

Exhibit J – Agency Referral Responses

- 1. Department of Conservation – March 27, 2015 (with County Response)**
- 2. Agriculture Department – July 15, 2013**
- 3. County Parks – August 28, 2012**
- 4. Public Works – July 9, 2012**
- 5. Air Pollution Control District – July 6, 2012**
- 6. Santa Margarita Area Advisory Council Minutes – June 12, 2013, December 3, 2014**



DEPARTMENT OF CONSERVATION

OFFICE OF MINE RECLAMATION

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

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

March 27, 2015

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

Mr. Airlin Singewald
 San Luis Obispo County Planning and Building Department
 976 Los Osos Street, Room 200
 San Luis Obispo, CA 93408

Dear Mr. Singewald:

**SANTA MARGARITA QUARRY
 RECLAMATION PLAN AMENDMENT
 CALIFORNIA MINE ID # 91-40-0003**

The Department of Conservation's Office of Mine Reclamation (OMR) has reviewed the reclamation plan amendment for the Santa Margarita Quarry dated April 17, 2013. The applicant, Hanson Aggregates Mid-Pacific, Inc., is proposing to expand current surface mining operations by 33 acres on a 193.1-acre project site for approximately 64 years. The applicant estimates that an average of 565,000 tons, up to a maximum of 700,000 tons of material will be removed annually. The proposed project site is three miles northwest of the town of Santa Margarita. OMR staff conducted a site visit on March 17, 2015 to observe site conditions.

The Surface Mining and Reclamation Act of 1975 (SMARA) (Public Resources Code Section 2710 et seq.) and the State Mining and Geology Board Regulations (California Code of Regulations (CCR) Title 14, Division 2, Chapter 8, Subchapter 1) require that specific items be addressed or included in reclamation plans. The following comments, prepared by a restoration ecologist and an engineering geologist, are offered to assist in your review of this project.

Mining Operation and Closure

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

SMARA Section 2770.5 states that whenever surface mining operations are proposed in the 100-year flood plain for any stream and is within one mile, upstream or downstream, of any state highway bridge, the lead agency shall notify the California Department of Transportation (Caltrans) and provide them with a 45-day review period. Portions of the mine are mapped within the 100-year flood plain and it's less than one mile from the State Route 58 bridge over the Salinas River. The lead agency should ensure that

Mr. Singewald
March 27, 2015
Page 2

Caltrans is aware of the proposed quarry expansion in accordance with this SMARA requirement.

Geotechnical Requirements

(Refer to CCR Sections 3502, 3704)

CCR Section 3502(b)(3) states : "The designed steepness and proposed treatment of the mined lands' final slopes shall take into consideration the physical properties of the slope material, its probable maximum water content, landscaping requirements, and other factors. In all cases, reclamation plans shall specify slope angles flatter than the critical gradient of the type of material involved. Whenever final slopes approach the critical gradient for the type of material involved, regulatory agencies shall require an engineering analysis of the slope stability."

The amended reclamation plan includes a slope stability analysis titled, *Geotechnical Investigation and Design Recommendations*, dated March 2012 (revised in July 2012), prepared by Golder Associates (Golder, 2012). The Golder, 2012 report does not provide an analysis of the proposed north pit highwall, the stability of which could be affected by faults and other discontinuities mapped in that portion of the proposed quarry expansion. OMR believes that the rationale used to determine the stability of the proposed slope configuration on the north side of the mine pit should be included in the amended reclamation plan.

OMR also recommends re-analyzing the stability of the upper portion of cross section D, which contains weather rock and decomposed granite, under saturated conditions, since seasonal water will tend to "perch" on top of the competent bedrock.

Environmental Setting and Protection of Fish and Wildlife Habitat

(Refer to CCR Sections 3502, 3503, 3700, 3703, 3704, 3705, 3710, 3713)

The Draft Environmental Impact Report (DEIR) is currently being circulated for review and comment. Potential adverse effects from the mining operation may be identified and mitigation(s) proposed during the environmental review process. Pursuant to CCR Section 3700, it is recommended that the reclamation plan not be finalized or approved until mitigation is determined, since mitigation measures recommended under CEQA may substantially change the manner in which mining and reclamation are accomplished. Any mitigation measures which will affect details of reclamation, such as planting a specific number of oak trees, should be incorporated into the amended reclamation plan.

Mr. Singewald
March 27, 2015
Page 3

Resoiling and Revegetation

(Refer to SMARA Section 2773, CCR Sections 3503, 3704, 3705, 3707, 3711)

CCR Section 3711(d) requires that all topsoil stockpiles shall be clearly signed in the field to prevent inadvertent use. A statement describing this should be added to the discussion of topsoil salvage, maintenance, and redistribution.

Coast live oak trees (*Quercus agrifolia*) are to be planted as acorns as part of site revegetation. If planting oak trees is required as mitigation under CEQA, as noted above there may be specific numbers of trees and/or acreage of oak woodland that must be established. This specification should be included in the reclamation plan so that it can be accounted for in the financial assurance cost estimate.

CCR Section 3705(m) requires that the reclamation plan include success criteria that can be quantified by cover, density, and species-richness. Performance standards are summarized in Table 10 on page 53. However, several revisions are needed as described below:

- The plot sizes need to be provided for the Chaparral Seed Mix and the Rangeland Seed Mix.
- The plot sizes need to be copied into each column
- A density value needs to be provided for the Chaparral Seed Mix
- Standards for the Chaparral Seed Mix need to be referred to as "native perennial species" rather than simply "all species"

CCR Section 3705(m) requires that the sampling methods shall be set forth in the plan and the sample size should provide an 80 percent confidence level at a minimum. A discussion of sampling methods needs to be added to the discussion on monitoring under section 4.18 on page 52 in order to meet this requirement.

The following two comments do not address requirements under SMARA and the CCRs, but are offered in the spirit of assistance to the operator in achieving successful revegetation.

- OMR notes that in section 4.1.3 the text states that willow and cottonwood cuttings may be kept up to 8 months before planting. Such an extended storage period is likely to result in high mortality from desiccation or mold and fungal infection. OMR recommends omitting this statement since the plan is to conduct planting between October 15 and December 15, which should follow closely the onset of dormancy in the riparian trees and the taking of cuttings.
- Section 5.10 describes that removed vegetation will be trucked away or burned. OMR notes that this organic material can be a valuable aid to revegetation



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

Promoting the wise use of land - Helping to build great communities

March 31, 2015

Beth Hendrickson
Manager, Environmental Services Unit
Department of Conservation
Office of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814

Re: Santa Margarita Quarry, Mine ID # 91-40-0003
Response to Section 2774(d) Comments

Dear Ms. Hendrickson:

This letter responds to the Department of Conservation's March 27, 2015 comments regarding the proposed reclamation plan amendment for the Santa Margarita Quarry. Pursuant to Public Resources Code section 2774, subdivision (d)(2), this letter provides the County's proposed response to the Department's comments. The County will send a final response within 30 days following reclamation plan approval.

Mining Operation and Closure

Comment 1:

SMARA Section 2770.5 states that whenever surface mining operations are proposed in the 100-year flood plain for any stream and is within one mile, upstream or downstream, of any state highway bridge, the lead agency shall notify the California Department of Transportation (Caltrans) and provide them with a 45-day review period. Portions of the mine are mapped within the 100-year flood plain and it's less than one mile from the State Route 58 bridge over the Salinas River. The lead agency should ensure that Caltrans is aware of the proposed quarry expansion in accordance with this SMARA requirement.

Response:

The comment refers to the requirement in Public Resources Code section 2770.5 that notification be provided to the California Department of Transportation ("Caltrans") of proposed mining operations within the 100-year floodplain and one mile, upstream or downstream, of any state highway bridge. The County notes that all mining operations within one mile downstream of the SR 58 bridge are existing, and that all proposed mining operations are more than one mile downstream of

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

planning@co.slo.ca.us • FAX: (805) 781-1242 • sloplanning.org

the bridge. Also, Caltrans was provided notice of the project during the CEQA process. As such, any applicable requirements of section 2770.5 are satisfied.

Geotechnical Requirements

Comment 2:

CCR Section 3502(b)(3) states: "The designed steepness and proposed treatment of the mined lands' final slopes shall take into consideration the physical properties of the slope material, its probable maximum water content, landscaping requirements, and other factors. In all cases, reclamation plans shall specify slope angles flatter than the critical gradient of the type of material involved. Whenever final slopes approach the critical gradient for the type of material involved, regulatory agencies shall require an engineering analysis of the slope stability."

The amended reclamation plan includes a slope stability analysis titled, Geotechnical Investigation and Design Recommendations, dated March 2012 (revised in July 2012), prepared by Golder Associates (Golder, 2012). The Golder, 2012 report does not provide an analysis of the proposed north pit highwall, the stability of which could be affected by faults and other discontinuities mapped in that portion of the proposed quarry expansion. OMR believes that the rationale used to determine the stability of the proposed slope configuration on the north side of the mine pit should be included in the amended reclamation plan.

