulatory agency responsible for the enforcement of worker protection laws throughout the state of California. The laws related to mining safety are found in Title 8, Chapter 4 Division of Industrial Safety, Subchapter 17 Mine Safety Orders (Sections 6950 - 7283) of the California Codes of Regulations. Article 12 specifically addresses requirements for ground control, including the following requirements that are relevant to open pit mining:

Section 6984. (3-1). Face or Bank of Pit.

(a) All reasonable precautions shall be taken to free the face or bank of the pit from loose materials that may be dangerous to employees.

(b) Where practicable, the face of the pit shall be given a slope so as to minimize the danger of rock falling on employees.

(c) (3-3) Whenever the division considers that the height and condition of the face constitutes a serious hazard to employees, it may require the installation of a bench or other suitable method of working.

(d) When a bench or multiple-bench method of operation is required, a setback of at least one-half the height of the single face or bank for each section of the face or bank shall be required.

Section 6988. (3-8). Face Inspection and Control.

(a) A daily inspection shall be made of faces and banks where men are exposed to falling or rolling materials. The inspection shall be made by a competent person who shall dislodge or make safe any material dangerous to employees, or shall cause such material to be dislodged or made safe.

(b) (3-9) No person shall be permitted to work near a face made unsafe by primary blasting, rains, freezing or thawing weather, or earthquakes, until the face has been inspected and made safe.

(c) At least once a week, or oftener if necessary, a competent person shall inspect the top of the face or bank for cracks that may indicate the imminence of slides or movement of the face.

(d) (3-5) Overhanging banks in pits are forbidden, except in:

(1) Pits where material is moved away from the face by mechanical equipment having controls located at a safe distance so that no employee is required to approach the face in the course of normal operations.

(2) Hydraulic pits where the bank is undercut with a stream of water and the monitor is located at a safe distance from the bank.

(e) Where necessary, a watchman shall be employed at the face, to give warning when loose rock or other materials are about to fall.

The watchman shall be provided with a whistle, siren, or other device that will give adequate warning to employees in the pit.

The watchman shall have no other work to distract his attention from his duties as a watchman.

(f) Work shall not be permitted on or near any bank or face at night unless the bank or face above the working area is adequately illuminated to make any movement of rock or other material readily observable.

(g) Provision shall be made to keep employees away from dangerous areas that are not working places. Signs shall be posted warning employees to keep away, or such dangerous areas shall be barricaded or otherwise guarded.

Section 6989. (3-4). Protection of Workers at the Face.

(a) No work shall be permitted above or below men at the face if such work endangers their safety.

(b) Workers at the face shall be protected as follows:

(1) On top of the bank, by fencing with guard rails or ropes, by using railed platform, or by using safety belts and life lines. This does not apply where the bank is less than 20 feet high, or the slope below is less than 50 degrees from the horizontal, or where no work is performed within 10 feet of the edge.

(2) On the face, by removing loose rock from over the working place, and by the use of safety belts and life lines, portable staging, boatswain chair, or skips especially designed for use at pit faces. If a boatswain chair is used, the employee shall be attached thereto with a safety belt and life line.

When necessary for safety, two or more persons shall be employed in cooperation with each other in drilling, blasting or removing loose rock.

(3) At the foot of the bank by removing loose rock from above the working place, and maintaining a ready way of exit to a place of safety.

(4) By any other means affording safety equivalent to that provided by (1), (2), and (3) of this subsection.

(c) (3-6) Men shall approach from above loose rock and areas to be scaled and shall scale from a safe location.

(d) (3-12) Men shall not work between equipment and the pit wall or bank where the equipment may hinder escape from falls or slides of the bank.

(e) (3-4) Safe means for scaling pit banks shall be provided. Hazardous banks shall be scaled before other work is performed in the hazardous bank area.

Impact.

The overall excavation footprint is 37.2 acres. Extraction will occur in phases with the first phase starting on the east side and then working towards the west. Excavation of the mine would disturb the upper soil surface and expose the underlying weathered and unweathered serpentinite, metavolcanic and, greywacke bedrock. The exposed bedrock would not be susceptible to erosion. Stockpiles of stripped topsoil, spoil, and smaller aggregate may be susceptible to erosion. Loose, fine grained materials placed in stock piles such as top soil and spoil should be protected to prevent wind and rain erosion. The conceptual mine layout includes provisions to direct drainage to stormwater basins to col¬lect runoff and sediment. The top soil stripped from the mine area would be stockpiled and reserved for mine reclamation. (Class II).

Steep slope faces are likely to be created during the mining process, resulting in a potential for damage to mining equipment and injury or death to workers if the steep slopes along actively mined faces are unstable and fail. However, implementation of OSHA regulations related to mine safety, Title 8, Chapter 4 Division of Industrial Safety, Subchapter 17 Mine Safety Orders, which include regulation regarding ground control (Article 12) and safety of workers near the free face would minimize the potential that workers could be injured or killed by ground failures such as rock fall or landslides.

Project grading will create exposed graded areas subject to increased soil erosion and down-gradient sedimentation. The primary erosive areas will likely be the material stockpile areas. Adherence to the County's LUO for sedimentation and erosion control [Sec. 22.52.090] will adequately address these impacts. Also, since ground disturbance involves more than one acre, the project will be subject to the NPDES program, which includes additional measures to reduce sedimentation and erosion.

While the area proposed for development is outside of the 100-year Flood Hazard designation, due to the size and amount of material and proximity to a tributary leading to a creek with known sensitive wildlife species, a drainage plan (to be designed per County LUO Sec. 22.52.080) will be required, which will adequately address potential drainage issues to a less than significant level.

The project is considered near or within geologic formations that can generate naturally-occurring asbestos. A geologic report was conducted where five samples were taken for NOA testing. One sample came back with positive results for NOA. Therefore, the project will be subject to the preparation of an Asbestos Dust Mitigation Plan, to be approved by APCD.

Mitigation/Conclusion. The Geology Report prepared for the site evaluated a number of factors relating to potential landslide risks. The report identified areas of high stability as well as areas more susceptible to landslide failure (mélange units). Incorporation of measures suggested to address landslide issues, along with existing regulations, will reduce this impact to less than significant.

In addition to standard regulations cited above the following summarizes measures to reduce erosion impacts to less than significant levels. A 'Placement of stockpiles' mitigation measure should be required to ensure that the placement of fill or short-term stockpiling would be in an appropriate location as to minimize environmental impacts. Another measure should include provisions to protect water and

biological resources regarding the location of short-term stockpiling or long-term placement of fill. In addition, inclusion of a measure to protect the soil from erosion and ensure that the top soil would be reserved for mine reclamation is recommended. With the incorporation of these measures impacts would be less than signif¬i¬cant.

Placement of Stockpiles Mitigation

Prior to issuance of construction permits and thereafter for the life of the mine, to minimize environmental impacts, short-term stockpiling or long-term placement of fill shall comply with the following measures wherever possible or applicable :

a. Be located outside of any drainage ways;

b. Be located outside of any sensitive native vegetation areas (e.g., wetlands, oak wood¬lands, maritime chaparral, etc.). Acceptable areas for material placement may include: previously County-approved areas where development has received land use permits, areas previously surveyed and cleared by a qualified botanist/biologist;

c. Be located outside of any habitat containing rare or endangered plant or wildlife species;

d. Be located as far as practical from any blue line stream (as shown on USGS maps) or streams supporting riparian habitat, and no closer than 100 feet, if located on slopes less than 10 percent. If located on steeper slopes (10 percent to 20 percent), setback distance shall be increased to 500 feet. No material shall be placed on slopes greater than 20 percent.

e. Be located outside any area that could potentially contain cultural resources (historic or pre-historic).

f. Be located outside of any area identified by the County as visually or biologically sensi¬tive (e.g., County's "Sensitive Resource Areas" designation).

g. Be located outside of the 100-year floodplain.

h. If fill is to be left permanently, soil shall be compacted to comply with the fill stand¬ards of the County Grading Ordinance and/or Uniform Building Code.

i. Fill slopes shall not exceed a ratio of 3 feet horizontal to 1 foot vertical.

j. Have a sediment and erosion control plan (ECP) prepared prior to work beginning, and BMP's identified in the ECP onsite prior to commencing work. Temporary measures, such as covering the area or containing the area (e.g., use of straw bales and silt fencing around stockpile), shall be applied before the rainy season begins (October 15) and be maintained to remain in good working order during the entire rainy season (until April 15). Dust control measures shall be applied at all times.

k. Adequate measures shall be applied to all disturbed portions of the project site (including stockpiles) to con¬trol dust, such as daily watering or hydromulching until vegetation cover is well established.

l. Any fill or stockpiling that is to be left more than 30 days shall be hydroseeded imme¬di¬ately upon completion of the fill or stockpiling work.

m. All fill material must be "clean" and free of any potentially hazardous materials or hazardous waste.

Protect mine stockpiles of topsoil from wind erosion.

The final mine reclamation plan, which shall be approved prior to issuance of construction permits, shall include provisions to protect the topsoil stockpiles from erosion, initially and long-term. The plan shall include provisions to periodically maintain the protective features (visqueen, vegetation, soil stabilizers) to be kept in good working order. Compliance with this measure shall be docu¬mented to Department of Planning and Building in the final, approved mine reclamation plan and submitted for review prior to

issuance of construction permit. Compliance during operation of the mine shall be submitted to the Department of Planning and Building as part of the annual SMARA mine inspection program.

