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**WILLIAM MILLER**

17395 Oak Road  
Atascadero, CA 93422  
(805)438-5600

July 30, 2010

John Nall  
County Planning and Building Department  
976 Osos Street, Room 300  
San Luis Obispo, Ca. 93408

Re: Oster Las Pilitas Quarry Conditional Use Permit (DRC2009-00025).

Dear Mr. Nall:

I am addressing these comments on the above cited application to you instead of Mr. Olivera because I think there are some significant deficiencies in the way this project has been managed. I feel the entire project is clouded by procedural problems as I will list briefly below:

**1. Procedural Flaws:**

- a. **Clarification hearing:** I think it was inappropriate for the project planner to request the clarification hearing to advocate for the 20% exemption for asphalt production. To me, this was a transparent fabrication to benefit the applicant and it hints at conflict of interest. The language is and was clear on the point. I wish to make this point in the record in case this process continues to go awry.
- b. **Scoping Meeting:** It is apparent the lead planner was woefully unprepared for this meeting. A public address system should have been made available for the anticipated crowd. Ambient noise, poor acoustics and the size of the crowd of concerned citizens made it impossible for many to hear the presenters or the neighbors. I put in considerable effort to present graphic evidence that I felt was important to be presented at this specific meeting only to experience a very suspiciously timed projector failure. These failures to manage the meeting present an adverse affect against the essence of the democratic process. I suggest another scoping meeting be held with better preparation. This EIR will forever be flawed unless every step is performed to minimum standards.
- c. **Figures of speech:** The lead planner keeps referring to the applicant as "we." Review the tapes if you did not notice this. This is inappropriate and casts doubts on impartiality.

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- d. **Illegal uses of nearby land:** One of the applicants is very obviously running a trucking business illegally from adjacent land. His parcel (070-154-019) will become the de facto truck staging, repair, painting, welding, refueling and dispatch yard for the proposed quarry. This is inappropriate land use for two reasons: 1. The neighbors are already suffering from impacts due to an illegal land use, and 2. These impacts will never be studied accurately as part of the proposed EIR. This presents a fatal flaw in the process and will render all staff and applicant time and expenditures wasted. I filed a Code Enforcement Request for Investigation on July 8 and, as far as I have been able to learn, this request has gone nowhere. I placed many calls to the department before I received one return call. I am still waiting to learn that a code enforcement officer has been able to spend 10 minutes looking at the site on Google Earth or has taken a brief trip up the driveway. From Highway 58 I can see many trucks parked on the property. If the EIR proceeds without adequate investigation of these uses, the EIR will be flawed because failure to consider ancillary support uses on nearby properties constitutes piecemealing.
- e. **Allowability of asphalt and concrete recycling:** The LOU does not allow concrete or asphalt recycling. It is not ethical that the planning department require the applicant or the public to spend resources in study of a use that is, on its face, forbidden. The concept that this consideration will be determined through the EIR process is not acceptable. This is an appropriate subject for a preemptive clarification hearing and one should be held before this application proceeds further.

**2. EIR Considerations:** Assuming the planning department can correct the procedural problems specified above, the following considerations and documents should be included in the EIR:

- a. **Santa Margarita Ranch AG Cluster EIR.** This document studies very carefully a project in the near vicinity for a project that has been approved and therefore must be assumed will be built.
- b. **Margarita Farms LLA:** The applicant, in an attempt to preempt rational study of this project has issued "studies" claiming that truck traffic from this project will not proceed north on El Camino Real. There is no evidentiary basis for this claim. A 36 home project has been approved and only partially constructed on what is known as "Tract 1." The Negative Declaration for that project specified traffic improvements for the intersection of Santa Margarita Road and El Camino Real. Two traffic studies were generated and should be included as source material for the EIR for the Oster project. They are dated 9/01 and 1/08/02 and were prepared by William Heath. The proceedings of the SRB on this project should also be included in the EIR as problems with traffic on El Camino

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Real were addressed, problems that will be part of the cumulative impacts from the Oster project.

**3. Recommendations:**

- a. Place this project on administrative hold until the procedural flaws enumerated above have been resolved. This includes concluding any code enforcement investigation so it can be determined what uses are actually occurring on adjacent property.
- b. Hold another scoping meeting, this time with adequate notification and logistic support.
- c. Hold a hearing to determine if asphalt and concrete recycling are allowed uses under the LOU. If they are not allowed, fast track rejection of the application in it's entirety until that use is removed from the application.

This concludes my comments.

Sincerely,

William Miller

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