Response:

The comment indicates that Golder Associates' June 2012 report, *Geotechnical Investigation and Design Recommendations*, did not analyze the stability of the proposed north pit highwall. For clarification, the report included an analysis of the north pit wall (labeled the "North" sector, and shown in cross-section "D"), as well as slope design recommendations and rationale. The analysis is presented in Sections 4.3, 4.3.2.3 and 4.4 of the report. The rationale used, and specific slope design recommendations for this area, are presented in Section 5.2.3.3, 5.2.4 and 6.0. As such, the amended reclamation plan currently incorporates the referenced slope stability analysis.

Comment 3:

OMR also recommends re-analyzing the stability of the upper portion of cross section D, which contains weather rock and decomposed granite, under saturated conditions, since seasonal water will tend to "perch" on top of the competent bedrock.

Response:

The comment recommends that the mine operator re-analyze the stability of the upper portion of cross-section "D" (North Sector wall) and assume "perched" conditions. The County will require the operator to provide a report, within 60 days of project approval, demonstrating that the upper portion of the North Sector wall is stable and exceeds the appropriate factors of safety under such conditions.

**Environmental Setting and
Protection of Fish and Wildlife Habitat**

Comment 4:

The Draft Environmental Impact Report (DEIR) is currently being circulated for review and comment. Potential adverse effects from the mining operation may be identified and mitigation(s) proposed during the environmental review process. Pursuant to CCR Section 3700, it is recommended that the reclamation plan not be finalized or approved until mitigation is determined, since mitigation measures recommended under CEQA may substantially change the manner in which mining and reclamation are accomplished. Any mitigation measures which will affect details of reclamation, such as planting a specific number of oak trees, should be incorporated into the amended reclamation plan.

Response:

The comment recognizes that mitigation measures adopted under CEQA may affect reclamation, and recommends that the amended reclamation plan not be finalized until all CEQA mitigation is adopted. Currently, CEQA public comments are closed, and the County is unaware of any anticipated mitigation likely to affect implementation of the proposed plan. Nonetheless, the County will require the operator to submit a "final" amended plan within 60 days of approval that incorporates any changes needed to give effect to the conditions of approval or adopted mitigation measures.

Resoiling and Revegetation

Comment 5:

CCR Section 3711(d) requires that all topsoil stockpiles shall be clearly signed in the field to prevent inadvertent use. A statement describing this should be added to the discussion of topsoil salvage, maintenance, and redistribution.

Response:

The comment states that all topsoil stockpiles should be clearly signed in the field, and recommends adding a statement to this effect in the amended reclamation plan. The County will require the operator to submit a final amended plan within 60 days of approval that incorporates this change.

Comment 6:

Coast live oak trees (Quercus agrifolia) are to be planted as acorns as part of site revegetation. If planting oak trees is required as mitigation under CEQA, as noted above there may be specific numbers of trees and/or acreage of oak woodland that must be established. This specification should be included in the reclamation plan so that it can be accounted for in the financial assurance cost estimate.

Response:

Similar to number 4 above, the comment recommends that, to the extent that a specific number or acreage of oak tree plantings are required by adopted CEQA mitigation measures, the specification should be included in the amended plan. The County will require the operator to submit a final amended plan within 60 days of approval that incorporates on-site planting requirements as necessary.

Comment 7:

CCR Section 3705(m) requires that the reclamation plan include success criteria that can be quantified by cover, density, and species-richness. Performance standards are summarized in Table 10 on page 53. However, several revisions are needed as described below:

- *The plot sizes need to be provided for the Chaparral Seed Mix and the Rangeland Seed Mix.*
- *The plot sizes need to be copied into each column*
- *A density value needs to be provided for the Chaparral Seed Mix*
- *Standards for the Chaparral Seed Mix need to be referred to as "native perennial species" rather than simply "all species"*

CCR Section 3705(m) requires that the sampling methods shall be set forth in the plan and the sample size should provide an 80 percent confidence level at a minimum. A discussion of sampling methods needs to be added to the discussion on monitoring under section 4.18 on page 52 in order to meet this requirement.

Response:

The comment recommends various revisions to the revegetation performance standards set forth in Section 4.18 of the amended reclamation plan. The County will require the operator to submit a final amended plan within 60 days of approval that incorporates the recommended changes.

Comment 8:

The following two comments do not address requirements under SMARA and the CCRs, but are offered in the spirit of assistance to the operator in achieving successful revegetation.

• *OMR notes that in section 4.1.3 the text states that the willow and cottonwood cuttings may be kept up to 8 months before planting. Such an extended storage period is likely to result in high mortality from desiccation or mold and fungal infection. OMR recommends omitting this statement since the plan is to conduct planting between October 15 and December 15, which should follow closely the onset of dormancy in the riparian trees and the taking of cuttings.*

• *Section 5.10 describes that removed vegetation will be trucked away or burned. OMR notes that this organic material can be a valuable aid to revegetation efforts, and recommends that the operator consider having the material shredded and composted for later use as part of the phased revegetation efforts.*

Response:

The comment first recommends that the operator revise Section 4.13 of the amended reclamation plan to remove the statement that willow and cottonwood cuttings may be stored for up to eight months. The County appreciates the comment, and will direct the operator to remove this statement in the final plan. Second, the comment suggests that vegetation that is removed be used as mulch and compost in revegetation. The County agrees, and will direct the operator to include this feature in the final version of the plan.

Administrative Requirements

Comment 9:

SMARA Section 2772(c)(10) states that the reclamation plan shall include an applicant's signed statement accepting responsibility for reclamation in accordance with the approved reclamation plan. Please ensure that a signed statement of responsibility is included in the approved version of the amended reclamation plan.

Response:

The County will, as suggested in the comment, ensure that the final version of the amended reclamation plan, to be filed within 60 days of approval, include a signed Statement of Responsibility.

Comment 10:

OMR notes that the County has not followed the procedures established under SMARA Section 2774 with respect to lead agency approvals of reclamation plans. Although the County sent the DEIR to OMR for review in December 2014, OMR did not receive the reclamation plan and certification letter until February 25, 2015, although the County apparently had the reclamation plan the entire time. OMR received a Notice of the approval hearing on March 27, 2015, the due date for our comments. The lead agency should allow enough time in its approval process to prepare responses to OMR comments before scheduling a hearing. Please ensure in future that your agency allows adequate time in the approval process to meet these SMARA requirements.

Response:

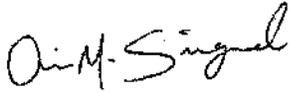
The Department's comments are noted.

The County of San Luis Obispo appreciates the Department's comments and guidance. Pursuant to Public Resources Code section 2774, subdivision (b)(2), the County will send a final response to comments within 30 days of reclamation plan approval.

It should be noted that the County submitted a copy of the reclamation plan to OMR in June 2012; however, as we were later informed, OMR was unable to review the reclamation plan at that time because the submittal did not include a cover letter requesting OMR's certification. We subsequently resubmitted the plan with the required certification letter in February 2015.

If you have any questions about this response letter, please contact me at (805) 781-5198 or by email at asingewald@co.slo.ca.us.

Sincerely,

A handwritten signature in cursive script that reads "Airlin M. Singewald".

Airlin M. Singewald
Senior Planner / Project Manager



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Weights and Measures

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556

(805) 781-5910 • FAX (805) 781-1035

Martin Settevendemie

Agricultural Commissioner/Sealer

www.slocounty.ca.gov/agcomm

AgCommSLO@co.slo.ca.us

DATE: July 15, 2013

TO: Xzandrea Fowler, Project Manager

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

SUBJECT: Hanson Aggregates Mid-Pacific (Santa Margarita Quarry Expansion) Conditional Use Permit and Reclamation Plan Notice of Preparation of a Draft Environmental Impact Report (DEIR) DRC2011-00098/DRC2011-00099

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

Approval Authority: San Luis County Agriculture Element (AE)

Environmental Information: The IS accurately identifies potential impacts to agricultural resources.

Permit Conditions: The proposed project should avoid/minimize impacts to agricultural resources including water resources. Project conditions should include, but not be limited to, continued access to agricultural operations during construction and operation of quarry; dust and invasive weed management; agricultural buffers; and mitigation for the conversion of agricultural resources.

Alternatives: Consider alternatives that are located away from agricultural resources.

Foreseeable Projects: Las Pilitas Quarry DRC2009-00025.

Relevant Information: Agriculture Element.



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL

DATE: 6/22/2012

TO: Parks

FROM: Xzandrea Fowler, Inland Team

PROJECT DESCRIPTION: DRC2011-00098 and DRC2011-00099 HANSON AGGREGATES- Conditional Use Permit and Reclamation Plan for the expansion of an existing quarry. 126.1 acres site located off El Camino Real in Atascadero. APNs: 070-131-003 and 022, 070-141-006 and 054.

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

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

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

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

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

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

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

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

Condition on offer-to-dedicate a 25 foot wide trail easement for the Salinas River/De Anza trail along the Salinas River. Location of easement shall be approved by County Parks.