There is no evidence that if the generally cited measures above (e.g., existing regulations, recommendations within the amended geological report and/or stated above) are implemented, impacts related to soil and geology can be mitigated to a less than significant level.

7. HAZARDS & HAZARDOUS MATERIALS - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	☐	☒	☐	☐
b) Interfere with an emergency response or evacuation plan?	☐	☐	☒	☐
c) Expose people to safety risk associated with airport flight pattern?	☐	☐	☒	☐
d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?	☐	☒	☐	☐
e) Create any other health hazard or potential hazard?	☐	☐	☒	☐
f) Other: _____	☐	☐	☐	☐

Setting. The following summarizes regulations that will apply to the project as they relate to either hazards or hazardous materials.

Fire Management Plan. The 2005 Fire Management Plan is a planning document of the California Department of Forestry and Fire Protection/San Luis Obispo County Fire Department that aims to increase the safety to residents and firefighters during wildland fires and to reduce the costs and losses associated with wildland fires. The document includes a risk assessment and an action plan for education, inspection, and fuel treatment.

Hazardous Materials Release Response Plans and Inventory Act of 1985. The Hazardous Materials Release Response Plans and Inventory Act, also known as the Business Plan Act, requires businesses using hazardous materials to prepare a plan that describes their facilities, inventories, emergency response plans, and training programs. Hazardous materials are defined as unsafe raw or unused materials that are part of a process or manufacturing step. They are not considered hazardous waste. Health concerns pertaining to the release of hazardous materials, however, are similar to those relating to hazardous waste.

Hazardous Waste Control Act. The Hazardous Waste Control Act created the State hazardous waste management program, which is similar to but more stringent than the federal Resource Conservation and Recovery Act program. The act is implemented by regulations contained in Title 26 of the CCR, which describes the following required aspects for the proper management of hazardous waste: identification and classification; generation and transportation; design and permitting of recycling, treatment, storage,

and disposal facilities; treatment standards; operation of facilities and staff training; and closure of facilities and liability requirements. These regulations list more than 800 materials that may be hazardous and establish criteria for identifying, packaging, and disposing of such waste. Under the Hazardous Waste Control Act and Title 26, the generator of hazardous waste must complete a manifest that accompanies the waste from generator to transporter to the ultimate disposal location. Copies of the manifest must be filed with the California Department of Toxic Substances and Control.

Surface Mining and Reclamation Act and Associated Regulations. The Surface Mining and Reclamation Act of 1975 (SMARA) requires that a reclamation plan and financial assurances be submitted for all new mines to ensure safe and proper closure at the completion of mining activities.

Unified Hazardous Waste and Hazardous Materials Management Regulatory Program. The Unified Haz¬ard¬ous Waste and Hazardous Materials Management Regulatory Program (Unified Program) required the administrative consolidation of six hazardous materials and waste programs (Program Elements) under one agency, a Certified Unified Program Agency (CUPA). The Program Elements consolidated under the Unified Program are: Hazardous Waste Generator and On-site Hazardous Waste Treatment Programs (a.k.a. Tiered Permitting); Aboveground Petroleum Storage Tank Spill Prevention Control and Counter¬measure Plan (SPCC); Hazardous Materials Release Response Plans and Inventory Program (a.k.a. Haz¬ard¬ous Materials Disclosure or "Community-Right-To-Know"); California Accidental Release Prevention Program (Cal ARP); UST Program; and Uniform Fire Code Plans and Inventory Requirements. The Unified Pro¬gram is intended to provide relief to businesses complying with the overlapping and sometimes con¬flict¬ing requirements of formerly independently managed programs. The Unified Program is imple¬mented at the local government level by CUPAs. Most CUPAs have been established as a function of a local environmental health or fire department. Some CUPAs have contractual agreements with another local agency, a participating agency, which implements one or more Program Elements in coordination with the CUPA. The County Environmental Health Services Division is the CUPA for San Luis Obispo County.

Department of Toxic Substance Control (DTSC). DTSC is a department of the California Environmental Protection Agency (CalEPA) and is the primary agency in California that regulates hazardous waste, cleans up existing contamination, and looks for ways to reduce the hazardous waste produced in Cali¬fornia. DTSC regulates hazardous waste in California primarily under the authority of the federal RCRA and the California Health and Safety Code (primarily Division 20, Chapters 6.5 through 10.6, and Title 22, Division 4.5). Other laws that affect hazardous waste are specific to handling, storage, transportation, dis¬posal, treatment, reduction, cleanup, and emergency planning. Government Code §65962.5 (com¬monly referred to as the Cortese List) includes DTSC-listed hazardous waste facilities and sites, DHS lists of contaminated drinking water wells, sites listed by the SWRCB as having UST leaks and which have had a discharge of hazardous wastes or materials into the water or groundwater, and lists from local regula¬tory agencies of sites that have had a known migration of hazardous waste/material.

California Occupational Safety and Health Administration. The California Occupational Safety and Health Administration (Cal/OSHA) is the primary agency responsible for worker safety in the handling and use of chemicals in the workplace. Cal/OSHA standards are generally more stringent than federal regulations. The employer is required to monitor worker exposure to listed hazardous substances and notify workers of exposure (8 CCR Sections 337 340). The regulations specify requirements for employee training, availability of safety equipment, accident-prevention programs, and hazardous substance exposure warnings.

The Federal Surface Mining Control and Reclamation Act of 1977 (administered by the Office of Surface Mining Reclamation and Enforcement) requires that blasting be limited based on the site conditions so as to prevent: injury to persons, damage to public or private property outside the permit area, adverse impacts on any underground mine, and change in the course, channel, or availability of surface or ground water outside the permit area. Special provisions are included for mining activities. Also, the Federal Occupational Health and Safety Act includes Blasting Safety Regulations (Section 82)

Project Elements. With regards to potential fire hazards, the subject project is within the Moderate Fire Hazard Severity Zone. Based on the County's fire response time map, it will take 20 or more minutes to respond to a call regarding fire or life safety. Refer to the Public Services section for further discussion on Fire Safety impacts. The project is not located in an area of known hazardous material contamination. The project is not within the Airport Review area, nor within a dam inundation area.

Impact. Blasting has historically occurred up to 24 times a year to extract 8,000 cubic yards. The project proposes removal of up to 150,000 cubic yards. Blasting could occur much more often or with larger blasting events to achieve the proposed extraction level. OSHA includes detailed safety requirements for each blasting event to insure worker safety. Current blasting techniques do not use large quantities of explosives, and cannot be heard ¼ mile away.

Hazardous chemicals such as mineral and lubricating oils, cleaning detergents, welding gasses, and other various chemicals would be used and stored in relatively small amounts. The nearest residence is approximately 0.5 miles from the surface mine site. The proposed aggregate mine would be required to comply with OSHA and CalOSHA requirements for personnel safety. In addition, the mine would be required to comply with SMARA, which would ensure safe and proper closure at the completion of mining activities.

Exposure of mine personnel to asbestos during mining activities would be considered a significant impact should it occur. To address the health concerns associated with exposure to asbestos from mining, the California Air Resources Board (CARB) has adopted regulations related to mining activities. Mining activities would be required to comply with the airborne toxic control measure adopted by CARB, which requires specific dust control measures to be taken if a geologic investigation reveals the presence of asbestos-containing serpentine or ultramafic rock. As the geological report identified NOA presence, the report includes dust control measures during operation. With implementation of this mitigation measure, along with the above-cited requirements by the APCD, impacts related to naturally occurring asbestos would be less than significant.

The storage of fuel and other hazardous chemicals will need to be reviewed by CAL FIRE and the Environmental Health Division. As applicable, these agencies will recommend specific measures for safe storage of these materials, as well as recommended specific fire safety measures including sprinklers and on-site suppression equipment appropriate for the specific chemicals (e.g. foam). These measures will reduce the safety impacts to a level of insignificance.

The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

Mitigation/Conclusion. Based on implementation of existing regulations, no significant impacts as a result of hazards or hazardous materials are anticipated, and no additional mitigation measures are necessary.

8. NOISE - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Expose people to noise levels that exceed the County Noise Element thresholds?	☒	☐	☐	☐
b) Generate increases in the ambient noise levels for adjoining areas?	☐	☒	☐	☐
c) Expose people to severe noise or vibration?	☐	☒	☐	☐
d) Other: _____	☐	☐	☐	☐

Setting. The project is at least ½ mile from the nearest residence (two were identified at this distance). The project is on one side of a steeply sloping valley. Varied terrain will typically reduce line-of-sight noise impacts. The existing surface mine's (8,000 cy annual limit of material) historical blasting (up to 24 times a year) is not usually audible beyond ¼ mile from blasting source.

General Information on Noise. Noise is generally defined as unwanted or objectionable sound. Decibels and other technical terms are defined in Table 1. Noise levels are measured on a logarithmic scale because of physical characteristics of sound transmission and reception. Noise energy is typically reported in units of decibels (dB). Noise levels diminish (or attenuate) as distance to the source increases according to the inverse square rule, but the rate constant varies with type of sound source. Sound attenuation from point sources, such as industrial facilities, is about 6 dB per doubling of distance. Heavily traveled roads with few gaps in traffic behave as continuous line sources and attenuate at 3 dB per doubling of distance. Noise from more lightly traveled roads is attenuated at 4.5 dB per doubling of distance.