8/28/12 Ekavanayk 781-4089. Date Name Phone



SLO CO PLAN & BLDG DEPT

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805)781-5600

EMAIL: planning @co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: http://www.sloplanning.org



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252
Fax (805) 781-1229 email address: pwd@co.slo.ca.us

MEMORANDUM

Date: July 9, 2012
To: Xzandrea Fowler, Project Manager
From: Glenn Marshall, Development Services Engineer *GM*
Subject: **Public Works Comments on DRC20011-00098 (and DRC2011-00099) Hanson
Aggregates Expansion of the Kaiser Sand & Gravel Quarry, El Camino Real, Santa
Margarita APN070-131-003**

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

**PUBLIC WORKS REQUESTS THAT AN INFORMATION HOLD BE PLACED ON THIS
PROJECT UNTIL THE APPLICANT PROVIDES THE FOLLOWING DOCUMENTS FOR
PUBLIC WORKS REVIEW AND COMMENT:**

1. Please have the traffic engineer respond to the following:
 - a. The traffic report must address proposed uses associated with the secondary access driveway to State Route 58 (Calf Canyon Road).
 - b. Provide an explanation as to why the cumulative project list does not include the Las Pilitas (Oster) quarry project. Alternatively, include the Oster project in the cumulative analysis.
2. Please update the Chang Consultants drainage report and grading plans to show:
 - a. The 100-year Salinas River flood elevation (per the FIRM) on the proposed grading plan.
 - b. Watershed limits draining to existing pit.
 - c. Watershed limits drainage to proposed expanded pit.
3. In accordance with Land Use Ordinance, Section 22.10.155, the proposed project is considered a Priority Project and required to submit a Stormwater Quality Priority Project Application with the project application:
<http://www.slocounty.ca.gov/Assets/PL/Grading+and+Stormwater+Mgmt/stormwaterapp.pdf>
 - a. The applicant must submit a Stormwater Quality Plan Application for Priority Projects. The plan shall outline the runoff reduction measures used when developing the site plan.
 - b. The applicant must demonstrate the project has incorporated at least Two County approved LID structural practices into the project. Refer to the brochure *Interim Low Impact Development Guidelines* for further information and references for LID design.

Attachment 10

- c. The applicant must submit the following to the County for review and approval: Stormwater Quality Plan; Conservation of natural areas narrative; Stormwater pollutant of concerns narrative; Drainage Plan; Erosion and Sedimentation Control Plan; Mechanism in place for long-term maintenance of BMPs; and Calculations for treatment control BMPs

Public Works Comments:

- A. Trucks exiting the quarry access road and turning left (south) onto El Camino Real tend to turn wide and have damaged the westerly edge of pavement. Public Works recommends widening the southbound El Camino Real shoulder to 8-foot from Pine Avenue northerly 400-feet (200-feet either side of the project access road).
- B. As a cumulative mitigation El Camino Real will require a center left turn lane on El Camino Real at the project access road. Public Works is recommending the applicant be conditioned to record an agreement with the County requiring this improvement be installed at their sole cost upon future notice by the Department of Public Works.
- C. As the fair share cumulative mitigation for roadway safety along El Camino Real Public Works recommends the applicant prepare road widening and signalization plans for future improvements, by others, to the intersection of El Camino Real at Estrada Avenue.
- D. As the fair share cumulative mitigation for roadway safety along El Camino Real between Estrada Avenue and Murphy Avenue Public Works recommends the applicant construct a pedestrian refuge island at the intersection of State Route 58 and Encina Avenue.
- E. As an ongoing mitigation Public Works is recommending the project be charged a haul fee in accordance with 22.36.110 and the existing Development Plan Permit D801106:1.
- F. The project meets the applicability criteria outlined in Title 22.10.155 or 23.04.450 for Stormwater Management; therefore, the project may be subject to the NPDES General Permit Attachment 4 Design Standards.

Recommended Project Conditions of Approval:

Access

1. **Within 30-days of permit approval**, the applicant shall submit plans prepared by a Registered Civil Engineer to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:
 - a. Widen the westerly (southbound) shoulder of El Camino Real to an 8-foot HMA paved shoulder for approximately 200-feet either side of the project access road and in accordance with Standard Drawing A-1h (from Pine Avenue northerly \pm 400-feet).
 - b. Reconstruct the existing project access road approach apron on El Camino Real in substantial conformance with County Public Improvement Standard B-1e drawing for high speed and/or high volume rural roadways.
 - c. All work must be completed to the satisfaction of the Department of Public Works in accordance with the time frame established by the Encroachment Permit.

Attachment 10

2. **Within 30-days of permit approval**, the applicant shall submit plans prepared by a Registered Civil Engineer to the Caltrans to secure an Encroachment Permit and post a cash damage bond to install improvements within the public right-of-way in accordance with Caltrans Encroachment Permit Standards for Public Road Intersections. The plan is to include, as applicable:
 - a. Construct a pedestrian refuge island on State Route 58 at the intersection of Encina Avenue.
 - b. All work must be completed to the satisfaction of Caltrans in accordance with the time frame established by the Encroachment Permit.
3. **Within 30-days of permit approval**, the applicant shall submit plans prepared by a Registered Civil Engineer to Caltrans and the County to install future improvements within the public right-of-way in accordance with Caltrans and County Encroachment Permit Standards for Public Road Intersections. The plan is to include, as applicable:
 - a. Widening, striping and signalization improvements to the intersection of El Camino Real and Estrada Avenue.
 - b. An engineer's estimate to construct the improvements.
 - c. The construction plans and estimate must be approved by Caltrans and the County however the applicant is not required to construct or bond for these improvements.
4. **Within 30-days of permit approval**, the applicant shall enter into an agreement and post a deposit with the county for the cost of checking the improvement plans and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
5. **Within 30-days of permit approval**, the applicant shall enter into a Road Improvement Agreement with the County Department of Public Works, in a form acceptable to County Counsel, to defer construction of standard left-turn channelization at the intersection of El Camino Real and the project access road until such time the Director of Public Works demands performance. To guarantee performance under the Agreement the applicant shall either create a lien against the property or post a security such as a performance bond or letter of credit. The Agreement shall be recorded with the County Clerk Recorder's Office.
6. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; landscaping; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.

Fees

7. **Within 30-days of permit approval**, and in compliance with County Code 22.36.110 and County Development Plan Permit D801106:1 (Kaiser Sand and Gravel), the operator shall enter into an agreement with the County, in a form acceptable to County Counsel, to deposit into the County Road Fund a sum of \$XX.XX per truckload (\$XX.XX per cubic yard) of material to be hauled over the following County-maintained roads: El Camino Real. The agreement shall provide for reports of trips or yardage of material, and corresponding payment, to be made quarterly. The cost shall be

Attachment 10

subject to annual adjustment based on the Caltrans Construction Cost Index with the beginning index being the date that the project receives approval by the hearing body.

Drainage

8. **Within 30-days of permit approval**, the applicant shall submit evidence to the Department of Public Works that all existing structures comply with County flood hazard construction standards, Section 22.14.060. (The majority of the project site is located within a FEMA Flood Hazard Zone A designation as shown on FIRM Map Number 06079C0862F)
9. **On-going condition of approval (valid for the life of the project)**, the applicant shall submit evidence to the Department of Public Works that all proposed structures comply with County flood hazard construction standards, Section 22.14.060. (The majority of the project site is located within a FEMA Flood Hazard Zone A designation as shown on FIRM Map Number 06079C0862F)
10. **On-going condition of approval (valid for the life of the project)**, the applicant shall comply with the drainage and erosion control requirements of Land Use Ordinance, Section 22.52.
11. **On-going condition of approval (valid for the life of the project)**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

Stormwater Pollution Prevention

12. **Within 30-days of permit approval**, the applicant shall submit a draft "Private Stormwater Conveyance Management and Maintenance System" exhibit for review and approval by the County.
13. **Within 60-days of permit approval**, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

P:\Development Services\DRC2011-00098-99 Hanson Mine, Santa Margarita\20120622 Draft Reports\PW Comments\DRC110098 PW Response.doc

Attachment 10



Air Pollution Control District
San Luis Obispo County

July 6, 2012

Xzandrea Fowler
San Luis Obispo County Department of Planning and Building
County Government Center
San Luis Obispo, CA 93401

SUBJECT: APCD Comments Regarding the Hanson Aggregates Quarry Production
DRC2011-00098 DRC2011-00099 Project Description

Dear Ms. Fowler,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located at 16815 El Camino Real in Santa Margarita. Hanson Aggregates is applying for a modification to an existing Conditional Use Permit (CUP) and Reclamation Plan Amendment (RPA), which would result in an extension to the existing quarry operations, known as the Santa Margarita Quarry (State Mine ID 91-40-003). The project will extend the life of the reserves at the quarry by adding approximately 41 acres to the current permitted boundary, for a total of approximately 126 acres.

The following are APCD comments that are pertinent to this project.

GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each.

The APCD was unable to fully evaluate the air quality impacts from this project because insufficient information was provided to complete the evaluation. Please address the action items contained in this letter that are highlighted by bold and underlined text.

Air Quality Impact Analysis

The project referral provided an analysis of the project greenhouse gas (GHG) impacts. The GHG report stated that "Given the proposed project would not result in changes in onsite or offsite operational activities or an increased intensity of use and given the fairly linear relation between activity operations and emissions generated, the proposed project

would not be anticipated to result in a significant increase in annual emission of GHGs “ (page 7). The APCD disagrees with this statement. The current mining operation has a sunset date of 2030. If the proposed project is approved it will result in an increase in air pollution from both onsite and offsite operation from 2030-2070. The air pollution impacts of this project should be evaluated for criteria air pollutants (NOx, ROG, PM10, PM2.5, etc.) and toxic air pollutants. The APCD contacted San Luis Obispo County Department of Planning and Building to inquire about the availability of such air quality analysis; however, a response was not received. An analysis of the criteria pollutants and toxic impacts of the expansion project is needed to fully assess the impacts of the project.

Please provide an analysis of the expansion project impacts on criteria air pollutants and toxic air pollutants and compare these impacts to the significance thresholds listed in the APCD’s 2009 CEQA Air Quality Handbook. The analysis should examine the reasonable worst case scenario.

Cumulative Impacts

The air quality analysis should also address the cumulative emission impacts on the local communities of the various existing and proposed mining projects in the area, with an emphasis on impacts to sensitive receptors in the local communities.

CalEEMod Model Comments – GHG report

1. The APCD ran the CalEEMod model in an attempt to replicate project emissions provided in Appendix B in the GHG report. APCD CalEEMod model runs produced emissions estimates that were significantly higher than those listed in the GHG report. **To ensure the modeling was conducted with accurate information, please provide the modeling files used for the GHG estimates so that the APCD can review the inputs and assumptions (include CalEEMod excel and pdf files).**
2. **Provide justification for the ‘Estimated Average Trip Distances For Material Transport’ listed in Appendix B. Were these distances derived from historical usage data? Please explain the calculation method.**

Asbestos / Naturally Occurring Asbestos

Naturally occurring asbestos (NOA) has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common throughout California and may contain naturally occurring asbestos. The SLO County APCD has identified areas throughout the County where NOA may be present (see the APCD’s 2009 CEQA Handbook, Technical Appendix 4.4). If the project site is located in a candidate area for Naturally Occurring Asbestos (NOA), the following requirements apply. Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any construction activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the APCD.** If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. If NOA is not present, an exemption request must be filed with the Air District. More information on NOA can be found at <http://www.slocleanair.org/business/asbestos.php>.

Attachment 10

Hanson Aggregates Quarry - Project Extension

July 6, 2012

Page 3 of 5

Dust Control Measures

Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the APCD's 402 "Nuisance" Rule. **Projects with grading areas that are greater than 4-acres or are within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to minimize nuisance impacts and to significantly reduce fugitive dust emissions:**

Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. **Projects with grading areas that are greater than 4-acres or are within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD 20% opacity limit (APCD Rule 401) and do not impact off-site areas prompting nuisance violations (APCD Rule 402):**

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stock pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
- l. All PM₁₀ mitigation measures required should be shown on grading and building plans; and,
- m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

Truck Routing

Proposed truck routes should be evaluated and selected to ensure routing patterns have the least impact to residential dwellings and other sensitive receptors, such as schools, parks, day care centers, nursing homes, and hospitals. **Since the project has significant truck trips where hauling/truck trips are routine activity and operate in close proximity to sensitive receptors, toxic risk needs to be evaluated. Please see the following section for details.**

Health Risk Assessment –Type A - New Toxic Source that Impacts Sensitive Receptors

This project has the potential to emit toxic or hazardous air pollutants in close proximity to sensitive receptors (i.e. diesel haul trucks driving past schools, residential dwellings, parks, day care centers, nursing homes, hospitals, etc). Health impacts may be significant due to increased cancer risk for the affected population, even at a very low level of emissions. Such projects are required to prepare a health risk assessment to determine the potential level of risk associated with their operations.

In July 2009, the California Air Pollution Control officers Associations (CAPCOA) adopted a guidance document, "HEALTH RISK ASSESSMENTS FOR PROPOSED LAND USE PROJECTS," to provide uniform direction on how to assess the health risk impacts from and to proposed land use projects. The CAPCOA guidance document focuses on how to identify and quantify the potential acute, chronic, and cancer impacts of sources under CEQA review. As defined in the CAPCOA guidance document there are basically two types of land use projects that have the potential to cause long-term public health risk impacts and are named Type A and Type B.

This extension project is considered a Type A project, a new proposed land use project that generate toxic air contaminants (such as loading docks, gasoline stations, distribution facilities or asphalt batch plants) that impact sensitive receptors. The project extension is a new proposed land use since the land use is currently not permitted during the extension time period. Air districts across California are uniform in their recommendation to use the significance thresholds that have been established under each district's "Hot Spots" and permitting programs. The APCD has defined the excess cancer risk significance threshold at **10 in a million** for Type A projects in San Luis Obispo County.

Insufficient information was provided to perform a screening risk assessment. **Prior to completion of the project's environmental assessment, the APCD recommends that the project proponent perform a screening level health risk assessment to determine the potential health risks to sensitive receptors impacted by the project. If the screening assessment is above 10 in a million, a more comprehensive health risk analysis shall be required. Results of the screening and/or the refined health risk assessment need to be provided to the APCD for review and approval. The analysis should also evaluate the combined impact of truck trips from the various mining operations in the area on sensitive receptors impacted by the truck travel along the haul route through the local communities.**

Truck and Diesel Equipment Idling Limitations

Public health risk benefits can be realized by idle limitations for diesel engines. **To reduce the emissions impact of diesel vehicles that will access the facility or off-road equipment used at the facility, the applicant shall implement the following idling control techniques:**

- a. Idling Restrictions Near Sensitive Receptors for Diesel Equipment

Attachment 10

Hanson Aggregates Quarry – Project Extension

July 6, 2012

Page 5 of 5

1. Idling areas shall not be located within 1,000 feet of sensitive receptors;
2. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
3. Use of alternative fueled equipment is recommended;
4. Implement plug-in electrification for truck refrigeration units; and,
5. Signs that specify the no idling requirements must be posted and enforced at the site.

b. Idling Restrictions for On-road Vehicles

Section 2485 of Title 13, the California Code of Regulations limits diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:

1. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.

Signs must be posted in the designated queuing areas and job sites to remind drivers of the 5 minute idling limit. The specific requirements and exceptions in the regulation can be reviewed at the following web site: www.arb.ca.gov/msprog/truck-idling/2485.pdf.

c. Idling Restrictions for Off-Road Equipment

Off-road diesel equipment shall comply with the 5 minute idling restriction identified in Section 2449(d)(3) of the California Air Resources Board's In-Use off-Road Diesel regulation: www.arb.ca.gov/regact/2007/ordiesl07/froal.pdf.

Signs shall be posted in the designated queuing areas and job sites to remind off-road equipment operators of the 5 minute idling limit.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-5912.

Sincerely,



Gary Arcemont
Air Quality Specialist

GJA/arr

cc: Hanson Aggregates Mid-Pacific, 12667 Alcosta Blvd., Ste 400, San Ramon, CA 94583
Tim Fuhs, Enforcement Division, APCD

Attachments: 1. Naturally Occurring Asbestos – Construction & Grading Project Exemption Request Form, Construction & Grading Project Form

H:\PLAN\CEQA\Project_Review\2000\2600\2629-2\2629-2a.docx



Attachment 10
**AIR POLLUTION
 CONTROL DISTRICT**
 COUNTY OF SAN LUIS OBISPO

3433 Roberto Court, San Luis Obispo, CA 93401
 805-781-5912 – FAX: 805-781-1002

**Naturally Occurring Asbestos
 Construction and Grading Project Form**

Applicant Information/Property Owner		Project Name	
Address		Project Address	
City, State, Zip		City, State, Zip	
Email for Contact Person		Project Site Latitude, Longitude	Assessors Parcel Number
Phone Number	Date Submitted	Agent	Phone Number

Check Applicable	DESCRIPTION (attach applicable required information)	APCD REQUIREMENT 1	APCD REQUIREMENT 2
	Project is subject to ATCM regulation but exempt (See Website Map) http://www.slocleanair.org/business/pdf/serpentine-apcd.pdf	Geological Evaluation	Exemption Request Form
	Project is subject to ATCM regulation and project is disturbing more than one acre	Geological Evaluation	Dust Control Measure Plan
	Project is subject to ATCM regulation and project is disturbing less than one acre	Geological Evaluation	Mini Dust Control Measure Plan

Please note that the applicant will be invoiced for any associated fees.

REQUIRED APPLICANT SIGNATURE:

Legal Declaration/Authorized Signature

Date

APCD OFFICE USE ONLY				
Geological Evaluation	Exemption Request Form	Dust Control Measure Plan		Monitoring, Health and Safety Plan
Approved Yes <input type="checkbox"/> No <input type="checkbox"/>	Approved: Yes <input type="checkbox"/> No <input type="checkbox"/>	Approved: Yes <input type="checkbox"/> No <input type="checkbox"/>		Approved: Yes <input type="checkbox"/> No <input type="checkbox"/>
Comments:	Comments:	Comments:		
APCD Staff:	Date Received:	Date Reviewed	OIS Site #	OIS Project #
Invoice No.	Basic Fee	Additional Fees	Billable Hrs	Total Fees

Santa Margarita Area Advisory Council

www.smaaconline.org

Regular Meeting Minutes

7 PM, Wednesday, June 12, 2013

Santa Margarita Elementary School, Room 8

Members Present: Su Andros, Dana Tryde, Robert Stockel (alternate for David Blakely), Steve Rossi, Glenn Sparks, Keith Wales, Mike Cole, Charlie Whitney, Bob Righetti, Butch Pope, Mike Whiteford, Joe Patterson, Sophie Treder, Jeremy Burns.