Types of decibels

A-weighted decibel (dBA). Community noise levels are measured in terms of the A-weighted decibel (dBA). A-weighting is a frequency correction that correlates overall sound pressure levels with the frequency response of the human ear.

Equivalent noise level decibel (dB Leq). Equivalent noise level (Leq) is the average noise level on an energy basis for a specific time period. The duration of noise and the time of day at which it occurs are important factors in determining the impact on communities. Figure 1 provides a graphical representation of sound energy and potential adverse effects of common sounds.

Community Noise Equivalent (CNEL) and Day Night Average Level (DNL or Ldn) decibels. Noise is more disturbing at night and noise indices have been developed to account for the time of day and duration of noise generation. The Community Noise Equivalent (CNEL) and Day Night Average Level (DNL or Ldn) are such indices. These indices are time-weighted average values equal to the amount of acoustic energy equivalent to a time-varying sound over a 24-hour period. The CNEL index penalizes night-time noise (10 p.m. to 7 a.m.) by adding 5 dB to account for increased sensitivity of the community after dark. The Ldn index penalizes night-time noise the same as the CNEL index, but does not penalize evening noise.

Effects of Noise. People are subject to a multitude of sounds in the environment. Typical noise levels of indoor/outdoor environments and public response to these sounds are shown in Figure 1. Excessive noise cannot only be undesirable but may also cause physical and/or psychological damage. The amount of annoyance or damage caused by noise is dependent primarily upon three factors:

- ✓ the amount and nature of the noise,
- ✓ the amount of ambient noise present before the intruding noise, and
- ✓ the activity of the person working or living in the noise source area.

The difficulty in relating noise exposure to public health and welfare is one of the major obstacles in determining appropriate maximum noise levels. Although there has been some dispute in the scientific community regarding the detrimental effects of noise, a number of general conclusions have been reached:

- Noise of sufficient intensity can cause irreversible hearing damage;
- Noise can produce physiological changes in humans and animals;
- Noise can interfere with speech and other communication; and,

- Noise can be a major source of annoyance by disturbing sleep, rest, and relaxation.

Stationary Noise Sources

The primary sources of stationary noise within the County include many industrial, commercial and agricultural processes. Federal and State employee health and safety regulations (OSHA and Cal-OSHA) control noise production within an industrial or commercial facility or in close proximity to many types of agricultural equipment. However, exterior noise emissions from such operations have the potential to exceed locally acceptable standards at nearby noise-sensitive land uses.

Stationary noise control issues focus upon two objectives: to prevent the introduction of new noise-producing uses in a noise sensitive area, and to prevent encroachment of noise-sensitive land uses upon existing noise-generating facilities. The County attempts to achieve these objectives by applying performance standards and by requiring that new noise-sensitive uses in proximity to existing noise sources include receiver-based mitigation measures.
Examples of major stationary noise sources identified within the County include:

- Union Asphalt Batch Plant, Ramada Drive-Templeton
- Navajo Concrete Batch Plant, Ramada Drive-Templeton
- Dirtman Sand and Gravel Plant, Templeton Road-Templeton
- Southern Pacific Milling Company Sand and Gravel Plant, Santa Margarita
- Southern Pacific Milling Company Concrete Plant, Suburban Road-San Luis Obispo
- Duke Energy, Morro Bay
- The Cannery, Morro Bay

County LUO Section 22.10.170 addresses stationary vibration noise where any land use conducted in or within one-half mile of an urban or village reserve line shall be operated to not produce detrimental earth-borne vibrations perceptible at the points of determination identified in the following table:

Land Use Category in Which Vibration Source is Located	Point of Determination
Residential, Office & Professional, Recreation, Commercial	At or beyond any lot line of the lot containing the use.
Industrial	At or beyond the boundary of the Industrial category

Table N-1. Definitions of Acoustical Terms

Term	Definitions
Decibel, DB	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the sample sound pressure to the standard sound pressure, which is 20 micropascals (20 micronewtons per square meter)
Frequency, Hz	The number of complete pressure fluctuations per second above and below atmospheric pressure
A-Weighted Sound Level, dB	The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear, and correlates well with subjective reactions to noise. All sound levels in this reports are A-weighted
Equivalent Noise Level, L_{eq}	The average A-weighted noise level during the measurement period
Community Noise Equivalent Level, CNEL	The average A-weighted noise level during a 24-hour day, obtained after addition of 5 decibels in the evening from 7:00 P.M. to 10:00 P.M. and after addition of 10 decibels to sound levels in the night between 10:00 P.M. and

	7:00 A.M.
Day/Night Noise Level, L_{dn}	The average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 P.M. and 7:00 A.M.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency, time of occurrence, tonal or information content, as well as the prevailing ambient noise level

The following are summaries of applicable regulations.

Federal

Under the Occupational Safety and Health Act of 1970 (OSHA) (29 U.S.C. §651 et seq.), the United States Department of Labor, Occupational Safety and Health Administration (OSHA) adopted regulations (29 CFR §1910.95) designed to protect workers against the effects of occupational noise exposure. These regulations list limits on noise exposure levels as a function of the amount of time during which the worker is exposed, as shown in Table C.11-2. The regulations further specify requirements for a hearing conservation program (§1910.95(c)), a monitoring program (§1910.95(d)), an audiometric testing (i.e., test of hearing ability) program (§1910.95(g)), and hearing protection (§1910.95(i)). There are no federal laws governing community noise.

Table N -2 OSHA Permissible Noise Exposure Standards

Duration of Noise (hours/day)	A-Weighted Noise Level (dBA)
8	90
6	92
4	95
3	97
2	100
1.5	102
1	105
0.5	110
0.25 or less	115

State

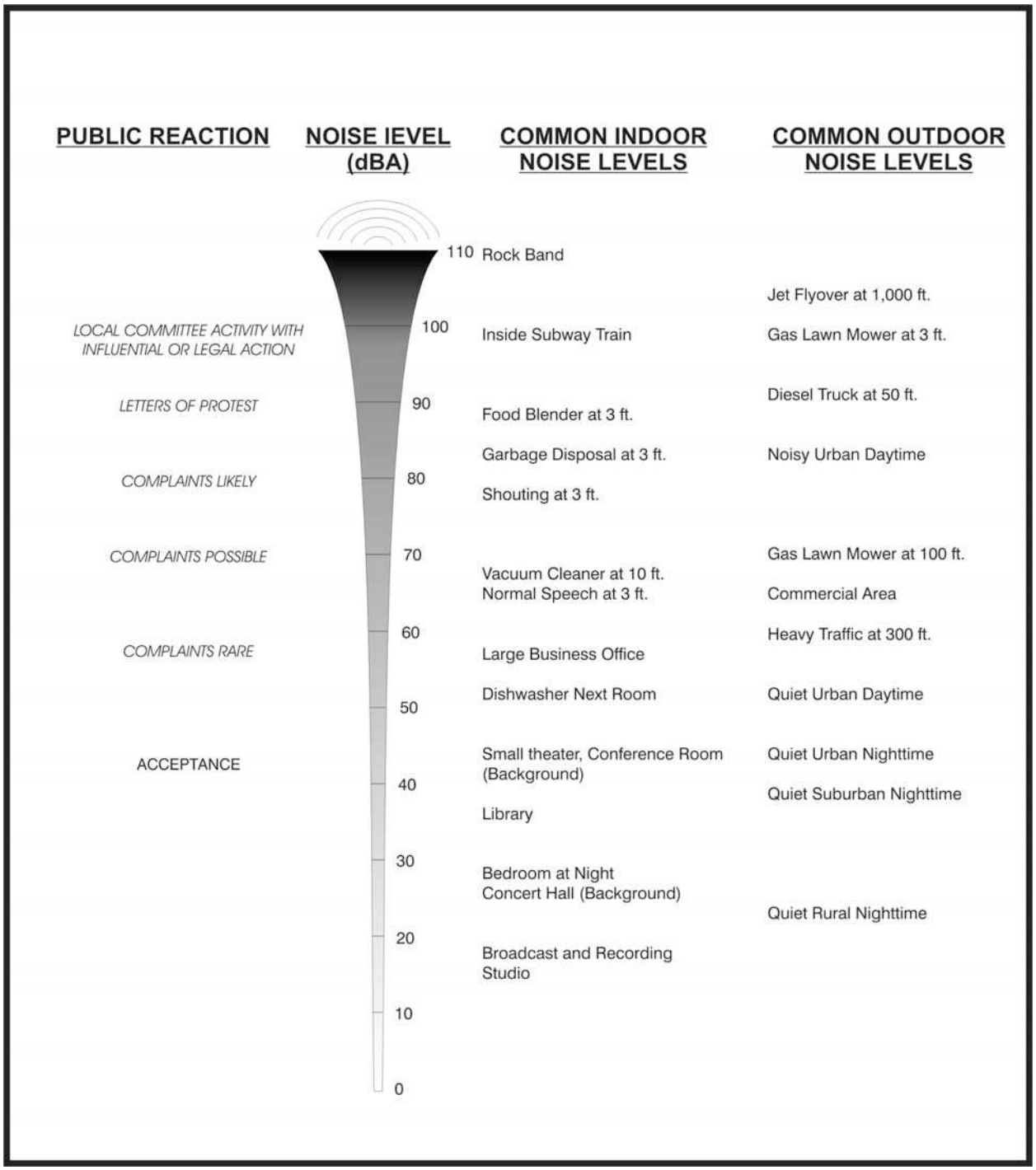
California Government Code §65302 encourages each local government entity to implement a noise element as part of its general plan. In addition, the California Governor's Office of Planning and Research has developed guidelines for preparing noise elements, which include recommendations for evaluating the compatibility of various land uses as a function of community noise exposure.