1. Call to order – 7:05 pm
2. Pledge of Allegiance –
3. Approval of the minutes from the previous meeting.

The Council discussed the two remaining suggested corrections from the April minutes- Butch Pope confirmed that no changes were needed to his statements. Motion to approve the April minutes by Bob Righetti, 2nd by Dana Tryde, MPU (Motion Passed Unanimously). Glenn Sparks moved to approve the May minutes with some minor spelling corrections. 2nd by Bob Righetti, MP with Keith Wales, Charlie Whitney, and Steve Rossi abstained.

4. Approval of the agenda – MPU.

5. Meeting Structure –

- a. Audio/Video Recorders – Recording devices at meeting are not initiated by or for use by SMAAC or its members.
- b. SMAAC meeting procedure for project review
- c. Rules for presenting testimony
- d. Agenda item requests – submit requests no later than ten days prior to meeting. Requests to be submitted through representatives to Chairman. Late requests must be submitted in writing and may be included in the agenda at the Chairman's discretion.

6. Open comment – 7:12pm (10 min)

- a. Public announcements and comments regarding items not on the agenda.

Tamara Kleemann was curious about why the SMAAC agenda was now including a statement regarding video and audio recordings. The Chair responded it was so that people would know that SMAAC is not officially recording the meetings, though people are free to videotape since it is a public meeting, and the Secretary added that it helps clarify that any audio/video recordings are not the official record of the meeting. Roy Reeves asked whether the Council would be discussing the carryover item from April regarding the Parkhill seat and whether there would be public comment. The Chair responded that that was on the agenda for council discussion only, and described the reasons why public comment had been limited to advance in writing, but that the council could override that with a 2/3 vote. Tamara Kleemann asked about the procedure for replacing a member who could no longer serve, and it was stated that the bylaws would govern.

- b. Council announcements and comments regarding items not on the agenda.

George Sullivan announced that the District 5 Caltrans director would be on the Dave Congalton show (543-8830) on Friday, June 14, to discuss current projects in the area. Dana Tryde said that a member had emailed her and asked that the Council consider doing a group training that is being offered by the County. There was some confusion over which training this was—the CAC training is already over for this year, there is a separate one for Chairs. Dana said she would look into when the training is and the Chair would send out an email to get the names of any interested attendees. On 6/18 @ 7 pm City of Atascadero is going to talk about the Housing Element Code implementation and policy updates, as well as proposed zoning updates. Charlie Whitney noted that there would not be much that would affect our area, but people would likely be interested in Eagle Ranch. The Chair noted that was already posted on the website.

7. Public Safety – None.

- a. Cal Fire / County Fire Department

- b. Sheriff's Department
- c. Highway Patrol
- d. Other Agencies

8. CSA 23 Update –

Sharon Marini, CSA 23, gave the update. They had special meeting at end of May because there was not a quorum at the regular May meeting. They created comments on the LPR DEIR and submitted to the County. One member resigned. Santa Margarita was not chosen for a state grant for a tie-in to the State Water Project.

9. Treasurer's Report – Charlie Whitney gave the report. Went to the bank, and the change of signers form requires a copy of the meeting minutes to the Bank, with the account number written on it, signed by the Secretary, and the bank will draw up a new signature card. Ok to have two signers on the account. Secretary will also need to sign the new resolution provided by the bank (see handout).

- a. Change of Signer's Form
- b. Bank Statement—Discussed recent changes to the balance, which gives us a total of \$1518.64
- c. Invoices—Some invoices still outstanding from the school for the use of the library. Dana Tryde clarified that we are funded by a grant from our Supervisor, and asked how that varies from year to year. Charlie Whitney responded that we are funded according to what our bills are, it's not a set amount each year. Typically the grants are \$1,000, but this year extra money came in to pay the past due bills. District 5 funds two CACs. It was agreed to table the decision on the signers until the Chair's report at the end. Butch Pope moved to accept the Treasurer's report, Keith Wales seconded, MPU.

10. New Business – 7:38pm (22 min)

- a. **Santa Margarita to Garden Farms Trail Easement – Shaun Cooper with County Parks Dept. presentation, discussion, and public comment regarding the proposed trail easement.**

Curtis Blank from County Parks started the presentation. They are going to take SMAAC's comments and then share them with the Parks Commission and the BOS as this goes forward. Shaun Cooper gave overview of how County acquires trail easements. This new trail easement was donated by Rob Rossi as a condition of development. Maps of the proposed alignment were passed around. It was first proposed in 2006, and at that time SMAAC unanimously supported the project. In 2011, the Parks Commission recommended formally accepting the easements. This kicked off a legal survey and legal agreement. SLOPOST (SLO Parks & Open Space) has been paying for the surveys that will be part of the offer and acceptance. Mr. Blank gave an overview of how they would take down Council comments, and then it was opened to the Council for discussion. Joe Patterson asked whether the parking area was necessary. Answer: it is not a requirement but is a nice amenity. Joe Patterson noted that they might see some resistance from Garden Farms on the location on the parking area. Majority of residents want the trail, but he wasn't so sure how they would feel about the parking area. Curtis noted there would be two public hearings where they could voice their input. Dana Tryde asked whether the trail would be for equestrians (Answer: yes) and Sophie Treder asked if the parking area would be large enough stage horse trailers (Answer: that is the idea). George Sullivan and Su Andros asked about impacts to residents along F Street and options for folding in old abandonments. Answer: they will be discussing that with other departments. Butch Pope asked if there was a time and day regulation for when it would be open. Answer: the timing of opening is dependent on funding, and then they have to go through the environmental review and design process first. Butch Pope clarified that he meant hours of operation. Answer: it is normally dawn to dusk, but they can set different hours for sensitive areas. Su Andros asked whether County Park Rangers would be enforcers. Answer: generally yes, and the Sherriff also has some jurisdiction. Curtis Blank noted that many local residents may be interested in volunteering for litter patrol, etc., weed abatement, but the ultimate responsibility for maintenance falls to County Parks. Robert Stockel recommended limiting the hours of operation along F Street. Charlie Whitney asked if the only access along F Street would be Yerba Buena. Answer: there will also be access off Encina. Joe Patterson asked about fencing. Answer: There will likely be fenced on the ranch side, and likely a fence on the residence sides; they will work with the residents to determine what type of fencing. Joe Patterson noted needing to look into residence impacts at the end of Walnut regarding a private driveway that is down there. George Sullivan queried whether activities and access should be squelched during high fire season, in order to reduce risk to

Attachment 10

property owners along the trail. Mr. Blank noted that was typically done in extreme wet conditions, but that Parks would be responsible for maintaining the right of way per CalFire standards.

Opened to public comment: Rob Rossi noted that the process for identifying a connection to the existing trail began in 1998, and the Walnut Street section was finalized in 2004, and then now this segment. There is a parking area at the end of Walnut that was already dedicated. This new one could be in addition to or instead of the existing parking area dedication. Keith Wales asked about the surfacing. Answer: this would initially this will be soft surface, but there's enough room to pave the bike lane if needed in the future. Dana Tryde asked about horse fencing standards. Answer: the standards are in the parks element. Sharon Marini asked about the difference between this and the Salinas River Trail Master Plan. Answer: This is all of the above—it is Anza, and part of SLOCOG's Salinas River Plan, even though this isn't literally on the Salinas River. She noted concerns with the access on Yerba Buena, traffic, safety issues, etc. during events at the Ranch, having more individuals 20 feet from the homes on F Street, staging, etc. Believed the plan to be totally inappropriate. Mr. Blank noted that anyone can park on a public street. Joe Patterson asked the Parks Department to remind people about ways to submit written comments. Robert Stockel suggested that Parks work with CSA 23 and get on their agenda. Dorothy Jennings commented that she is co-chair of the trails advisory committee and former parks commissioner. She can recall a very impassioned young man making a passionate plea for a safe route from Garden Farms to Santa Margarita to get to town and get to school. In her view, Mr. Rossi is giving a gift to the community. George Sullivan raised the potential of buying the railroad property for parking. Item closed for discussion.

11. Unfinished Business – 8:00pm (30 min)

a. **DRC 2011-00098 and DRC 2011-00099 – Hanson Quarry Expansion, CUP, Mining/Reclamation Plan – Cindy Chambers, Planning Consultant with Wallace Group to present quarry expansion plans, public comment, and council comment.**

Xandrea Fowler from the County Planning introduced herself. The BOS approved an EIR contract with Aspen on June 4th. June 26th is first public scoping meeting at the Elementary School from 6-8 pm, notice to go out this week. Terry Marshall introduced himself on behalf of the applicant. Rick Sanford, Plant Manager, and Ryan Jacoby, VP GM for Hanson Central Coast were also present. They have 12-15 full time employees, and have been operating since 1920's. Some are multi-generational employees. These are full time, permanent positions. The quarry supplies building materials for the community. They are asking for an extension with no changes in production. Cindy Chambers with Wallace Group gave the detailed presentation. Discussed the location of the expansion area and mine phasing plan, phased reclamation, and changes in the visual experience from Highway 58 and El Camino Real. Securing these additional reserves will also Hanson to upgrade its equipment.