Local – San Luis Obispo County

The Proposed Project would be located within an unincorporated area of San Luis Obispo County. Therefore, the Noise Element of the San Luis Obispo County General Plan (County, 1992) and the Noise Ordinance of the San Luis Obispo County Land Use Ordinance (County, 2008) apply to this project.

County Noise Element. The Noise Element of the County of San Luis Obispo General Plan (1992) provides policy framework within which potential future noise impacts are minimized. Policy 3.3.3 limits noise created by new transportation noise sources, such as traffic on public roadways, within outdoor activity areas and interior spaces of existing noise-sensitive land uses. The limit for residential land uses near transportation noise sources is 60 dB Ldn or CNEL at the property line of the receiving land use.

Figure N-1. Magnitude of Common Sounds



Policy 3.3.5 (b) limits noise from new proposed stationary noise sources to below the noise level standards shown in Table N-3 at the property line of existing noise-sensitive land uses.

Table N-3. Maximum Allowable Noise Exposure – Stationary Noise Sources[1]

	Daytime (7am–10pm)	Nighttime (10pm–7am)[2]
Hourly Leq, dB	50	45
Maximum level, dB	70	65
Maximum level, dB – Impulsive Noise	65	60

Policy 3.3.5 (c) states that noise levels from new proposed stationary noise sources shall be reduced to or below the noise level standards in Table N-3 when the stationary noise source will expose vacant land in the Agricultural, Rural Lands, Residential Rural, Residential Suburban, Residential Single-Family, Residential Multi-Family, Recreation, Office and Profession, and Commercial Retail land use categories. However, because the vacant lands immediately surrounding the Proposed Project are not likely to be developed with noise sensitive land uses within the foreseeable future, the Director of Planning and Building may waive this policy.

County of San Luis Obispo Land Use Ordinance, Title 22 of the County Code. The noise standards specified in Section 22.10.120(B)(1) of the San Luis Obispo County Code – Title 22, Land Use Ordinance limit exterior noise levels affecting noise-sensitive land uses to the same limits specified above in Table C.11-6 (County, 2008). Section 22.10.120(A) of this ordinance, however, exempts noise sources associated with construction, provided such activities do not take place before 7:00 a.m. or after 9:00 p.m. on any day except Saturday or Sunday, or before 8:00 a.m. or after 5:00 p.m. on Saturday or Sunday. In addition, traffic on public roadways, railroad line operations, aircraft in flight, and any other activity to the extent regulation thereof has been preempted by State or federal law is also exempt.

The San Luis Obispo County Code – Title 22, Land Use Ordinance also provides vibration standards. Per Section 22.10.170(A), any land use conducted in or within one-half mile of an urban or village reserve line shall be operated to not produce detrimental earth-borne vibrations perceptible at or beyond the boundary of the industrial land use producing the vibration source. Exceptions to this standard include vibrations from construction, the demolition of structures, surface mining activities or geologic exploration between 7:00 a.m. and 9:00 p.m. and vibrations from moving sources such as trucks and railroads.

Impact

Given that this request is intended primarily to extend the life of the existing mine, no new construction activities to establish the use are currently being proposed.

The proposed 37.2-acre surface mine expansion would be developed on a 225-acre parcel adjacent to Old Creek Road. The nearest residence would be located approximately 0.5 miles away. The proposed mine would operate from Monday through Saturday from 7:00 a.m. to 7:00 p.m. or dusk, whichever is earlier. Equipment used for surface mine operations would include primarily the following pieces of equipment: bulldozer, excavator, scraper, front-end loader, dump trucks, and water truck.

Operational Mining Noise at Nearest Residence. Heavy equipment and truck traffic at the aggregate mine would generate mechanical and industrial sounds and would result in a continuation of and possible increase in ambient noise levels in the immediate vicinity. However, the closest residence is located approximately 0.5 miles from the proposed mine. Operation of the aggregate mine during production would result in estimated noise levels of about 50 dBA Leq at the nearest receptor. This noise levels would be within the range of ambient noise levels experienced in the project area and may be below the County's maximum allowable noise levels for stationary noise sources of 50 dBA Leq (hourly) during daytime and 45 dBA Leq (hourly) during nighttime hours at the property line of the receiving land use. The Noise Element speaks to meeting the above thresholds at the property boundaries. Additional analysis is needed to evaluate the amount of equipment operating at a given time in relation to the noise levels at the property boundaries. Also, it is common for surface mines to accept jobs that require

material after 10 pm and before 7 am, which is consider a more sensitive time with a lower acceptable threshold. The analysis should evaluate for this potential situation.

Noise from Mine Truck Traffic Along Haul Routes. Based on the increased annual output of material, there would be an estimated 60 daily roundtrip truck trips if 8-yard dump trucks are used.

The maximum noise levels from trucks and equipment traveling to and from the proposed mine would range between 75 and 76 dBA Lmax at 50 feet from each pass-by (assuming pickup trucks and dump trucks). The estimated maximum noise levels associated with traffic from long-term mine operations would be approximately 54 dBA Leq or approximately 51 dBA CNEL. This would be below the County's maximum allowable noise levels from transportation noise sources of 60 dBA Ldn/CNEL. Therefore, noise impacts from haul trucks are not expected to be significant.

Should the hours of operation be extended to before 7 am, acceptable transportation noise levels are reduced to 45 dB, which would result in the above estimates to exceed the threshold.

Table N-4. Noise Levels and Usage Factors for Construction Equipment

Equipment	Acoustical Usage Factor (%)	Measured Lmax (at 50 feet)
Backhoe	40	78
Dozer	40	82
Dump Truck	40	76
Excavator	40	81
Flat Bed Truck	40	74
Front End Loader	40	79
Generator	50	81
Grader	40	83
Pickup Truck	40	75
Pneumatic Tools	50	85
Pumps	50	81
Rock Drill	20	81
Roller	20	80
Scraper	40	84
Warning Horn	5	83
Welder/Torch	40	74

Mitigation/Action Required. Due to the potential for additional noise impacts due to the 19-fold increase of material extraction above what is currently allowed, and the possibility that County thresholds may not be achievable, the following items are needed:

1. Conduct a noise analysis that provides a more detailed assessment of potential sensitive noise receptors, as specified in the County's Noise Element (e.g., residences, churches, schools, etc.), and noise generated from on-site sources and haul truck off of the property.
2. Verify and refine the haul truck mix and blasting techniques and schedules, based on the proposed increase in proposed output. Take measurements to better assess the existing background noise levels at appropriate locations on the subject development.
3. As applicable, identification and discussion of significant noise impacts resulting from development in close proximity to identified noise sources, using thresholds based on the adopted noise element and noise ordinance of the County General Plan.
4. As applicable, recommendation and discussion of adequate and feasible mitigation measures, if any, to minimize potential noise impacts.

9. POPULATION/HOUSING -

Will the project:	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	☐	☐	☒	☐

9. POPULATION/HOUSING - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	☐	☐	☒	☐
c) Create the need for substantial new housing in the area?	☐	☐	☒	☐
d) Use substantial amount of fuel or energy?	☒	☐	☐	☐
e) Other: _____	☐	☐	☐	☐

Setting. In its efforts to provide for affordable housing, the County currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county.

The County has recently adopted a revised Housing Element, which now includes adoption of an Inclusionary Housing Ordinance. This ordinance includes payment of a fee to support development of new affordable housing is required.

Impact. The project is not likely to result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Action Required. Given that the potential for significant impacts from increased population is not considered potentially significant, no additional analysis is necessary for this topic. With regards to energy use, additional analysis is needed as follows:

1. Review of CEQA Appendix F to help determine the project's energy consumption and what project measures are proposed relating to energy conservation, such as energy efficient buildings, the use of alternative modes of travel, and the incorporation of strong recycling efforts, as a few examples;

2. Review and discussion of existing regulation (e.g., Uniform Building Code, Title 21, County Conservation and Open Space Element, etc.) intended to reduce energy demands and to what extent these elements have been applied to the project;

3. Compare the project's energy consumption to the ability of the energy provider to be able to deliver that power;

4. Identification and discussion of feasible mitigation measures, if any, which could be included in the project to reduce energy consumption and promote energy conservation to the extent feasible.

10. PUBLIC SERVICES/UTILITIES - *Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	☐	☒	☐	☐
b) Police protection (e.g., Sheriff, CHP)?	☐	☒	☐	☐

10. PUBLIC SERVICES/UTILITIES - ***Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
c) Schools?	☐	☐	☒	☐
d) Roads?	☐	☐	☒	☐
e) Solid Wastes?	☐	☒	☐	☐
f) Other public facilities?	☐	☐	☒	☐
g) Other: _____	☐	☐	☐	☐

Setting. The project area is served by the following public services/facilities:

Police: County Sheriff Location: Los Osos (Approximately 11.4 miles to the south)

Fire: Cal Fire (formerly CDF) Hazard Severity: Moderate Response Time: More than 20 minutes

Location: San Luis Obispo Headquarters, approximately 17 miles to the southeast,

School District: Cayucos Elementary School District. and San Luis Coastal Unified School District

Existing Regulations

The County-adopted Public Facilities Fee Ordinance (Title 18) provides for the collection of a fair-share fee from new development to help mitigate for cumulative impacts on public facilities. This fee currently being collected helps fund capital improvement projects in the following areas: libraries, fire, general government, parks and recreation, and sheriff's patrol.

Fire Protection

The California Department of Forestry and Fire Protection/San Luis Obispo County Fire Department (CAL FIRE), provides fire protection, emergency medical, and rescue services to the proposed project.

Based on the County's fire severity map the project is within the Moderate risk area, which identifies the susceptibility to wildland and brush fires. Fire hazard severity is determined by a number of factors including but not limited to: remoteness of the area, denseness of vegetation, the areas circulation network, proximity to fire fighting facilities, habitat type, and the degree of urbanization. These factors among others contribute to an area's overall response time. CAL FIRE's Response Time map shows it would take approximately 20 minutes to reach the project once a call is received from the closest CAL FIRE station. The CAL FIRE station used to establish the response time is approximately 17 miles to the southeast. There is a closer but smaller facility at the south end of Cayucos.

Appropriate response times for fire protection services vary with the degree of urbanization. Appropriate response times for urban areas are up to six minutes, for suburban areas up to seven minutes, and rural areas up to twelve minutes. Response times exceeding 15 minutes for structure fires provide little possibility of saving the structure, and 60 minutes or more could mean fires approaching disaster levels in steep, chaparral covered, remote areas such as the Santa Lucia Range. For structure fires, CAL FIRE has mutual aid agreements with all fire protection agencies in the County. An air tanker squadron at Paso Robles Airport is available if needed (CAL FIRE 2003).

Urban fires are primarily those associated with structures and the activities in and around them. Most urban fires in the County are caused by human activity. Over the years, County development standards have become more stringent to reduce the frequency and severity of such events. Building codes now require firewalls for adjacent structures. Local ordinances often prohibit the use of fire-prone materials, such as shake-shingle roofs. Electrical standards have also changed to reduce fire risk inside structures. Smoke detectors are now commonly required.

Police Protection and Emergency Services

The County Sheriff's Department provides police and patrol services in the unincorporated areas of the County. The County is divided into three areas; North, Coast, and South. The Sheriff's Department is headquartered from the operational facility at Camp San Luis Obispo. Each area has its own substation, which is supervised by a sergeant and staffed with approximately 23 deputies and two legal clerks. According to the Sheriff's Office, the ratio of deputies to population has not kept pace with population growth for many years. The current ratio is one deputy for every 1,140 people. Based on information provided by the Sheriff's Office, an adequate level of service is approximately one deputy for every 750 people. The Sheriff is typically contacted prior to any blasting and is involved with enforcing proper storage of explosives.

The Coast Station is located at 2099 10th Street in Los Osos, serving an area of 900 square miles. The Coast Station personnel provide service to San Simeon/Hearst Castle area, Cambria, Harmony, Cayucos, Los Osos/Baywood Park, rural San Luis Obispo, and Avila Beach/Port San Luis. Planning areas served by the Coast Station include: Nacimiento, Adelaida, North Coast, Estero, San Luis Bay Inland, San Luis Obispo, Los Padres, and Las Pilitas. Current average response times generally range from 5 to 30 minutes with longer response times to the more rural outlying areas of the service jurisdiction.

The California Highway Patrol (CHP) services San Luis Obispo County's highways, with stations located in San Luis Obispo and Templeton. They are available to respond in emergency situations, but generally do not respond to residential calls.

Emergency services generally include ambulance and hospital service. Private companies based throughout the County provide ambulance service. Response times are generally good with the exception of the more rural portions of the County where the large area being served and the distances involved lend to poorer levels of service. Hospital services are provided by Twin Cities Hospital in Templeton, Arroyo Grande Community Hospital in the City of Arroyo Grande, and by French and Sierra-Vista in the City of San Luis Obispo. In addition, the western portion of the Adelaida area and the North Coast Planning Area are included in the Cambria Community Hospital District, which operates a clinic and provides ambulance service.

Solid Waste Collection

County LUO Section 22.10.150 determines when new land uses must include provision of identified trash collection, pickup and recycling areas, and sets design standards for such areas.

Trash collection and disposal in the County is likely accomplished by usually one of the following methods: private haulers, individual direct haul to landfills. The County currently has three permitted public landfill facilities that accept a variety of municipal solid waste: Cold Canyon, Chicago Grade and Paso Robles. There is one private landfill operated by the California National Guard at Camp Roberts. Cold Canyon Landfill is located approximately 6 miles south of the City of San Luis Obispo on Highway 227. Chicago Grade Landfill is located 4 miles northeast of Atascadero off of Highway 41. The Paso Robles Landfill is located 8.5 miles east of Paso Robles off of Highway 46 East. These landfills are under the jurisdiction of, and permitted by, the California Integrated Waste Management Board. These facilities not only accept waste for disposal, but also provide recycling opportunities for the users.

Successful Countywide refuse disposal operations include private dumping on individual property, direct refuse haul by residents, and franchised hauling operations by private garbage companies to disposal sites. The Cayucos area is served by Mission Country Disposal and Private Recycling Companies.

Schools

The Cayucos Elementary School District, which serves this area, is currently at 77.9% of capacity. Planned improvements and an increase in capacity were completed in September, 2009.

Impacts

Based on the proposed project, there will be public service impacts in the following areas.

Fire/Life Safety

The project proposes to extend a surface mining operation into a rural area in a moderate fire severity with a fire station response time of 20 minutes. The project will need to comply with the fuel modifications measures as set forth in the Uniform Fire Code, which may require all flammable vegetation be removed within 30 feet of active excavation area, and that additional modification or removal of vegetation between 30 feet and 100 feet from the active excavation area may be needed to provide for a defensible space from wildland fires. Please refer to the Biological Resource section as this vegetation removal requirement may relate to impacts on sensitive vegetation. The project will be subject to meeting CAL FIRE's Fire Safety Plan, which includes other measures to improve the fire department's ability to save the structure(s) in the event of a fire or reduce response times in the case of a life safety emergency.

This project, along with numerous others in the area will have a cumulative effect on police and fire protection, and schools.

Based on the above described project impacts, the project will be required to incorporate the following measures to reduce potentially significant impacts to public services to less than significant levels:

Solid Waste

1. Regarding solid waste, the project will be required to obtain weekly garbage service.

Fire/Life Safety

2. As a part of the project's Fire Safety Plan, the following elements will be included:
    a. Any new buildings with over 18 feet in eave height will install fixed laddering at two remote locations or provide landscaping (as defined by CAL FIRE) which reduces the ladder access height to 18 feet. The exception to this requirement is if the building prooses a protected stairway to the roof;
    b. Any new building(s) that exceeds 12,001 square feet and that will be used for "high piled storage" (as defined by CAL FIRE), or if the building has an unspecified use capable of "high piled storage", it will be required to have a smoke and heat removal system as required in Table 81A of the California Fire Code;
    c. Adhere to the requirements described in the CalFire letter of 9/7/07.

In addition, public facility (County - Title 18) and school fee (State Government Code 65995 et sec) programs have been adopted to address the cumulative impacts on public facilities, and will reduce this impact to a less than significant level.

Regarding cumulative effects, public facility (county) and school (State Government Code 65995 et seq.) fee programs have been adopted to address this impact, and will reduce the cumulative impacts to less than significant levels.

11. RECREATION - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	☐	☐	☒	☐
b) Affect the access to trails, parks or other recreation opportunities?	☐	☐	☒	☐
c) Other _____	☐	☐	☐	☐

Setting. The County Trails Plan does show that a portion of the project is within a potential trail area (Whale Rock) which includes the western edge of the proposed project along Old Creek Road. The 2007 aerial shows that an existing loop trail exists just above the shoreline of the Whale Rock reservoir. The project will not have a direct or an indirect impact to this existing trail.

Impact. The proposed project will not create a significant need for additional park or recreational resources, nor have an adverse impact on potentially new or existing trails serving Whale Rock.

Mitigation/Conclusion. While no significant recreation impacts are anticipated, and no mitigation measures are necessary, an additional follow-up referral to confirm the above discussion is correct needs to be completed with the County's Parks Division.