Council comment: George Sullivan asked about the stair step face, and whether it was possible to recontour it to promote revegetation. Answer: MSHA requires the benching for slope stability—basically 1.5 to 1 benches. It also prevents erosion.

Public comment: Roy Reeves asked where Hanson was going next, in the next 50-100 years. Terry Marshall answered that this permit will carry them for the next 59 years, and they are not looking beyond that. Roy Reeves asked if there were options on land outside of this current site, on the other side of the river. Mr. Marshall answered no. Cindy Chambers clarified that was buffer land, and crossing the Salinas would be a challenge. Tamara Kleemann asked how long the entrance road is. Answer: 1.8 miles, approximately.

Back to Council: Joe Patterson asked if operations would change at all. A: no, this is business as usual—their 700,000 tons per year allotment won't change, and truck trips won't change. It is securing additional reserves to justify further capital investment by the company. Use of explosives would continue on the same schedule, etc. Joe Patterson asked about timing of reclamation. Answer: that is all in the reclamation plan, available through the County. There was some discussion of reclamation phasing. Ms. Fowler clarified where more information could be found on the County's website. Item closed for discussion, no action taken.

12. Unfinished Business – 8:30pm (45 min)

Attachment 10

- a. **By-Laws and Vacancy Procedures – Discuss Parkhill Seat, review written public comment, council discussion and take action towards resolution.**

The Chair did not receive any written public comment on this item, neither did anyone on the Council. At the Chair's request, the Secretary recapped the minutes from the April meeting. Council discussion ensued regarding the action that was taken by the previous Council and the various options available to the current Council. Robert Stockel made a motion to rescind the previous council's action—motion died for lack of a second. Item closed for discussion, no action taken.

13. 5th District Supervisor's Report – 9:15pm (6 min)

Supervisor Arnold gave the report. The BOS just finished budget hearings. The County has a half a billion dollar budget, and is in pretty good shape.

14. Chairman's report – 9:21pm (8 min)

- a. **Committee adjustments-** The Chair announced the following adjustments to the standing committee assignments: Doug Filipponi is added to Special Events, David Blakely is removed from Finance. Sophie Treder asked if the Chair was aware of any Council seat vacancies that he needed to announce and he said no.
- b. **Santa Margarita Community Room – change of location and time.** Charlie Whitney went over the history of the August dinner meeting, and the Chair asked for public input. It was agreed that the Tavern might be the best place in order to have seating arrangements that would not feel exclusive to the public. Charlie Whitney agreed to organize the August dinner meeting. Discussion continued regarding the pros and cons of changing the regular meeting location to the Community Center, and the days of the week that might be considered. Charlie Whitney moved that the regular SMAAC meetings be held at the Community Center beginning in September. Su Andros seconded, MP with Sophie Treder and Butch Pope abstained. Su Andros moved that the meetings be held on the 1st Wednesday of every month, starting in September. Butch Pope seconded, MP with George Sullivan abstained. The Council then discussed changes to the signers on the bank account. Sophie Treder moved that the signers be the Treasurer and Vice Chair; Butch Pope seconded. MPU.
- c. **Alternates:** The following alternates were announced: Charlie Whitney: Chad Pankey. Jeremy Burns: John Jamrog. Bob Righetti: Stacey Phillips. Butch Pope: Lori Mitchell. Mike Whiteford: Mike Wagster. Su Andros: Chris Volbrecht. Sue Christian to make name signs for the alternates.

15. Adjournment – Meeting adjourned at 9:29pm.

- a. **Next Meeting – August 14th, 7 pm, Santa Margarita Tavern (dinner meeting).**

Santa Margarita Area Advisory Council

www.smaaconline.org

DRAFT MINUTES

7 PM, Wednesday, December 3, 2014
Santa Margarita Community Hall
22501 I Street, Santa Margarita, CA 93453

1. **Call to order:** Chairman Patterson called the meeting to order at 7:02pm.
Present: Robert Stockel, John Beccia, Richard Gayou, Wade Cromley, Tamara Kleemann, Dana Tryde, Butch Pope, Guy Rathbun, George Sullivan, Joseph Fariss, Jeremy Burns, Stuart Souza, Bob Righetti, JoAnn Head, Steve Rossi, Joe Patterson, Stacey Phillips, Sue Christian, Doug Filipponi
2. **Pledge of Allegiance:**
3. **Approval of the minutes from the previous meetings:** October 1, 2014 and November 5, 2014 minutes with an addendum for the SLOCOG presentation by Jeff Brubaker were available for review. Patterson corrected the spelling for Gayou's last name for both months, corrected the scope of Wade Dylan's presentation to include water status for the entire county not just the Paso Robles Water basin. Motion made to accept the corrected October 2014 minutes, seconded and passed (on voice vote); motion by Sullivan, to accept corrected November 2014 minutes, second by Burns, passed on voice vote Filipponi, Pope, and Tryde abstained. June meeting minutes will be addressed next meeting.
4. **Approval of the agenda:** Chairman Patterson asked for approval of tonight's agenda as proposed. Rathbun made the motion, seconded by Tryde, passed unanimously on voice vote.
5. **Review of Meeting Structure:** Chairman Patterson reviewed the meeting structure as follows (see attached SMAAC Meeting Procedure and Rules).
 - a. Audio/Video Recorders
 - b. SMAAC meeting procedure for project review
 - c. Rules for presenting testimony
 - d. Agenda item requests – submit requests no later than ten days prior to meeting. Requests to be submitted through representatives to Chairman. Late requests must be submitted in writing and may be included in the agenda at the Chairman's discretion.
6. **Public Safety:** No public safety agencies were present
7. **CSA 23 Update:** Roy Reeves (public) attended the CSA 23 meeting. Public Works reported the well levels are okay. The emergency intertie with Atascadero Municipal Water may still have money issues due to grant issues, the Encina & El Camino Real (HWY 58) crosswalk was discussed and traffic calming proposals (Hwy 58) regarding the center island and road narrowing.
8. **By-Laws Discussion:**
 - a. Conflicts of Interest & Assign subcommittee to address by-laws changes before next meeting:

Chairman Patterson noted he'd received an email request from Ken Johnston of Las Pilitas Resources stating their view that Tamara Kleemann, council member, has a conflict of interest regarding their quarry project. The email (dated Dec 1, 2014) was cc'd to all council members by Johnston. Johnston asked that Kleemann be removed from the subcommittee formed to review the quarry Final Environmental Impact Report (FEIR) and recused from voting on the project. Patterson responded to the email promising to follow-up with Kleemann and Johnston and noted an agenda item was added to this meeting to discuss the issue (see attached Johnston Email String).

Patterson noted he'd attended a recent meeting for all area Advisory Council Chairpersons in the county. One of the many issues discussed was conflict of interest. Patterson specifically asked for input on how other councils handled the issue. Most recommended against widespread recusal as our county is small and very interconnected. All of the councils had

Attachment 10

bylaws covering the issue. One suggestion involved council members stating before a vote if they had a conflict and stating what it was.

Council discussion followed with public participation: It was noted that Patterson had previously emailed Jennifer Caffee, Legislative Assistant for 5th District Supervisor Arnold, regarding council member discussion, during the November SMAAC meeting, about recusals after formation of the subcommittee to review the quarry FEIR. An answer was provided by Rita Neal, County Counsel for San Luis Obispo County, and an additional response to Neal's answer was provided by Sophie Rowlands (Treder), SMAAC council member. **(see attached Recusal Question Email String)**

The current bylaws regarding conflict of interest were read several times (see excerpt from Bylaws below):

SANTA MARGARITA AREA ADVISORY COUNCIL BY-LAWS Revised: February 2014
Article V. Meetings

Section 1A: Representative or their alternates may not vote on issues or motions in which they have a direct financial interest through ownership in the property or properties that is the subject of the issue or motion

Tryde spoke regarding being careful about splitting things into parts – likes bylaws as is.

Phillips did not agree with concept of members stating their conflicts of interest.

Sullivan said every step should be taken for members to be objective and avoid hostilities about personal decisions

Stockel said he'd reviewed the Cayucos Area Advisory Council bylaws and council members stated whether they had a conflict, but it was optional to include the reason.

Patterson said the Cayucos chair did not say providing the conflict reason was optional, at the meeting he attended.

Jim Bergman, Planning Director, said the current SMAAC bylaw was clear. He warned that as councils represent smaller and smaller communities it is very difficult to avoid conflict. Don't vote if you can't be objective.

Eric Cleveland, public, felt that properties adjoining a proposed project should be excluded as a conflict.

Treder, as a member of public, noted that financial benefits are only one consideration and benefits other than financial exist. She mentioned the legal case she cited in response to Rita Neal's, County Counsel, email. That case involved an ocean view where voting against a project that would have impaired the voters' view constituted a conflict of interest.

Stockel stated Neal's email pointed out that the simplest solution is to follow the council's bylaws and because advisory councils are only advisory, that it's not required someone recuse themselves from voting on an item. He also advised care in applying the findings of a court case involving a decision maker, city council, to someone on an advisory council.