12. TRANSPORTATION/ CIRCULATION - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase vehicle trips to local or areawide circulation system?	☐	☐	☒	☐
b) Reduce existing "Levels of Service" on public roadway(s)?	☐	☐	☒	☐
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	☐	☐	☒	☐
d) Provide for adequate emergency access?	☐	☐	☒	☐
e) Result in inadequate parking capacity?	☐	☐	☒	☐
f) Result in inadequate internal traffic circulation?	☐	☐	☒	☐
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?	☐	☐	☐	☐

12. TRANSPORTATION/ CIRCULATION - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
h) Result in a change in air traffic patterns that may result in substantial safety risks?	☐	☐	☒	☐
i) Other: _____	☐	☐	☐	☐

Setting. The County has established the acceptable Level of Service (LOS) on roads for this rural area as "C" or better. The existing road network in the area (primarily Old Creek Road) is operating at acceptable levels (LOS 'A'). Based on existing road speeds and configuration (vertical and horizontal road curves), sight distance is considered acceptable.

The County's Circulation Element (Framework for Planning) includes 11 goals and objectives intended for new development to help maintain acceptable levels of service and traffic safety, as well as help maintain a high quality environment.

The County's annual Resource Management System Report (2009) did not identify Old Creek Road as having any existing deficiencies, or for any other larger County roads in immediate the area.

Referrals were sent to Public Works and Caltrans. No significant traffic-related concerns were identified.

The applicant has recently completed access road apron work to improve existing conditions.

Impacts – Project Elements. The project proposes to excavate up to 150,000 cubic yards per year. Assuming work will occur 313 days a year, an average of 479 cubic yards a day will leave the site. Considering the average capacity of a dump truck is 8 cubic yards, the average number of daily round trips has been calculated at 60 trips. Smaller capacity vehicles could result in a larger daily truck trip total and the use double semi trailers could reduce trips. In addition, employee and ancillary service trucks would add approximately 10 daily trips. The time of day expected for most vehicle use associated with this development is fairly even distribution throughout the day [between 7 am and 7 pm (employee trips would likely fall within peak hour travel times).

Road Level of Service. The traffic generated from the project will not change Old Creek Road's Level of Service (LOS). Public works has not identified any sight distance issues for the slower-moving dump trucks at the project's ingress/egress onto Old Creek Road.

Mitigation/Conclusion. As no significant traffic impacts were identified, no mitigation measures above what are already required by ordinance are necessary.

13. WASTEWATER - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	☐	☒	☐	☐
b) Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?	☐	☒	☐	☐
c) Adversely affect community wastewater service provider?	☐	☐	☐	☒

13. **WASTEWATER** - ***Will the project:***	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) Other: _____	☐	☐	☐	☐

Setting. Regulations and guidelines on proper wastewater system design and criteria are found within the County's Plumbing Code (hereafter CPC; see Chapter 7 of the Building and Construction Ordinance [Title 19]), the "Water Quality Control Plan, Central Coast Basin" (Regional Water Quality Control Board [RWQCB] hereafter referred to as the "Basin Plan"), and the California Plumbing Code. These regulations include specific requirements for both on-site and community wastewater systems. These regulations are applied to all new wastewater systems.

For on-site septic systems, there are several key factors to consider for a system to operate successfully, including the following:

- ✓ Sufficient land area (refer to County's Land Use Ordinance or Plumbing Code) – depending on water source, parcel size minimums will range from one acre to 2.5 acres;
- ✓ The soil's ability to percolate or "filter" effluent before reaching groundwater supplies (30 to 120 minutes per inch is ideal);
- ✓ The soil's depth (there needs to be adequate separation from bottom of leach line to bedrock [at least 10 feet] or high groundwater [5 feet to 50 feet depending on perc rates]);
- ✓ The soil's slope on which the system is placed (surface areas too steep creates potential for daylighting of effluent);
- ✓ Potential for surface flooding (e.g., within 100-year flood hazard area);
- ✓ Distance from existing or proposed wells (between 100 and 250 feet depending on circumstances);
- ✓ Distance from creeks and water bodies (100-foot minimum).

To assure a successful system can meet existing regulation criteria, proper conditions are critical. Above-ground conditions are typically straight-forward and most easily addressed. Below ground criteria may require additional analysis or engineering when one or more factors exist:

- ✓ the ability of the soil to "filter" effluent is either too fast (percolation rate is faster or less than 30 minutes per inch and has "poor filtering" characteristics) or is too slow (slower or more than 120 minutes per inch);
- ✓ the topography on which a system is placed is steep enough to potentially allow "daylighting" of effluent downslope; or
- ✓ the separation between the bottom of the leach line to bedrock or high groundwater is inadequate.

Based on Natural Resource Conservation Service (NRCS) Soil Survey map, the soil type(s) for the project is provided in the listed in the previous Agricultural Resource section. The main limitation(s) of this soil for wastewater effluent include:

--***shallow depth to bedrock***, which is an indication that there may not be sufficient soil depth to provide adequate soil filtering of effluent before reaching bedrock. Once effluent reaches bedrock, the chances increase for the effluent to infiltrate cracks that could lead directly to groundwater source or surrounding wells without adequate filtering, or allow for daylighting of effluent where bedrock is exposed to the earth's surface. In this case, should a new or expanded wastewater system be necessary, due to limited availability of information relating to the shallow

depth to bedrock characteristic, the following additional information will be needed from the applicant: soil borings at leach line location(s) showing that there is adequate distance to bedrock. If adequate distance cannot be shown, a county-approved plan for an engineered wastewater system showing how the basin plan criteria can be met will be required.

--***steep slopes***, where portions of the soil unit contain slopes steep enough to result in potential daylighting of wastewater effuent. In this case, the proposed leach lines may be on or located within close proximity of steep slopes where some potential of effluent daylighting exists. Should a new or expanded wastewater system be necessary. a registered civil engineer familiar with wastewater systems, shall prepare an analysis that shows the location and depth of the leach lines will have no potential for daylighting of effluent.

--***slow percolation***, where fluids will percolate too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be greater than 30 and less than 120 minutes per inch. In this case, should a new or expanded wastewater system be necessary, a soils report will be necessary to identify percolation rates for the soil where leach lines are proposed.

Impacts/Mitigation. Based on the following project conditions or design features, wastewater impacts are expected to be less than significant: However, should a new or expanded wastewater system be necessary, a soils investigation will need to be done that shows the following can be met:

- ✓ The project has sufficient land area per the County's Land Use Ordinance to support an on-site system;
- ✓ The soil's percolation rate is between 30 to 120 minutes per inch;
- ✓ There is adequate soil separation between the bottom of the leach line to bedrock or high groundwater;
- ✓ The soil's slope is less than 20%;
- ✓ The leach lines are outside of the 100-year flood hazard area;
- ✓ There is adequate distance between proposed leach lines and existing or proposed wells;
- ✓ The leach lines are at least 100 feet from creeks and water bodies.

Based on the above discussion and information provided, the site appears to be able to design an on-site system that will meet CPC/Basin Plan requirements. Prior to building permit issuance and/or final inspection of the wastewater system, the applicant will need to show to the county compliance with the County Plumbing Code/ Central Coast Basin Plan, including any above-discussed information relating to potential constraints. Therefore, based on the project being able to comply with these regulations, potential groundwater quality impacts are considered less than significant.

14. WATER - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Violate any water quality standards?	☐	☒	☐	☐
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	☐	☒	☐	☐

14. **WATER** - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	☐	☒	☐	☐
d) Change the quantity or movement of available surface or ground water?	☒	☐	☐	☐
e) Adversely affect community water service provider?	☐	☐	☒	☐
f) Other: _____	☐	☐	☐	☐

Setting. The existing surface mine is currently importing off-site water as its water source for its employee and dust control needs. Existing residences approximately ½ mile above and below the surface mine have on-site wells. The closest known groundwater basins (Old Valley and Toro) are approximately one mile to the north and south. Whale Rock Reservoir is fully allocated to existing water purveyors (e.g., City of San Luis Obispo, Cayucos, etc.).

The topography of the project is gently sloping to very steeply sloping There is an unnamed tributary of Willow Creek on site as well as a small manmade body of water above the existing surface mine. As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility.

Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. When work is done in the rainy season, the County Ordinance requires that temporary sedimentation and erosion control measures be installed during the rainy season.

Per the County's Annual Resource Management System Report, over the past 10-15 years, total water production in the Cayucos community has remained fairly constant at roughly 400 – 500 acre-feet per year (Estero Area Plan Update and current estimates). CSA 10A has restricted issuance of building permits since 1993 due to a water shortage emergency. However, the CSA has subscribed to 25 acre feet per year from the Nacimiento Water Project that will be available in 2010. Due to this increase in supply, the Level of Severity III ranking has been removed.

Impact. The existing on-site access road is approximately ½ mile long and is about 18 feet wide. This converts to approximately one acre. The working face will be approximately one acre at any given time. Watering these areas twice a day during the 313 working-day year, approximately 0.86 afy of water would be necessary. This is considered a relatively conservative number, as this calculation does not account for the days of rain that will naturally suppress dust. There may be additional dust control requirements as a part of the naturally-occurring asbestos control program.

For the proposed 200 screening trees, each tree will initially require about 4 gallons per week, which equates to 41,600 gallons per year, or 0.13 afy. It is unknown if watering can be terminated for these trees and still have the tree continue with robust growth. If not, the amount of water per tree would increase.

Each employee is estimated at 60 gallons per day. This would be substantially reduced if running water is not available and portable toilets are allowed for use. Assuming 10 employees with running water, this water use would total 0.58 afy of water use.

Considering all three of these potential water-using sources, the project will have a water demand of 1.57 afy.

Sources used for this estimate include one or more of the following references: County's Land Use Ordinance, 2000 Census data, Pacific Institute studies (2003), City of Santa Barbara Water Demand Factor & Conservation Study 'User Guide' (1989).

Mitigation/Action Required – Water availability. Due to the projected amount of water needed and the limited water availability in the area, additional analysis should be conducted to provide greater detail on proposed water use, as well as show that there will be a sustainable water source for the next 100 years. This shall be prepared by a certified engineering geologist and shall include, but not be limited to, the following:

1. Consultation with the County Public Works Department and/or appropriate County Waterworks District, CSDs, and/or appropriate mutual, private, or public water companies.
2. Current and future projections of water demand for the project based on the various uses making up the proposed project's water demands.
3. Evaluation and discussion of water availability for on-site water demands.
4. Evaluation and discussion of the long-term capability of the ground water basin(s) to provide adequate quantities of water, and the potential for subsidence and.saltwater intrusion.
5. Identification and discussion of feasible mitigation measures, if any, which could be included in the project to minimize potential impacts related to groundwater availability.

Standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality.

15. LAND USE - ***Will the project:***	**Inconsistent**	**Potentially Inconsistent**	**Consistent**	**Not Applicable**
a) Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?	☐	☐	☒	☐
b) Be potentially inconsistent with any habitat or community conservation plan?	☐	☐	☒	☐
c) Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?	☐	☐	☒	☐
d) Be potentially incompatible with surrounding land uses?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☐

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, APCD for Clean Air Plan, etc.). Based on responses received to date, the project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is proposing a non-agricultural use on lands currently under the Williamson Act agricultural contract. A straw vote taken by the Agricultural Preserve Review Committee showed that based on preliminary information a majority of the group did not see the use being incompatible with the existing grazing operation.

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☒	☐	☐	☐
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	☐	☐	☒	☐
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☒	☐	☐	☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Information", or the California Environmental Resources Evaluation System at: http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Divisions have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

Contacted	Agency	Response
☒	County Public Works Department	**In File****
☐	County Environmental Health Division	**Not Applicable**
☒	County Agricultural Commissioner's Office	**In File****
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☒	Air Pollution Control District	**None**
☐	County Sheriff's Department	**Not Applicable**
☐	Regional Water Quality Control Board	**Not Applicable**
☐	CA Coastal Commission	**Not Applicable**
☒	CA Department of Fish and Game	**None**
☒	CA Department of Forestry (Cal Fire)	**In File****
☒	CA Department of Transportation	**None**
☐	Community Service District	**Not Applicable**
☐	Other _____	**Not Applicable**
☐	Other _____	**Not Applicable**

*** "No comment" or "No concerns"-type responses are usually not attached*

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

☒ Project File for the Subject Application

County documents

- ☐ Airport Land Use Plans
- ☒ Annual Resource Summary Report
- ☒ Building and Construction Ordinance
- ☐ Coastal Policies
- ☒ Framework for Planning (Coastal & Inland)
- ☒ General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:
  - ☒ Agriculture & Open Space Element
  - ☒ Energy Element
  - ☒ Environment Plan (Conservation, Historic and Esthetic Elements)
  - ☒ Housing Element
  - ☒ Noise Element
  - ☐ Parks & Recreation Element
  - ☒ Safety Element
- ☒ Land Use Ordinance
- ☐ Real Property Division Ordinance
- ☒ Trails Plan
- ☐ Solid Waste Management Plan
- ☒ Estero Area Plan and Update EIR
- ☐ Circulation Study

Other documents

- ☒ Archaeological Resources Map
- ☒ Area of Critical Concerns Map
- ☒ Areas of Special Biological Importance Map
- ☒ California Natural Species Diversity Database
- ☒ Clean Air Plan
- ☒ Fire Hazard Severity Map
- ☒ Flood Hazard Maps
- ☒ Natural Resources Conservation Service Soil Survey for SLO County
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
- ☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
- ☐ Other ____

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Preliminary Engineering Geology Investigation Negranti Material Mine (GeoSolutions, Inc.; 6/27/07)

Initial Peer Review Comments - Engineering Geologic Investigation Negranti Mine Application (Pacific Geotechnical Engineering; 1/30/08)

Response to Comments: Preliminary Engineering Geology Investigation Negranti Material Mine (GeoSolutions, Inc.; 3/31/08)

Supplemental Peer Review Comments - Engineering Geologic Investigation Negranti Mine Application (Pacific Geotechnical Engineering; 7/15/08)

Botanical Report – Whale Rock Quarry (V.L. Holland; 10/15/09)

Restoration, Revegetation & Monitoring Plan for Whale Rock Quarry Expansion Site (V.L. Holland; 10/18/08)

Review of Botanical Report – Whale Rock Quarry (V.L. Holland; 10/15/09) & Restoration, Revegetation & Monitoring Plan for Whale Rock Quarry Expansion Site (V.L. Holland; 10/18/08) by County (12/11/08)

Revised Restoration, Revegetation & Monitoring Plan for Whale Rock Quarry Expansion Site (V.L. Holland; 9/11/09)

Revised Botanical Report – Whale Rock Quarry (V.L. Holland; 9/11/09)

Roadside Screening Plan – Negranti Construction (Gardens by Gabriel; 4/7/10)

EXHIBIT 21

John McKenzie,

As to your 1980 Approved Reclamation Plan; we are not going to enlarge the Quarry. We are going to stay within the boundary of the Original Reclamation Plan of 1980. Please see Exhibit 1. This shows the original foot print of the total mine area when it was started in 1958. This also shows the smaller reclamation area. Our plans are to stay in the approved foot print as shown in Exhibit 1, but amend the Reclamation Plan to encompass the total vested area.

There is a question about the total production being 8,000 cubic yards. This is a five year estimate covering the time span from 1981 to 1986. Please see Exhibit 2 which shows the annual production from 1990 to 2009 which is shown on the Mining Operation Annual Reports that is sent to the California Department of Conservation and San Luis Obispo County every year. Our current APCD Permit to Operate (#323-5) allows us to crush 1,800 hours per year. Under our current permit conditions we can crush 130,000 cubic yards of material with our current workforce and equipment. So we are not going to increase production capacity, we are going to keep it at the130,000 cubic yards. We are going to change it from 150,000 cubic yards back to 130,000 cubic yards, so we are not expanding production capacity.

Asbestos – The asbestos that the soil engineer found is outside the existing mine area and the mine is inspected and tested periodically. Please see copies of asbestos test results that both we and APCD had done (Exhibit 3).

The items you are adding only pertain to if we increase production capacity. We are not going to increase production capacity. The present workforce and equipment that we have, has the capacity to produce 130,000 cubic yards of materials.

At the present time all of the water for dust control comes from the existing pond. The well water is only used to flush the toilet and for hand washing in the office.

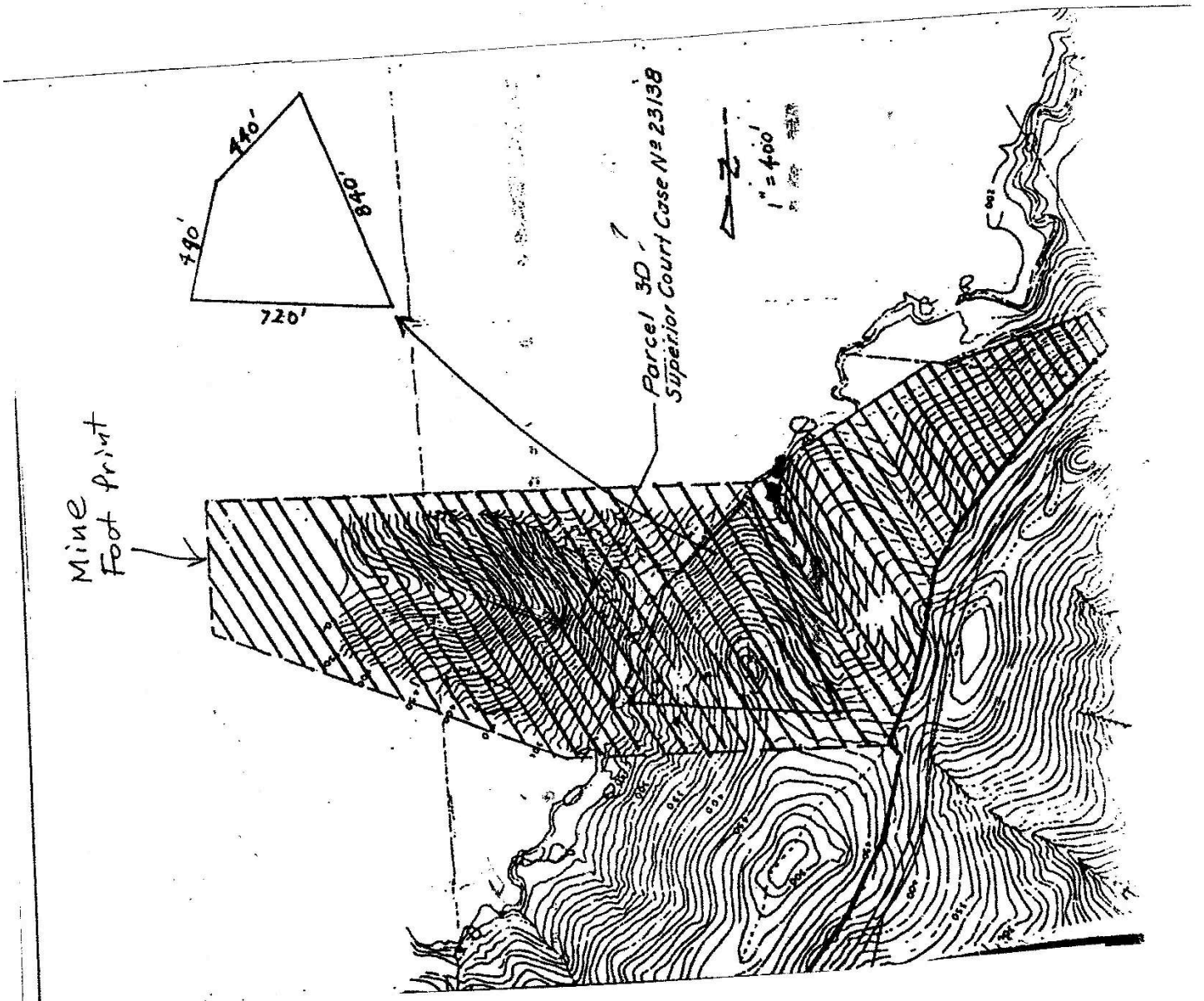
We have letters from all of our adjoining neighbors stating the noise is not a problem. Please see attached letters, Exhibit 4.