Bergman commented that Advisory Councils are not subject to the Brown Act (Note: this covers CA legal requirements for public meetings) and lack the legal support to address legal issues. Councils need to consider their resources.

Attachment 10

Patterson said he'd had many discussions regarding Kleemann and others (Souza, Cole, Treder) and conflict of interest issues.

Kleemann stated Johnston's email was not accurate in that she and Charlie don't own or have anything to do with a Facebook page called "No Quarry on 58". She's been objective about quarry impacts. She followed the current bylaws when she ran for a council seat and wouldn't have run if they'd shown there was a conflict. She has an issue when council alternates vote when the member they are an alternate for has a conflict.

Filipponi said we should simply follow our bylaws and members should recuse themselves or not.

Phillips said to abide by the current bylaws.

Patterson suggested we address this issue later as a part of bylaw review.

Pope agreed we should address later.

Rathbun (*note: he made a comment I failed to record – RS*)

Phillips stated as an alternate she doesn't ask who she's filling in for how to vote and no one tells her how to vote.

Tina Salter, public S. Atascadero, likes the idea of when a member is voting or discussing an issue that they identify if they have a conflict and say what it is.

Righetti said he comes to the meetings and represents the people in his area and what they want not his personal feelings.

Roy Reeves, public, feels a conflict of interest should include both direct financial property interest and others with financial interests that aren't based on property.

Cromley, Coles alternate, said he has no financial interest in the quarry, works for a competitor's construction company, and no one tells him how to vote.

Patterson said he'd like the standing bylaws committee to meet regarding "conflict of interest". Committee members are Treder, Kleemann, and Pope. Stockel volunteered to join.

Pope asked what the process was for tonight's meeting – are we voting for anything?

Reed noted the meeting goes to 10. (*my notes don't make this comment clear, sorry – RS*)

Treder said Las Pilitas will ask for a project endorsement from the council.

Patterson closed discussion on this issue.

9. Open comment:

- a. Public announcements and comments regarding items not on the agenda: None made.
- b. Council announcements and comments regarding items not on the agenda: None made.

10. New Business:

- a. Tassajara Creek Road Maintenance – George Sullivan: Sullivan stated Tassajara Creek Road is in bad condition with no improvements made since capping it 22 years ago, besides some cold patching of potholes. The road has been deteriorating since the 1994 Hwy 41 fire and

Attachment 10

damaged by the truck traffic used for rebuilding homes. It needs attention and repairs made by Public Works.

Chairman Patterson requested an email from Sullivan summarizing the issues and will then request a Public Works presentation for our next meeting. Patterson will contact Don Spagnollo, Public Works, and request his presence. It was noted that Public Works electronic database does not contain road repair and condition information prior to 2004. Public works will make updates based on information provided to them by the public. Public Works has some prior written records regarding road maintenance but it is not part of their electronic database

 b. Hanson Quarry Expansion – Terry Marshall, Hansen Land Manager, Ryan Jacoby, General Manager, and Cindy Chambers, Wallace Group, made a presentation regarding the draft Environmental Impact Report for a proposed 33 acre expansion of the existing quarry: The presentation was short basically stating that it was simply adding an additional mining area to the current quarry and extending its operational life without changing any other operational features related to production quantity or types. A public meeting will be held at the Santa Margarita Elementary School at 6 pm tomorrow night regarding the project. Questions were taken from the council and public after the short presentation.

Eric Cleveland noted that the original quarry project planted pines to block the view shed from El Camino Real, but the trees all died. He asked if this would be addressed.

A public member commented that he lived on Digger Pine Road and that the expansion would further affect the view shed as the current quarry is visible from there.

Charlie Kleemann asked if Hansen owned any of the parcels contiguous to the expansion and what the extent was of any buffering parcels around the project. Answer: the entire project consists of multiple parcels and that some buffering parcels are owned by Hansen, but other adjoining parcels are owned by others. A figure in the DEIR identifies ownership for contiguous parcels.

Tryde asked if the purpose of the project was to increase production. Answer: the purpose was mainly to add reserves to extend the life of the quarry which allows the ability to finance equipment upgrades, to address mining safety issues posed by some steep faces currently being mined. They started the expansion request process about 10-12 years ago.

Patterson asked what the operational quarry life was now and with the expansion. Answer: current projection is for an additional 17 years and an addition of 42 years with the expansion. Current projection is an operational life going to 2076.

Pope asked what reclamation has been done to date. Answer: minimal as they are still in Phase 1, once they move away from the current mining areas reclamation will begin.

Beccia asked about current maximum production. Answer: Current maximum is 700,000 tons (which won't change with expansion); current average is about 560,000 tons with wide variations due to demand. Maximum allowed truck trips (one way) are 294 including the asphalt hot plant and the average is about 89.

Kleemann clarified that the round trip truck traffic is then 2 times the average of 89 truck trips.

Blake Finnegan asked what the split was for truck routing to the north and south. Answer: Majority of truck go north along El Camino Real to Santa Barbara Rd and then to HWY 101. About 12% of trucks go south on El Camino Real through Santa Margarita to Hwy 101.

Attachment 10

Cleveland asked if truck trips related to average production. Answer: Yes. Approximately 105 of truck trips are for asphalt and 30-35% for washed rock, other aggregate trips make up the rest.

Xzandra Fowler Planning Dept. was present and noted the DEIR copies were available online, at the Planning Dept. and at the San Luis Obispo and Santa Margarita County Libraries. Public comment on the DEIR closes on January 12, 2015. Submit comments to the Planning Dept.

Chairman Patterson noted a subcommittee would be formed for review of the proposed expansion during the Chairman's Report.

- c. Oster/Las Pilitas Resources Quarry – Subcommittee to present comments and concerns from FEIR review (60 min)

Patterson introduced Ken Johnston, Las Pilitas Resources, to open with a presentation on the quarry followed by the subcommittee FEIR report.

Project Presentation

Cheryl Cole made a short presentation about the Cole's current trucking business: they've been in business for 30 years and in Santa Margarita for 23 years; their trucks were based near the proposed quarry location for 18 years and made 200,000 trips on HWY 58 without incident; all their trucks exceed the EPA environmental standards. They're asking for the council's support for the project.

Johnston provided a general project overview focusing on truck trips; quarry noise (equipment, trucks, and blasting); air, water and open space: Oster's have owned the property for over 100 years and long planned for the potential to develop a quarry. FEIR looks at worst case scenario for truck trips and so overstates the impacts. Quarries don't operate at 100% capacity. Hansen stated earlier that they've averaged 50-60-% capacity. Some days there will be no trucks or a very limited number of truck trips (e.g. rainy days). This quarry won't change the regional demand for aggregate, so the overall total number of truck trips won't change. It is necessary for adequate aggregate supplies into the future. The rock crushing equipment is portable and will be brought in as needed, anticipating operating 3-4 months of the year, equipment back-up alarms are now proximity based (only alarm when close to the hazard) which limits noise.

Johnston provided a detailed overview of current blasting techniques that minimize noise. Noted blasting could potentially occur 20 times a year with advance notice to nearby residential properties. Blasting noise will be monitored.

Johnston discussed truck noise through town (Santa Margarita) and noted hours of operation will be from 7 am- 5 pm. Truck traffic will vary, but at maximum will only contribute an additional 1.9 decibels to current Hwy 58 (El Camino Real) traffic noise. People can't tell the difference when decibel increases are less than 10.

Johnston briefly touched on air and water issues. He noted that through the Air Pollution Control District (APCD) air quality issues aren't significant and are mitigated through APCD requirements for dust and truck. Only water use will be for dust control - no washed aggregate – and in addition main truck roads will be paved. Water is from onsite and sufficient for dust control and reclamation irrigation for vegetation establishment. Briefly mentioned recreation issues (bicycles) and that they've offered aggregate for bike projects in the county.

Sophie Treder, with input from Johnston, provided a traffic overview and addressed project proposed mitigations by location at the quarry and through town. The quarry will establish a

Attachment 10

complaint line to report problems. Truck driver education will be established for start times, use of Jake brakes, speed limits, etc. Drivers that don't follow the rules would face a ban from the quarry. A turn lane is required for truck traffic entering the quarry. The quarry would fund the school district if necessary to ensure a crossing guard is available at the H St and Estrada Ave. (Hwy 58) Elementary School crosswalk. The 90 degree turn on HWY 58 at J St slows the trucks as they approach the school crosswalk and they have better visibility for the crosswalk than cars as the drivers sit higher. They've offered the town traffic calming measures (speed bumps for I St, automated speed tracking signs). The quarry will provide their share, based on traffic, toward a signal at El Camino & Hwy 58 (at the railroad tracks) for the anticipated regional cumulative traffic impacts at that location. Trucks are assessed a fee for their road use based on trip numbers to help maintain the roads. Treder concluded the project presentation.

Patterson asked John Beccia, FEIR subcommittee Chair, to present the subcommittee's report.

Stockel requested a break prior to proceeding. The consensus was for a break which Patterson granted.

SMAAC FEIR Subcommittee Report (see attached SMAAC FEIR Report)

Beccia provided background for the subcommittee which was formed on Nov 5 (members: Beccia, Stockel, Kleemann, Tryde, Sullivan, and Pope). A limited number of report copies were provided to the council. After Sullivan's appointment to the subcommittee he later made a decision to recuse himself for personal reasons. Pope was added to the subcommittee after Sullivan's recusal.