It is my understanding that if we do not increase production capacity, the only area of concern is the visual aspect. Please understand that the mine was here before Old Creek Road was built.

Please send us a copy of your request for quotations that you intend to send to your approved EIR consultants so we may review it before it goes out. Also, please send us a list of your approved EIR consultants so we can contact them directly if needed.

Exhibit 1

From 1980 Reclamation Plan



440'
840'
720'
Phase II
1400
800
25 Acres
Parcel 3D
Superior Court Case No 23138
1" = 400'
Fig A-1
3

EXHIBIT 2
WHALE ROCK QUARRY
PRODUCTION IN TONS
AS PER MINING OPERATION ANNUAL REPORTS
1990 TO 2009

	PRODUCTION (TONS)		
YEAR	**SAND & GRAVEL**	**RIP RAP**	**TOTALS**
2009	57,078	1,855	58,933
2008	41,611	1,097	42,708
2007	94,850	2,183	97,033
2006	57,206	3,831	61,037
2005	77,198	2,810	80,008
2004	57,892	1,614	59,506
2003	48,450	1,131	49,581
2002	42,752	670	43,422
2001	55,045	1,372	56,417
2000	66,837	989	67,826
1999	38,959	167	39,126
1998	14,585	18	14,603
1997	45,764	1,199	46,963
1996	34,467	2,089	36,556
1995	20,304	921	21,225
1994	10,638	714	11,352
1993	6,364	692	7,056
1992	24,381	3,615	27,996
1991	11,704	498	12,202
1990	5,781		5,781
TOTAL TONS			**839,331**
AVERAGE PER YEAR - 20 YEARS			**41,967**

Exhibit 3

GeoSolutions, Inc.

QUALITATIVE ASBESTOS ANALYSIS
EPA 600/R-93/116

(805) 543-8539

Project:	Negranti Open Lab	Date Tested:	July 18, 2008
Client:		Project #:	SL02085-1
Sample #:	T	Lab #:	13669
Location:		Sample Date:	July 16, 2008
Material:	Dark Yellowish Brown Silty SAND (SM)	Sampled By:	JG

Sample Description	Result
Dark Yellowish Brown Silty SAND	None Detected

Report By: Aaron Eichman

B 1

DEC-10-2007 14:59 P.01

Exhibit 3

Forensic Analytical

Final Report

Bulk Asbestos Material Analysis

(Air Resources Board Method 435, June 6, 1991)

County Air Pollution Control Dist.		**Client ID:**	7240
Tim Fuhs		**Report Number:**	N000233
San Luis Obispo		**Date Received:**	12/03/07
3433 Roberto Ct.		**Date Analyzed:**	12/10/07
San Luis Obispo, CA 93401		**Date Printed:**	12/10/07
Job ID/Site:	Negranti	**FASI Job ID:**	7240

Sample Preparation and Analysis:

Samples were analyzed by the Air Resources Board's Method 435, Determination of Asbestos Content of Serpentine Aggregate. Samples were ground to 200 particle size in the laboratory. Approximately 1 pint was retained for analysis. Samples were prepared for observation according to the guidelines of Exception I and Exception II as defined by the 435 Method. Samples which contained less than 10% asbestos were prepared for observation according to the point count technique as defined by the 435 Method. This analysis was performed with a standard cross-hair reticle.

Sample ID	Lab Number	Layer Description
113007-TF1	10705918	**Grey Stones**

Visual Estimation Results:

Layer percentage of entire sample: 100
Visual estimation percentage: None Detected
Asbestos type(s) detected: None Detected

Comment: This result meets the requirements of Exception I as defined by the 435 Method.

Sample ID	Lab Number	Layer Description
113007-TF2	10705919	**Grey Stones**

Visual Estimation Results:

Layer percentage of entire sample: 100
Visual estimation percentage: None Detected
Asbestos type(s) detected: None Detected

Comment: This result meets the requirements of Exception I as defined by the 435 Method.

James Flores, Laboratory Supervisor, Hayward Laboratory

Note: Limit of Quantification (LOQ) = 0.25%. Trace denotes the presence of asbestos below the LOQ. ND = None Detected.

Analytical results and reports are generated by Forensic Analytical at the request of and for the exclusive use of the person or entity (client) named on such report. Results, reports or copies of same will not be released by Forensic Analytical to any third party without prior written request from client. This report applies only to the sample(s) tested. Supporting laboratory documentation is available upon request. This report must not be reproduced except in full, unless approved by Forensic Analytical. The client is solely responsible for the use and interpretation of test results and reports requested from Forensic Analytical. This report must not be used by the client to claim product endorsement by NVLAP or any other agency of the U.S. Government. Forensic Analytical is not able to assess the degree of hazard resulting from materials analyzed. Forensic Analytical reserves the right to dispose of all samples after a period of thirty (30) days, according to all state and federal guidelines, unless otherwise specified. All samples were received in acceptable condition unless otherwise noted.

3777 Depot Road, Suite 409, Hayward, CA 94545 / Telephone: (510) 887-8828, (800) 827-FASI / Fax: (510) 887-[illegible]

4

To: County of San Luis Obispo

From: Malcolm Kingsley Jr. + Doma M. + Suzi E Kingsley
900 Montecito Road
Cayucos, CA 93430

Re: Blasting at Jon Negranti's Rock Pit

I usually don't hear them blast very often, but when I do it's not very loud. I don't have a problem with it.

Malcolm Kingsley

Malcolm M. Kingsley Jr

January 5, 2010

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

To Whom It May Concern:

We are writing this letter on the behalf of Jon Negranti and his quarry on Old Creek Road. We understand that you have concerns on the noise from blasting. We are his neighbors and we have never been bothered by the noise from his blasting.

Sincerely,

Pat and Sherrie Molnar
1155 Montecito Road
Cayucos, CA 93430

SLO Co. Depart of Planning & Building
San Luis Obispo, CA

Dear Planning Dept:

I've been asked to write this letter in regards to blasting at the Quarry down the canyon from me on Old Creek Rd. The Negranti's have been good neighbors and I have not been bothered by the few times a year that they have blasted.

Sincerely,

R E Kluver

Rick Kluver
1620 Old Creek Rd
Cayucos, Calif. 93430

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

January 5, 2010

Dear Planning Department:

We understand that you have concerns about the blasting noise from the Negranti mine on Old Creek Road. We are his neighbors directly southwest of the mine and the blasting noise has never been a problem. We rarely ever hear it. Thank you for your concern.

Barbie Molnar

Nick & Barbie Molnar
1120 Old Creek Road
Cayucos, CA 93430

EXHIBIT 22

May 10, 1973 Telegram Tribune

County says Highway 1 quarry legal

A quarry off Highway 1 across from the Mens Colony is a legal use of the land owned by Angelo Mainini.

Aerial photos show that the quarry was in operation in 1956. This predates current zoning which does not permit this use, according to county enforcement officer Jack Tiedemann.

He said he will file a report with the district attorney's office within several days.

An investigation of the quarry began last week after the county planning department received a complaint.

Tiedemann said he must first check Mainini's records showing the quarry has been in use for each six month period since 1959. Quarrying without a use permit was prohibited in 1959, said Tiedemann.

He indicated current zoning of the Mainini property prohibits a quarry even with a use permit. The quarry is a non-conforming use of the property but because it predates current zoning laws it is legal, according to Tiedemann.

The quarry is located less than a mile from Highway 1.

Tiedemann said quarrying of red rock began two weeks ago on April 26 and was expected to last about 20 days.

The earth is being taken to Cuesta College to be used as foundation fill for the campus' new library-administration building, said the project's contractor, Arnold Volny.