Beccia thanked all members for their hard work and input in reviewing a large and complex document in a very short amount of time, due to the timing of its release, the Dec 11 scheduled Planning Commission meeting, and it coinciding with the Thanksgiving Holidays. The subcommittee met 4 times.

Beccia discussed Patterson's email regarding Kleemann's perceived conflict of interest with the group. No one felt she needed to remove herself from the committee and agreed her knowledge of the project would benefit the committee assessment.

The subcommittee decided to limit their FEIR assessment to whether the comments SMAAC previously made and submitted for the DEIR were adequately addressed by the FEIR. The original SMAAC DEIR comments matched the DEIR and FEIR layouts and was broken into sections (e.g. Aesthetics and Visual Resources, Transportation and Circulation, etc.) with numbered responses. The subcommittee FEIR report follows the same layout with the original SMAAC comment in **bold**, the FEIR response in *italics*, and the subcommittee assessment of the FEIR response in *red italics*. The subcommittee assessments were formed and modified by consensus.

Beccia went through the entire report paraphrasing the information. Overall the subcommittee felt that the FEIR did respond appropriately to SMAAC's DEIR comments, with minor exceptions, but noted that the FEIR still identified significant unmitigable impacts that would result from the project. At the end of the report other potential issues were identified for study by the subcommittee, dependent on SMAAC council desire and premised on the Planning Commission needing a second meeting, in January, to complete their work. Topics included: 1) Land Use Compatibility, 2) Hanson Quarry Expansion, 3) Community Benefits.

Patterson opened the agenda item to public comment:

Attachment 10

Public Comment

Charlie Kleemann: Noted that this meeting had not followed and doesn't match the agenda item.

Harry Harlow (Digger Pine): extremely concerned about quarry noise. He's close enough to hear the noise and concerned about the potential 3 months of crushing, equipment back-up noise, safety on Hwy 58. He's tremendously worried and opposed to the project.

Eric Booker: He's against this project it will re-distribute the truck traffic. More truck traffic, than that currently generated by Hansen's, will go through town.

Eric Cleveland: We need to support our local commercial businesses. Keep money local and not moving to foreign based aggregate companies. There have only been 3 pedestrians hit at the El Camino Real & Encina crosswalk in town – all by cars not semis. That crosswalk has been improved by changing its location. All of the truck drivers are professionals.

Tyse Safreno (sp) has two kids 5 and 9: He's neither for or against the project. Runs a technology business and technological improvements will mitigate impacts. Cole has tier 4 trucks which reduce emissions by 90% over tier 3 trucks. Standards and trucks will be even better in the future and further mitigate issues as technology improves. Predicts radical changes in mining operations, specifically blasting for safety and noise as current military technology becomes available.

Roy Reeves: Noted that the Planning Department Staff report was released today and that staff is recommending that the Planning Commission deny the project.

Dilger (Note: missed first name – RS): I've been on Parkhill for 29 years and never met a SMAAC representative. Do they really represent me? No one gets notified of the meetings. He's concerned with lack of road shoulders on Hwy 58 between Pozo Rd and the bridge. The EIR is poorly done for the quarry. Personal stance on property is unless there's a violation or harm leave them alone. He's noted truck off-tracking at a specific corner and had a near accident. Thinks the FEIR did not address some of his concerns. Feels an alternate route that does not go through town is the answer. Problems should be avoided not mitigated. The public takes safety risks for private property.

Blake Finnegan (Calf Canyon) related an accident, because he made a mistake, which he had on Hwy 58 while towing a trailer. The accident would have been much worse if the quarry truck traffic existed as a truck wouldn't have been able to stop.

Council Comment

Sullivan: Likes the community here, but when improvements are needed and wanted they can't be done without aggregate. We need the quarry resources to meet the demand.

Patterson (Garden Farms): He's heard many times that all traffic should go through Hanson, which is ironic as it just moves it from Santa Margarita to Garden Farms. Hanson hasn't been an issue for Garden Farms. The traffic impact town (Santa Margarita) and general traffic safety seems mitigatable.

Attachment 10

Righetti: When Robertson owned the ranch around Santa Margarita and they proposed a project including a bypass that didn't put traffic through town it was shot down by the community, now they don't want traffic through town. Cal Trans needs to address traffic issues. All 3 quarries can exist.

Pope: There are issues with any project. If legal rights exist to do a project it should be allowed. With local projects you can call and talk to the owners for problem resolution.

Patterson: As a civil engineer (CE) he hasn't seen any proposed project operate at the maximum proposed level. From a CE perspective the 273 average daily trips won't be realized. He sees flaws in the calculations regarding traffic.

Beccia: he doesn't have an issue with quarries, in general, but location of this quarry is a concern. He sees it as incompatible with rural residential areas and town. Decision is not made on a personal basis.

Kleemann: The quarry property isn't zoned for mining. It is in an area which has an Extractive overlay. The overlay includes properties zoned as rural residential.

Head: Believes in "buyer beware" for the zoning overlay. She has a problem with denials after the fact.

Kleemann: The Extractive Overlay happened after the houses were in place.

Patterson: How does waiting occur for the trucks prior to opening the quarry?

Treder: The zoning overlay was placed in 1992.

Johnston: There's room for 20 trucks inside the quarry property. They can't control drivers deciding to stop in town for coffee. It's not proper for an EIR to address traffic management. They will develop a truck management plan (TMP) similar to the Rocky Canyon quarry with a demarcation point drivers are not to pass before a certain time. There will be mechanisms to report complaints. They can enforce the TMP, but not driving laws.

Patterson: Is there an appropriate staging area if the quarry capacity is exceeded? Hanson has a more than adequate staging area with no traffic issues for Garden Farms.

Treder: They will be developing "no queuing zones" as part of the TMP.

Kleemann: The extractive overlay encompasses a huge area which can accommodate a properly placed quarry.

Sullivan: When Cole operated his trucks from Hwy 58 he didn't know Cole's trucks were out there. Cole is a good operator.

Bergman: He's impressed with this community and appreciates its respectfulness. The key is the Planning Commission and their meeting on the 11th. Whatever their decision it will probably be appealed to the Board of Supervisors. This has helped prepare you to represent yourselves and your positions before the Planning Commission. We'll see what the Planning Commission does.

Patterson thanked the subcommittee for their work. Discussion followed regarding the next step. Council consensus was that there was no need to vote regarding the subcommittee's

Attachment 10

report and a vote in favor of or opposed to the project occurred. Some council members felt the subcommittee report should be voted on for submittal to the Planning Commission.

Patterson wanted a tallied vote taken, with reasons recorded from the council members for their decision for or against the project, to aid the Planning Commission in their decision making process. Patterson called for a vote. Stockel asked that a motion be made to hold the vote. Sullivan made a motion to hold a vote for or against the project recording council member's reasons if they chose to state them. Pope seconded the motion. Stockel announced the vote count. Treder noted her count was different. The vote was re-held confirming Treder's count. Stockel thanked Treder for the correction. The motion passed with 11 in favor, 6 opposed, and 1 abstention.

The project vote was 11 in support, 5 opposed, with 1 abstention, and 2 recusals.

Stockel, using a tool developed by Patterson, called each council member in turn to vote and recorded their reasons, if stated. Patterson and Stockel agreed to have Stockel provide him with a written record by Friday Dec 5, which he would send to all council members for their review and any corrections to Stockel's record. Resubmittal by council members was due by Tuesday Dec 9 so Patterson could submit the record to the Planning Commission prior to their meeting on the 11th. (see Attached Vote)

11. Continued Business

- a. None

12. **Treasurer's Report:** Moved to next meeting due length of tonight's meeting.

13. **Public Information Committee Report:** No report.

14. **5th District Supervisor's Report:** Supervisor Arnold provided 3 updates – 1) Santa Margarita was chosen for the emergency water tie-in to Atascadero mutual water Co.; 2) the Santa Margarita cemetery expansion is moving forward; 3) the Salinas River Trail section near Santa Margarita and Garden Farms continues to progress.

15. Chairman's report – 9:50pm (10 min)

- a. Chairman's Advisory Council Meeting Update: Chairman Patterson postponed the report.
- b. Schedule January Meeting: January is a month without a normally scheduled meeting. Council discussed scheduling a meeting specifically for the Hanson Quarry expansion DEIR as comments will be due to the Planning Department prior to the February SMAAC meeting. Pope made a motion to schedule a meeting on January 7, 2015 for a single agenda item – review and discussion and potential vote regarding the Hanson Quarry Expansion DEIR, seconded by Sullivan, passed unanimously on voice vote.
- c. Hanson Quarry Expansion DEIR subcommittee assignments were made. Souza appointed Chair with Tryde and Pope also on the subcommittee.
- d. By-laws subcommittee assignments were made. Treder (Chair), Kleemann, and Pope as members of the standing committee with Stockel as an added volunteer.
- e. Assignment to send project referral responses to County Planning – No action taken

16. Adjournment – 11:00pm

- a. Next Meeting – January 7, 2015 at 7:00pm